

SB 1507-9
(LC 302)
2/10/26 (CMT/ps)

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
SENATE BILL 1507**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and insert “ORS 178.300, 178.375, 238A.005, 238A.125, 238A.150,
3 238A.170, 238A.230, 238A.370, 238A.400, 238A.410, 238A.415, 238A.430,
4 238A.435, 305.239, 305.494, 305.690, 305.842, 314.011, 314.306, 314.772, 315.004,
5 315.266, 316.012, 316.147, 316.157, 317.010, 317.097, 317A.100, 458.670, 657.010
6 and 657B.010;”.

7 Delete lines 5 through 27 and delete pages 2 through 5 and insert:
8 **“SECTION 1. Section 2 of this 2026 Act is added to and made a part
9 of ORS chapter 316.**

10 **“SECTION 2. There shall be added to federal taxable income an
11 amount equal to qualified passenger vehicle loan interest paid by the
12 taxpayer and deducted on the taxpayer’s federal income tax return in
13 the tax year, as provided in section 163(h)(4) of the Internal Revenue
14 Code.**

15 **“SECTION 3. ORS 315.266 is amended to read:**
16 “315.266. (1)(a) In addition to any other credit available for purposes of
17 ORS chapter 316, an eligible resident individual shall be allowed a credit
18 against the tax otherwise due under ORS chapter 316 for the tax year in an
19 amount equal to [nine] 14 percent of the earned income credit allowable to
20 the individual for the same tax year under section 32 of the Internal Revenue
21 Code.

1 “(b) Notwithstanding paragraph (a) of this subsection, for a taxpayer with
2 a dependent under the age of three at the close of the tax year, the credit
3 allowed under this section shall be in an amount equal to [12] **17** percent of
4 the earned income credit allowable to the individual for the same tax year
5 under section 32 of the Internal Revenue Code.

6 “(2) A resident individual may claim a credit under this section, using
7 either a Social Security number or an individual taxpayer identification
8 number, if, but for section 32(m) of the Internal Revenue Code, the individual
9 would otherwise be eligible to claim a credit under section 32 of the Internal
10 Revenue Code. The credit allowed as provided in this subsection shall equal
11 the percentage, as stated in subsection (1) of this section, of the amount that
12 would be allowed on a federal return, based on the amount of the individual’s
13 earned income and the other provisions of section 32 of the Internal Revenue
14 Code.

15 “(3) An eligible nonresident individual shall be allowed the credit com-
16 puted in the same manner and subject to the same limitations as the credit
17 allowed a resident by subsection (1) or (2) of this section. However, the credit
18 shall be prorated using the proportion provided in ORS 316.117.

19 “(4) If a change in the taxable year of a taxpayer occurs as described in
20 ORS 314.085, or if the Department of Revenue terminates the taxpayer’s
21 taxable year under ORS 314.440, the credit allowed by this section shall be
22 prorated or computed in a manner consistent with ORS 314.085.

23 “(5) If a change in the status of a taxpayer from resident to nonresident
24 or from nonresident to resident occurs, the credit allowed by this section
25 shall be determined in a manner consistent with ORS 316.117.

26 “(6) If the amount allowable as a credit under this section, when added
27 to the sum of the amounts allowable as payment of tax under ORS 316.187
28 or 316.583, other tax prepayment amounts and other refundable credit
29 amounts, exceeds the taxes imposed by ORS chapters 314 and 316 for the tax
30 year after application of any nonrefundable credits allowable for purposes

1 of ORS chapter 316 for the tax year, the amount of the excess shall be re-
2 funded to the taxpayer as provided in ORS 316.502.

3 “(7) The Department of Revenue may adopt rules for purposes of this
4 section, including but not limited to rules relating to proof of eligibility, the
5 furnishing of information regarding the federal earned income credit claimed
6 by the taxpayer for the tax year and policies and guidelines for the deter-
7 mination of the amount of credit allowed under subsection (2) of this section.

8 “(8) Refunds attributable to the earned income credit allowed under this
9 section do not bear interest.

10 **“SECTION 4. Section 5 of this 2026 Act is added to and made a part**
11 **of ORS chapter 316.**

12 **“SECTION 5. There shall be added to federal taxable income an**
13 **amount equal to any gain from the exchange or sale of qualified small**
14 **business stock that is received by the taxpayer and excluded from in-**
15 **come on the taxpayer’s federal income tax return in the tax year, as**
16 **provided in section 1202 of the Internal Revenue Code.**

17 **“SECTION 6. Section 7 of this 2026 Act is added to and made a part**
18 **of ORS chapter 316.**

19 **“SECTION 7. (1) There shall be added to federal taxable income for**
20 **Oregon tax purposes the difference between the amount allowable as**
21 **a deduction under section 168(k) of the Internal Revenue Code as ap-**
22 **plicable to the tax year of the taxpayer and the amount allowable as**
23 **a deduction under section 168(k) of the Internal Revenue Code as**
24 **amended and in effect on December 1, 2017, as applicable to the tax**
25 **year of the taxpayer.**

26 **“(2) Amounts added to federal taxable income for Oregon tax pur-**
27 **poses under subsection (1) of this section may thereafter be subtracted**
28 **from federal taxable income for Oregon tax purposes in the tax year**
29 **for which the amounts would have been allowed as a deduction on the**
30 **taxpayer’s federal income tax return under the Internal Revenue Code**

1 as amended and in effect on December 1, 2017, as applicable to the tax
2 year of the taxpayer.

3 **“SECTION 8.** Section 9 of this 2026 Act is added to and made a part
4 of ORS chapter 317.

5 **“SECTION 9.** (1) There shall be added to federal taxable income for
6 Oregon tax purposes the difference between the amount allowable as
7 a deduction under section 168(k) of the Internal Revenue Code as ap-
8 plicable to the tax year of the taxpayer and the amount allowable as
9 a deduction under section 168(k) of the Internal Revenue Code as
10 amended and in effect on December 1, 2017, as applicable to the tax
11 year of the taxpayer.

12 **“(2)** Amounts added to federal taxable income for Oregon tax pur-
13 poses under subsection (1) of this section may thereafter be subtracted
14 from federal taxable income for Oregon tax purposes in the tax year
15 for which the amounts would have been allowed as a deduction on the
16 taxpayer’s federal income tax return under the Internal Revenue Code
17 as amended and in effect on December 1, 2017, as applicable to the tax
18 year of the taxpayer.

19 **“SECTION 10.** (1) Sections 2 and 5 of this 2026 Act and the amend-
20 ments to ORS 315.266 by section 3 of this 2026 Act apply to tax years
21 beginning on or after January 1, 2026.

22 **“(2)** Sections 7 and 9 of this 2026 Act apply to property that is placed
23 in service in tax years beginning on or after January 1, 2026.

24 **“SECTION 11.** Section 12 of this 2026 Act is added to and made a
25 part of ORS chapter 315.

26 **“SECTION 12.** (1) A credit against taxes that are otherwise due
27 under ORS chapter 316 or, if the taxpayer is a corporation, under ORS
28 chapter 317 or 318 is allowed to a taxpayer for each new job in Oregon
29 created by the taxpayer during the tax year.

30 **“(2)(a)** The credit allowed under this section shall be in the amount

1 of \$1,000 for each net new job created by a taxpayer in the tax year,
2 but a taxpayer may not be certified for and may not receive a credit
3 for more than 10 new jobs created per tax year.

4 “(b) In order to be considered in the determination under this sec-
5 tion of the eligibility and allowable credit amount for any taxpayer,
6 an employment position must have compensation that is equal to or
7 greater than 150 percent of the applicable minimum wage determined
8 under ORS 653.025.

9 “(c) The number of net new jobs created by the taxpayer in a tax
10 year shall be determined by comparing the average annual covered
11 employment of the taxpayer for the 12 months ending on June 30 of
12 the calendar year in which the taxpayer's tax year began and for
13 which the credit is sought, with the 12 months ending on June 30 of
14 the immediately preceding calendar year.

15 “(3) Prior to claiming the credit allowed under this section, a tax-
16 payer seeking to claim the credit is required to receive written certi-
17 fication of eligibility from the Oregon Business Development
18 Department. In order to receive certification, a taxpayer must attest
19 that the taxpayer has created new jobs sufficient to be eligible for the
20 amount of credit sought, has met the wage requirements of subsection
21 (2)(b) of this section and is otherwise in compliance with this section.
22 The certification shall indicate the amount of the credit to which the
23 taxpayer is entitled for the tax year.

24 “(4) The credit allowed under this section may not exceed the tax
25 liability of the taxpayer for the tax year.

26 “(5) Any tax credit otherwise allowable under this section that is
27 not used by the taxpayer in a particular tax year may be carried for-
28 ward and offset against the taxpayer's tax liability for the next suc-
29 ceeding tax year. Any credit remaining unused in the next succeeding
30 tax year may be carried forward and used in the second succeeding tax

1 year, and likewise any credit not used in that second succeeding tax
2 year may be carried forward and used in the third succeeding tax year
3 but may not be carried forward for any other succeeding tax year.

4 “(6) The Oregon Business Development Department shall provide
5 information to the Department of Revenue about all taxpayers that
6 are eligible for a tax credit under this section, if required by ORS
7 315.058.

8 “(7) Information received by the Oregon Business Development De-
9 partment pursuant to this section may be used only for the purpose
10 of certification and administration of the credit. The Oregon Business
11 Development Department may disclose this information to entities
12 other than the Department of Revenue only if the information is suf-
13 ficiently aggregated or anonymized to protect the identity and confi-
14 dential information of taxpayers.

15 “(8) The Director of the Oregon Business Development Department
16 may order the suspension or revocation of a certification issued under
17 this section, as provided in ORS 315.061.

18 “(9) The Oregon Business Development Department shall by rule
19 establish:

20 “(a) The form and content of and deadlines for applications for the
21 credit allowed under this section.

22 “(b) Methodology for determining net new jobs created, as provided
23 in subsection (2) of this section, in the instance of a merger, conver-
24 sion, reorganization, consolidation or acquisition affecting a taxpayer.

25 “SECTION 13. At the time of certification, the total amount of po-
26 tential tax credits allowed under section 12 of this 2026 Act, for all
27 taxpayers in this state, may not exceed \$12.5 million for any tax year.
28 If the Oregon Business Development Department receives applications
29 for the credit sufficient to exceed this amount, the department shall
30 by rule proportionately reduce the amount of certified credits among

1 **all taxpayers applying for the credit.**

2 **“SECTION 14. Section 12 of this 2026 Act applies to tax years be-**
3 **ginning on or after January 1, 2026, and before January 1, 2032.**

4 **“SECTION 15.** ORS 314.772 is amended to read:

5 “314.772. (1) Except as provided in ORS 314.766 (5)(b), the tax credits al-
6 lowed or allowable to a C corporation for purposes of ORS chapter 317 or
7 318 shall not be allowed to an S corporation. The business tax credits al-
8 lowed or allowable for purposes of ORS chapter 316 shall be allowed or are
9 allowable to the shareholders of the S corporation.

10 “(2) In determining the tax imposed under ORS chapter 316, as provided
11 under ORS 314.763, on income of the shareholder of an S corporation, there
12 shall be taken into account the shareholder’s pro rata share of business tax
13 credit (or item thereof) that would be allowed to the corporation (but for
14 subsection (1) of this section) or recapture or recovery thereof. The credit (or
15 item thereof), recapture or recovery shall be passed through to shareholders
16 in pro rata shares as determined in the manner prescribed under section
17 1377(a) of the Internal Revenue Code.

18 “(3) The character of any item included in a shareholder’s pro rata share
19 under subsection (2) of this section shall be determined as if such item were
20 realized directly from the source from which realized by the corporation, or
21 incurred in the same manner as incurred by the corporation.

22 “(4) If the shareholder is a nonresident and there is a requirement appli-
23 cable for the business tax credit that in the case of a nonresident the credit
24 be allowed in the proportion provided in ORS 316.117, then that provision
25 shall apply to the nonresident shareholder.

26 “(5) As used in this section, ‘business tax credit’ means the following
27 credits: ORS 315.104 (forestation and reforestation), ORS 315.124 (small forest
28 option), ORS 315.133 (agricultural overtime pay), ORS 315.138 (fish screening,
29 by-pass devices, fishways), ORS 315.141 (biomass production for biofuel), ORS
30 315.156 (crop gleaning), ORS 315.164 and 315.169 (agriculture workforce

1 housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.283 (affordable housing sales), ORS 315.304 (pollution control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy resource equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facilities), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones), ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS 315.518 (semiconductors), ORS 315.523 (employee training programs), ORS 315.533 (low income community jobs initiative), ORS 315.593 (short line railroads), ORS 315.640 (university venture development funds), ORS 315.643 (Opportunity Grant Fund contributions), ORS 315.675 (Trust for Cultural Development Account contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise zone facilities) and ORS 317.147 (loans for agriculture workforce housing) and section 9, chapter 774, Oregon Laws 2013 (alternative fuel vehicle contributions), **and section 12 of this 2026 Act (new jobs).**

20 **“SECTION 16.** ORS 178.300 is amended to read:

21 “178.300. As used in ORS 178.300 to 178.360:

22 “(1) ‘Account’ means an individual account established in accordance with
23 ORS 178.300 to 178.360.

24 “(2) ‘Account owner’ means the person who has the right to withdraw
25 funds from the account. The account owner may also be the designated beneficiary
26 of the account.

27 “(3) ‘Board’ means the Oregon 529 Savings Board established under ORS
28 178.310.

29 “(4) ‘Designated beneficiary’ means, except as provided in ORS 178.350,
30 the individual designated at the time the account is opened as having the

1 right to receive a qualified withdrawal for the payment of qualified higher
2 education expenses, or if the designated beneficiary is replaced in accordance
3 with ORS 178.350, the replacement.

4 “(5) ‘Financial institution’ means a bank, a commercial bank, a national
5 bank, a savings bank, a savings and loan, a thrift institution, a credit union,
6 an insurance company, a trust company, a mutual fund, an investment firm
7 or other similar entity authorized to do business in this state.

8 “(6) ‘Higher education institution’ means an eligible education institution
9 as defined in section 529(e)(5) of the Internal Revenue Code.

10 “(7) ‘Internal Revenue Code’ means the federal Internal Revenue Code as
11 amended and in effect on December 31, [2023] **2025**.

12 “(8) ‘Member of the family’ shall have the same meaning as contained in
13 section 529(e) of the Internal Revenue Code.

14 “(9) ‘Network’ means the Oregon 529 Savings Network established under
15 ORS 178.305.

16 “(10) ‘Nonqualified withdrawal’ means a withdrawal from an account that
17 is not a qualified withdrawal.

18 “(11) ‘Qualified higher education expenses’ means tuition and other per-
19 mitted expenses as set forth in section 529(e) of the Internal Revenue Code
20 for the enrollment or attendance of a designated beneficiary at a higher ed-
21 ucation institution, expenses associated with registered apprenticeship pro-
22 grams described in section 529(c)(8) of the Internal Revenue Code and
23 amounts paid as principal or interest on a qualified education loan to the
24 extent allowed under section 529(c)(9) of the Internal Revenue Code.

25 “(12) ‘Qualified withdrawal’ means a withdrawal made as prescribed under
26 ORS 178.355 and made:

27 “(a) From an account to pay the qualified higher education expenses of
28 the designated beneficiary;

29 “(b) As the result of the death or disability of the designated beneficiary;

30 “(c) As the result of a scholarship, allowance or payment described in

1 section 135(d)(1)(A), (B) or (C) of the Internal Revenue Code that is received
2 by the designated beneficiary, but only to the extent of the amount of the
3 scholarship, allowance or payment; or

4 “(d) As a rollover or change in the designated beneficiary described in
5 ORS 178.350.

6 **“SECTION 17.** ORS 178.375 is amended to read:

7 “178.375. As used in this section and ORS 178.380 and 178.385:

8 “(1) ‘ABLE account’ means an account established by an eligible individ-
9 ual, owned by the eligible individual and maintained under the qualified
10 ABLE program established by the Oregon 529 Savings Board under ORS
11 178.380.

12 “(2) ‘ABLE Act’ means the Stephen Beck, Jr., Achieving a Better Life
13 Experience Act of 2014 (Division B of P.L. 113-295).

14 “(3) ‘Designated beneficiary’ has the same meaning as contained in sec-
15 tion 529A of the Internal Revenue Code.

16 “(4) ‘Eligible individual’ has the same meaning as contained in section
17 529A of the Internal Revenue Code.

18 “(5) ‘Internal Revenue Code’ means the federal Internal Revenue Code as
19 amended and in effect on December 31, [2023] 2025.

20 “(6) ‘Qualified disability expense’ has the same meaning as contained in
21 section 529A of the Internal Revenue Code.

22 **“SECTION 18.** ORS 238A.005 is amended to read:

23 “238A.005. For the purposes of this chapter:

24 “(1) ‘Active member’ means a member of the pension program or the in-
25 dividual account program of the Oregon Public Service Retirement Plan who
26 is actively employed in a qualifying position.

27 “(2) ‘Actuarial equivalent’ means a payment or series of payments having
28 the same value as the payment or series of payments replaced, computed on
29 the basis of interest rate and mortality assumptions adopted by the board.

30 “(3) ‘Board’ means the Public Employees Retirement Board.

1 “(4) ‘Eligible employee’ means a person who performs services for a par-
2 ticipating public employer, including persons considered employees of a par-
3 ticipating public employer under 26 U.S.C. 3121(d)(2), as in effect on January
4 1, [2024] 2026, and elected officials other than judges. ‘Eligible employee’ does
5 not include:

6 “(a) Persons engaged as independent contractors;

7 “(b) Aliens working under a training or educational visa;

8 “(c) Persons provided sheltered employment or make-work by a public
9 employer;

10 “(d) Persons categorized by a participating public employer as student
11 employees;

12 “(e) Any person who is in custody in a state institution;

13 “(f) Employees of foreign trade offices of the Oregon Business Develop-
14 ment Department who live and perform services in foreign countries under
15 the provisions of ORS 285A.075 (1)(g);

16 “(g) An employee actively participating in an alternative retirement pro-
17 gram established under ORS 353.250 or an optional retirement plan estab-
18 lished under ORS 341.551;

19 “(h) Employees of a public university listed in ORS 352.002 who are ac-
20 tively participating in an optional retirement plan offered under ORS 243.815;

21 “(i) Persons employed in positions classified as post-doctoral scholar po-
22 sitions by a public university listed in ORS 352.002, or by the Oregon Health
23 and Science University, under ORS 350.370;

24 “(j) Any employee who belongs to a class of employees that was not eli-
25 gible on August 28, 2003, for membership in the system under the provisions
26 of ORS chapter 238 or other law;

27 “(k) Any person who belongs to a class of employees who are not eligible
28 to become members of the Oregon Public Service Retirement Plan under the
29 provisions of ORS 238A.070 (2);

30 “(L) Any person who is retired under ORS 238A.100 to 238A.250 or ORS

1 chapter 238 and who continues to receive retirement benefits while employed;
2 and

3 “(m) Judges.

4 “(5) ‘Firefighter’ means:

5 “(a) A person employed by a local government, as defined in ORS 174.116,
6 whose primary job duties include the fighting of fires;

7 “(b) The State Fire Marshal, chief deputy state fire marshals and deputy
8 state fire marshals;

9 “(c) An employee of the State Fire Marshal whose primary duties include
10 fire investigation, fire prevention, fire safety, fire control or fire suppression;

11 “(d) An employee of the State Forestry Department who is certified by the
12 State Forester as a professional wildland firefighter and whose primary du-
13 ties include the abatement of uncontrolled fires as described in ORS 477.064;
14 and

15 “(e) An employee of the Oregon Military Department whose primary du-
16 ties include fighting structural, aircraft, wildland or other fires.

17 “(6) ‘Fund’ means the Public Employees Retirement Fund.

18 “(7)(a) ‘Hour of service’ means:

19 “(A) An hour for which an eligible employee is directly or indirectly paid
20 or entitled to payment by a participating public employer for performance
21 of duties in a qualifying position; and

22 “(B) An hour of vacation, holiday, illness, incapacity, jury duty, military
23 duty or authorized leave during which an employee does not perform duties
24 but for which the employee is directly or indirectly paid or entitled to pay-
25 ment by a participating public employer for services in a qualifying position,
26 as long as the hour is within the number of hours regularly scheduled for
27 the performance of duties during the period of vacation, holiday, ill-
28 capacity, jury duty, military duty or authorized leave.

29 “(b) ‘Hour of service’ does not include any hour for which payment is
30 made or due under a plan maintained solely for the purpose of complying

1 with applicable unemployment compensation laws.

2 “(8) ‘Inactive member’ means a member of the pension program or the
3 individual account program of the Oregon Public Service Retirement Plan
4 whose membership has not been terminated, who is not a retired member and
5 who is not employed in a qualifying position.

6 “(9) ‘Individual account program’ means the defined contribution individ-
7 ual account program of the Oregon Public Service Retirement Plan estab-
8 lished under ORS 238A.025.

9 “(10) ‘Institution of higher education’ means a public university listed in
10 ORS 352.002, the Oregon Health and Science University or a community
11 college, as defined in ORS 341.005.

12 “(11) ‘Member’ means an eligible employee who has established member-
13 ship in the pension program or the individual account program of the Oregon
14 Public Service Retirement Plan and whose membership has not been termi-
15 nated under ORS 238A.110 or 238A.310.

16 “(12) ‘Participating public employer’ means a public employer as defined
17 in ORS 238.005 that provides retirement benefits for employees of the public
18 employer under the system.

19 “(13) ‘Pension program’ means the defined benefit pension program of the
20 Oregon Public Service Retirement Plan established under ORS 238A.025.

21 “(14) ‘Police officer’ means a police officer as described in ORS 238.005.

22 “(15) ‘Qualifying position’ means one or more jobs with one or more par-
23 ticipating public employers in which an eligible employee performs 600 or
24 more hours of service in a full calendar year, or would perform 600 or more
25 hours of service if the employee were employed for the full calendar year,
26 excluding any service in a job for which benefits are not provided under the
27 Oregon Public Service Retirement Plan pursuant to ORS 238A.070 (2).

28 “(16) ‘Retired member’ means a pension program member who is receiving
29 a pension as provided in ORS 238A.180 to 238A.195.

30 “(17)(a) ‘Salary’ means the remuneration paid to an active member in re-

1 turn for services to the participating public employer, including
2 remuneration in the form of living quarters, board or other items of value,
3 to the extent the remuneration is, or would be if the member were an Oregon
4 resident, includable in the employee's taxable income under Oregon law.
5 'Salary' includes the additional amounts specified in paragraph (b) of this
6 subsection, but does not include the amounts specified in paragraph (c) of
7 this subsection, regardless of whether those amounts are includable in tax-
8 ble income.

9 “(b) 'Salary' includes the following amounts:

10 “(A) Payments of employee and employer money into a deferred compen-
11 sation plan that are made at the election of the employee.

12 “(B) Contributions to a tax-sheltered or deferred annuity that are made
13 at the election of the employee.

14 “(C) Any amount that is contributed to a cafeteria plan or qualified
15 transportation fringe benefit plan by the employer at the election of the
16 employee and that is not includable in the taxable income of the employee
17 by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, [2023]
18 **2025**.

19 “(D) Any amount that is contributed to a cash or deferred arrangement
20 by the employer at the election of the employee and that is not included in
21 the taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in
22 effect on December 31, [2023] **2025**.

23 “(E) Retroactive payments described in ORS 238.008.

24 “(F) The amount of an employee contribution to the individual account
25 program that is paid by the employer and deducted from the compensation
26 of the employee, as provided under ORS 238A.335 (1) and (2)(a).

27 “(G) The amount of an employee contribution to the individual account
28 program that is not paid by the employer under ORS 238A.335.

29 “(H) Wages of a deceased member paid to a surviving spouse or dependent
30 children under ORS 652.190.

1 “(c) ‘Salary’ does not include the following amounts:

2 “(A) Travel or any other expenses incidental to employer’s business which
3 is reimbursed by the employer.

4 “(B) Payments made on account of an employee’s death.

5 “(C) Any lump sum payment for accumulated unused sick leave, vacation
6 leave or other paid leave.

7 “(D) Any severance payment, accelerated payment of an employment
8 contract for a future period or advance against future wages.

9 “(E) Any retirement incentive, retirement bonus or retirement gratuitous
10 payment.

11 “(F) Payment for a leave of absence after the date the employer and em-
12 ployee have agreed that no future services in a qualifying position will be
13 performed.

14 “(G) Payments for instructional services rendered to public universities
15 listed in ORS 352.002 or the Oregon Health and Science University when
16 those services are in excess of full-time employment subject to this chapter.
17 A person employed under a contract for less than 12 months is subject to this
18 subparagraph only for the months covered by the contract.

19 “(H) The amount of an employee contribution to the individual account
20 program that is paid by the employer and is not deducted from the compen-
21 sation of the employee, as provided under ORS 238A.335 (1) and (2)(b).

22 “(I) Compensation described and authorized under ORS 341.556 that is not
23 paid by the community college employing the faculty member.

24 “(J) Compensation described and authorized under ORS 352.232 that is not
25 paid by the public university employing the officer or employee.

26 “(K) Compensation described and authorized under ORS 353.270 that is
27 not paid by Oregon Health and Science University.

28 “(L) For years before 2020, any amount in excess of \$200,000 for a calen-
29 dar year. If any period over which salary is determined is less than 12
30 months, the \$200,000 limitation for that period shall be multiplied by a frac-

1 tion, the numerator of which is the number of months in the determination
2 period and the denominator of which is 12. The board shall adopt rules ad-
3 justing this dollar limit to incorporate cost-of-living adjustments authorized
4 by the Internal Revenue Service.

5 “(M) For years beginning on or after January 1, 2020, any amount in ex-
6 cess of \$195,000 for a calendar year. If any period over which salary is de-
7 termined is less than 12 months, the \$195,000 limitation for that period shall
8 be multiplied by a fraction, the numerator of which is the number of months
9 in the determination period and the denominator of which is 12. On January
10 1 of each year, the board shall adjust the dollar limit provided by this sub-
11 paragraph to reflect any percentage changes in the Consumer Price Index for
12 All Urban Consumers, West Region (All Items), as published by the Bureau
13 of Labor Statistics of the United States Department of Labor.

14 “(18) ‘System’ means the Public Employees Retirement System.

15 “(19) ‘Workers’ compensation benefits’ means:

16 “(a) Payments made under ORS chapter 656; or

17 “(b) Payments provided in lieu of workers’ compensation benefits under
18 ORS 656.027 (6).

19 **“SECTION 19.** ORS 238A.005, as amended by section 2, chapter 101,
20 Oregon Laws 2024, is amended to read:

21 “238A.005. For the purposes of this chapter:

22 “(1) ‘Active member’ means a member of the pension program or the in-
23 dividual account program of the Oregon Public Service Retirement Plan who
24 is actively employed in a qualifying position.

25 “(2) ‘Actuarial equivalent’ means a payment or series of payments having
26 the same value as the payment or series of payments replaced, computed on
27 the basis of interest rate and mortality assumptions adopted by the board.

28 “(3) ‘Board’ means the Public Employees Retirement Board.

29 “(4) ‘Eligible employee’ means a person who performs services for a par-
30 ticipating public employer, including persons considered employees of a par-

1 ticipating public employer under 26 U.S.C. 3121(d)(2), as in effect on January
2 1, [2024] 2026, and elected officials other than judges. ‘Eligible employee’ does
3 not include:

4 “(a) Persons engaged as independent contractors;

5 “(b) Aliens working under a training or educational visa;

6 “(c) Persons provided sheltered employment or make-work by a public
7 employer;

8 “(d) Persons categorized by a participating public employer as student
9 employees;

10 “(e) Any person who is in custody in a state institution;

11 “(f) Employees of foreign trade offices of the Oregon Business Develop-
12 ment Department who live and perform services in foreign countries under
13 the provisions of ORS 285A.075 (1)(g);

14 “(g) An employee actively participating in an alternative retirement pro-
15 gram established under ORS 353.250 or an optional retirement plan estab-
16 lished under ORS 341.551;

17 “(h) Employees of a public university listed in ORS 352.002 who are ac-
18 tively participating in an optional retirement plan offered under ORS 243.815;

19 “(i) Persons employed in positions classified as post-doctoral scholar po-
20 sitions by a public university listed in ORS 352.002, or by the Oregon Health
21 and Science University, under ORS 350.370;

22 “(j) Any employee who belongs to a class of employees that was not eli-
23 gible on August 28, 2003, for membership in the system under the provisions
24 of ORS chapter 238 or other law;

25 “(k) Any person who belongs to a class of employees who are not eligible
26 to become members of the Oregon Public Service Retirement Plan under the
27 provisions of ORS 238A.070 (2);

28 “(L) Any person who is retired under ORS 238A.100 to 238A.250 or ORS
29 chapter 238 and who continues to receive retirement benefits while employed;
30 and

1 “(m) Judges.

2 “(5) ‘Firefighter’ means:

3 “(a) A person employed by a local government, as defined in ORS 174.116,
4 whose primary job duties include the fighting of fires;

5 “(b) The State Fire Marshal, chief deputy state fire marshals and deputy
6 state fire marshals;

7 “(c) An employee of the State Fire Marshal whose primary duties include
8 fire investigation, fire prevention, fire safety, fire control or fire suppression;

9 “(d) An employee of the State Forestry Department who is certified by the
10 State Forester as a professional wildland firefighter and whose primary du-
11 ties include the abatement of uncontrolled fires as described in ORS 477.064;
12 and

13 “(e) An employee of the Oregon Military Department whose primary du-
14 ties include fighting structural, aircraft, wildland or other fires.

15 “(6) ‘Fund’ means the Public Employees Retirement Fund.

16 “(7)(a) ‘Hazardous position’ means a position that does not meet the de-
17 finition of a qualified public safety employee under section 72(t)(10)(B) of the
18 Internal Revenue Code, but that:

19 “(A) Requires the person holding the position to work with or manage
20 emergency or traumatic events in the regular course of work; or

21 “(B) Carries a high risk of physical harm.

22 “(b) ‘Hazardous position’ includes and is limited to:

23 “(A) Employees of the Oregon State Hospital who have direct contact
24 with patients; and

25 “(B) Telecommunicators, as defined in ORS 181A.355.

26 “(8)(a) ‘Hour of service’ means:

27 “(A) An hour for which an eligible employee is directly or indirectly paid
28 or entitled to payment by a participating public employer for performance
29 of duties in a qualifying position; and

30 “(B) An hour of vacation, holiday, illness, incapacity, jury duty, military

1 duty or authorized leave during which an employee does not perform duties
2 but for which the employee is directly or indirectly paid or entitled to pay-
3 ment by a participating public employer for services in a qualifying position,
4 as long as the hour is within the number of hours regularly scheduled for
5 the performance of duties during the period of vacation, holiday, illness, in-
6 capacity, jury duty, military duty or authorized leave.

7 “(b) ‘Hour of service’ does not include any hour for which payment is
8 made or due under a plan maintained solely for the purpose of complying
9 with applicable unemployment compensation laws.

10 “(9) ‘Inactive member’ means a member of the pension program or the
11 individual account program of the Oregon Public Service Retirement Plan
12 whose membership has not been terminated, who is not a retired member and
13 who is not employed in a qualifying position.

14 “(10) ‘Individual account program’ means the defined contribution indi-
15 vidual account program of the Oregon Public Service Retirement Plan es-
16 tablished under ORS 238A.025.

17 “(11) ‘Institution of higher education’ means a public university listed in
18 ORS 352.002, the Oregon Health and Science University or a community
19 college, as defined in ORS 341.005.

20 “(12) ‘Member’ means an eligible employee who has established member-
21 ship in the pension program or the individual account program of the Oregon
22 Public Service Retirement Plan and whose membership has not been termi-
23 nated under ORS 238A.110 or 238A.310.

24 “(13) ‘Participating public employer’ means a public employer as defined
25 in ORS 238.005 that provides retirement benefits for employees of the public
26 employer under the system.

27 “(14) ‘Pension program’ means the defined benefit pension program of the
28 Oregon Public Service Retirement Plan established under ORS 238A.025.

29 “(15) ‘Police officer’ means a police officer as described in ORS 238.005.

30 “(16) ‘Qualifying position’ means one or more jobs with one or more par-

1 ticipating public employers in which an eligible employee performs 600 or
2 more hours of service in a full calendar year, or would perform 600 or more
3 hours of service if the employee were employed for the full calendar year,
4 excluding any service in a job for which benefits are not provided under the
5 Oregon Public Service Retirement Plan pursuant to ORS 238A.070 (2).

6 “(17) ‘Retired member’ means a pension program member who is receiving
7 a pension as provided in ORS 238A.180 to 238A.195.

8 “(18)(a) ‘Salary’ means the remuneration paid to an active member in re-
9 turn for services to the participating public employer, including
10 remuneration in the form of living quarters, board or other items of value,
11 to the extent the remuneration is, or would be if the member were an Oregon
12 resident, includable in the employee’s taxable income under Oregon law.
13 ‘Salary’ includes the additional amounts specified in paragraph (b) of this
14 subsection, but does not include the amounts specified in paragraph (c) of
15 this subsection, regardless of whether those amounts are includable in tax-
16 able income.

17 “(b) ‘Salary’ includes the following amounts:

18 “(A) Payments of employee and employer money into a deferred compen-
19 sation plan that are made at the election of the employee.

20 “(B) Contributions to a tax-sheltered or deferred annuity that are made
21 at the election of the employee.

22 “(C) Any amount that is contributed to a cafeteria plan or qualified
23 transportation fringe benefit plan by the employer at the election of the
24 employee and that is not includable in the taxable income of the employee
25 by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, [2023]
26 **2025**.

27 “(D) Any amount that is contributed to a cash or deferred arrangement
28 by the employer at the election of the employee and that is not included in
29 the taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in
30 effect on December 31, [2023] **2025**.

1 “(E) Retroactive payments described in ORS 238.008.

2 “(F) The amount of an employee contribution to the individual account
3 program that is paid by the employer and deducted from the compensation
4 of the employee, as provided under ORS 238A.335 (1) and (2)(a).

5 “(G) The amount of an employee contribution to the individual account
6 program that is not paid by the employer under ORS 238A.335.

7 “(H) Wages of a deceased member paid to a surviving spouse or dependent
8 children under ORS 652.190.

9 “(c) ‘Salary’ does not include the following amounts:

10 “(A) Travel or any other expenses incidental to employer’s business which
11 is reimbursed by the employer.

12 “(B) Payments made on account of an employee’s death.

13 “(C) Any lump sum payment for accumulated unused sick leave, vacation
14 leave or other paid leave.

15 “(D) Any severance payment, accelerated payment of an employment
16 contract for a future period or advance against future wages.

17 “(E) Any retirement incentive, retirement bonus or retirement gratuitous
18 payment.

19 “(F) Payment for a leave of absence after the date the employer and em-
20 ployee have agreed that no future services in a qualifying position will be
21 performed.

22 “(G) Payments for instructional services rendered to public universities
23 listed in ORS 352.002 or the Oregon Health and Science University when
24 those services are in excess of full-time employment subject to this chapter.
25 A person employed under a contract for less than 12 months is subject to this
26 subparagraph only for the months covered by the contract.

27 “(H) The amount of an employee contribution to the individual account
28 program that is paid by the employer and is not deducted from the compen-
29 sation of the employee, as provided under ORS 238A.335 (1) and (2)(b).

30 “(I) Compensation described and authorized under ORS 341.556 that is not

1 paid by the community college employing the faculty member.

2 “(J) Compensation described and authorized under ORS 352.232 that is not
3 paid by the public university employing the officer or employee.

4 “(K) Compensation described and authorized under ORS 353.270 that is
5 not paid by Oregon Health and Science University.

6 “(L) For years before 2020, any amount in excess of \$200,000 for a calen-
7 dar year. If any period over which salary is determined is less than 12
8 months, the \$200,000 limitation for that period shall be multiplied by a frac-
9 tion, the numerator of which is the number of months in the determination
10 period and the denominator of which is 12. The board shall adopt rules ad-
11 justing this dollar limit to incorporate cost-of-living adjustments authorized
12 by the Internal Revenue Service.

13 “(M) For years beginning on or after January 1, 2020, any amount in ex-
14 cess of \$195,000 for a calendar year. If any period over which salary is de-
15 termined is less than 12 months, the \$195,000 limitation for that period shall
16 be multiplied by a fraction, the numerator of which is the number of months
17 in the determination period and the denominator of which is 12. On January
18 1 of each year, the board shall adjust the dollar limit provided by this sub-
19 paragraph to reflect any percentage changes in the Consumer Price Index for
20 All Urban Consumers, West Region (All Items), as published by the Bureau
21 of Labor Statistics of the United States Department of Labor.

22 “(19) ‘System’ means the Public Employees Retirement System.

23 “(20) ‘Workers’ compensation benefits’ means:

24 “(a) Payments made under ORS chapter 656; or

25 “(b) Payments provided in lieu of workers’ compensation benefits under
26 ORS 656.027 (6).

27 **“SECTION 20.** ORS 238A.125 is amended to read:

28 “238A.125. (1) Upon retiring at normal retirement age, a vested pension
29 program member shall be paid an annual pension for the life of the member
30 as follows:

1 “(a) For service as a police officer or firefighter, 1.8 percent of final av-
2 erage salary multiplied by the number of years of retirement credit attrib-
3 utable to service as a police officer or firefighter.

4 “(b) For service as other than a police officer or firefighter, 1.5 percent
5 of final average salary multiplied by the number of years of retirement credit
6 attributable to service as other than a police officer or firefighter.

7 “(2) Notwithstanding any provision of ORS 238A.100 to 238A.250, the an-
8 nual benefit payable to a member under the pension program and under any
9 other tax-qualified defined benefit plan maintained by the participating pub-
10 lic employer may not exceed the applicable limitations set forth in 26 U.S.C.
11 415(b), as in effect on December 31, [2023] **2025**. The Public Employees Re-
12 tirement Board shall adopt rules for the administration of this limitation,
13 including adjustments in the annual dollar limitation to reflect cost-of-living
14 adjustments authorized by the Internal Revenue Service.

15 “(3) The board shall make no actuarial adjustment in a member’s pension
16 calculated under this section by reason of the member’s retirement after
17 normal retirement age.

18 **“SECTION 21.** ORS 238A.125, as amended by section 3, chapter 101,
19 Oregon Laws 2024, is amended to read:

20 “238A.125. (1) Upon retiring at normal retirement age, a vested pension
21 program member shall be paid an annual pension for the life of the member
22 as follows:

23 “(a) For service as a police officer or firefighter, 1.8 percent of final av-
24 erage salary multiplied by the number of years of retirement credit attrib-
25 utable to service as a police officer or firefighter.

26 “(b) For service in a hazardous position, 1.8 percent of final average sal-
27 ary multiplied by the number of years of retirement credit attributable to
28 service in a hazardous position.

29 “(c) For service as other than a police officer or firefighter or in a haz-
30 ardous position, 1.5 percent of final average salary multiplied by the number

1 of years of retirement credit attributable to service as other than a police
2 officer or firefighter or in a hazardous position.

3 “(2) Notwithstanding any provision of ORS 238A.100 to 238A.250, the an-
4 nual benefit payable to a member under the pension program and under any
5 other tax-qualified defined benefit plan maintained by the participating pub-
6 lic employer may not exceed the applicable limitations set forth in 26 U.S.C.
7 415(b), as in effect on December 31, [2023] 2025. The Public Employees Re-
8 tirement Board shall adopt rules for the administration of this limitation,
9 including adjustments in the annual dollar limitation to reflect cost-of-living
10 adjustments authorized by the Internal Revenue Service.

11 “(3) The board shall make no actuarial adjustment in a member’s pension
12 calculated under this section by reason of the member’s retirement after
13 normal retirement age.

14 **“SECTION 22.** ORS 238A.150 is amended to read:

15 “238A.150. (1) Notwithstanding any other provision of ORS 238A.100 to
16 238A.250, an eligible employee who leaves a qualifying position for the pur-
17 pose of performing service in the uniformed services, and who subsequently
18 returns to employment with a participating public employer with reemploy-
19 ment rights under federal law, is entitled to accrue retirement credit, credit
20 toward the probationary period required by ORS 238A.100 and credit toward
21 the vesting requirements of ORS 238A.115 under rules adopted by the Public
22 Employees Retirement Board pursuant to subsection (2) of this section.

23 “(2) The board shall adopt rules establishing benefits and service credit
24 for any period of service in the uniformed services by an employee described
25 in subsection (1) of this section. For the purpose of adopting rules under this
26 subsection, the board shall consider and take into account all federal law
27 relating to benefits and service credit for any period of service in the uni-
28 formed services, including 26 U.S.C. 414(u), as in effect on December 31,
29 [2023] 2025. Benefits and service credit under rules adopted by the board
30 pursuant to this subsection may not exceed benefits and service credit re-

1 quired under federal law for periods of service in the uniformed services.

2 **“SECTION 23.** ORS 238A.170 is amended to read:

3 “238A.170. (1) An active member of the pension program who is 72 years
4 of age or older must retire not later than April 1 of the calendar year fol-
5 lowing the calendar year in which the member terminates employment with
6 all participating public employers. An inactive member of the pension pro-
7 gram must retire not later than April 1 of the calendar year following the
8 calendar year in which the member attains 72 years of age.

9 “(2) Notwithstanding any other provision of ORS 238A.100 to 238A.250,
10 the entire interest of a member of the pension program must be distributed
11 over a time period commencing no later than the required beginning date set
12 forth in subsection (1) of this section, and must be distributed in a manner
13 that satisfies all other minimum distribution requirements of 26 U.S.C.
14 401(a)(9) and regulations implementing that section, as in effect on January
15 1, [2024] 2026. The Public Employees Retirement Board shall adopt rules im-
16 plementing those minimum distribution requirements.

17 **“SECTION 24.** ORS 238A.230 is amended to read:

18 “238A.230. (1) If a member of the pension program who is vested dies be-
19 fore the member’s effective date of retirement, the Public Employees Retire-
20 ment Board shall pay the death benefit provided for in this section to:

21 “(a) The spouse of the member to the extent not provided to a former
22 spouse in accordance with a judgment or order under ORS 238.465;

23 “(b) The former spouse of the member as provided in a judgment or order
24 under ORS 238.465; or

25 “(c) Any other person who is constitutionally required to be treated in
26 the same manner as a spouse for the purpose of retirement benefits.

27 “(2) The death benefit to be paid under this subsection is for the life of
28 the member’s spouse, former spouse or other person who is constitutionally
29 required to be treated in the same manner as a spouse, and is:

30 “(a) If the member dies before the earliest retirement date for the member

1 under ORS 238A.165, the actuarial equivalent of 50 percent of the pension
2 that would otherwise have been paid to the deceased member, which shall
3 be calculated as if the member became an inactive member on the date of
4 death and retired at the earliest retirement date for the member as described
5 in ORS 238A.165;

6 “(b) If the member dies on or after the earliest retirement date for the
7 member under ORS 238A.165 and before normal retirement age under ORS
8 238A.160, the actuarial equivalent of the pension that would otherwise have
9 been paid to the deceased member, which shall be calculated as if the mem-
10 ber retired under ORS 238A.185 and as if the member’s retirement date was
11 the first of the month following the date of death of the member; or

12 “(c) If the member dies on or after reaching normal retirement age as
13 described in ORS 238A.160, the actuarial equivalent of the pension that
14 would otherwise have been paid to the deceased member, which shall be
15 calculated under ORS 238A.125 as if the member’s retirement date was the
16 first of the month following the date of death of the member.

17 “(3) The death benefit provided under this section is first effective on the
18 first day of the month following the date of death of the member.

19 “(4) The surviving spouse or other person who is constitutionally required
20 to be treated in the same manner as a spouse for the purpose of retirement
21 benefits may elect to delay payment of the death benefit, which shall be
22 actuarially adjusted for age and interest when payments commence, but
23 payment must commence no later than December 31 of the calendar year in
24 which the member would have reached 72 years of age. If a person who de-
25 lays payment under this subsection dies before payments commence:

26 “(a) The person’s beneficiary shall receive, in a lump sum, the sum of the
27 payments the person would have received had the person not elected to delay
28 payment of the death benefit.

29 “(b) If the person who delays payment under this subsection has not des-
30 ignated a beneficiary, the person’s benefit shall be paid to a personal repre-

1 sentative appointed for the person's estate.

2 “(5) Notwithstanding any other provision of ORS 238A.100 to 238A.250,
3 distributions of death benefits under the pension program must comply with
4 the minimum distribution requirements of 26 U.S.C. 401(a)(9) and the regu-
5 lations implementing that section, as in effect on January 1, [2024] 2026. The
6 board shall adopt rules implementing those minimum distribution require-
7 ments.

8 **“SECTION 25.** ORS 238A.370 is amended to read:

9 “238A.370. Notwithstanding any other provision of ORS 238A.300 to
10 238A.415, the annual addition to the employee and employer accounts of a
11 member of the individual account program for a calendar year, together with
12 the annual additions to the accounts of the member under any other defined
13 contribution plan maintained by the participating public employer for a cal-
14 endar year, may not exceed the lesser of \$40,000, or 100 percent of the
15 member's compensation for that calendar year. For purposes of this section,
16 ‘annual addition’ has the meaning given that term in 26 U.S.C. 415(c)(2), as
17 in effect on December 31, [2023] 2025, and ‘compensation’ has the meaning
18 given the term ‘participant's compensation’ in 26 U.S.C. 415(c)(3), as in effect
19 on December 31, [2023] 2025. The Public Employees Retirement Board shall
20 adopt rules for the administration of this limitation, including adjustments
21 in the annual dollar limitation to reflect cost-of-living adjustments auth-
22 ized by the Internal Revenue Service.

23 **“SECTION 26.** ORS 238A.400 is amended to read:

24 “238A.400. (1) Upon retirement on or after the earliest retirement date,
25 as described in ORS 238A.165, a member of the individual account program
26 shall receive in a lump sum the amounts in the member's employee account,
27 rollover account and employer account to the extent the member is vested
28 in those accounts under ORS 238A.320.

29 “(2) In lieu of a lump sum payment under subsection (1) of this section,
30 a member of the individual account program may elect to receive the

1 amounts in the member's employee account and employer account, to the
2 extent the member is vested in those accounts under ORS 238A.320, in sub-
3 stantially equal installments paid over a period of 5, 10, 15 or 20 years, or
4 over a period that is equal to the anticipated life span of the member as
5 actuarially determined by the Public Employees Retirement Board. Install-
6 ments may be made on a monthly, quarterly or annual basis. In no event
7 may the period selected by the member exceed the time allowed by the min-
8 imum distribution requirements described in subsection (5) of this section.
9 The board shall by rule establish the manner in which installments will be
10 adjusted to reflect investment gains and losses on the unpaid balance during
11 the payout period elected by the member under this subsection. The board
12 by rule may establish minimum monthly amounts payable under this sub-
13 section. The board may require that a lump sum payment, or an installment
14 schedule different than the schedules provided for in this subsection, be used
15 to pay the vested amounts in the member's accounts if those amounts are
16 not adequate to generate the minimum monthly amounts specified by the
17 rule.

18 "(3) A member of the individual account program electing to receive in-
19 stallments under subsection (2) of this section must designate a beneficiary
20 or beneficiaries. In the event the member dies before all amounts in the
21 employee and vested employer accounts are paid, the remaining account
22 balance shall be paid in a lump sum distribution to the beneficiary or bene-
23 ficiaries designated by the member.

24 "(4) A member who is entitled to receive retirement benefits under ORS
25 chapter 238 may receive vested amounts in the member's employee account,
26 rollover account and employer account in the manner provided by this sec-
27 tion when the member retires for service under the provisions of ORS chap-
28 ter 238.

29 "(5) Notwithstanding any other provision of ORS 238A.300 to 238A.415,
30 the entire interest of a member of the individual account program must be

1 distributed over a time period commencing no later than the latest retire-
2 ment date set forth in ORS 238A.170, and must be distributed in a manner
3 that satisfies all other minimum distribution requirements of 26 U.S.C.
4 401(a)(9) and regulations implementing that section, as in effect on January
5 1, [2024] 2026. The board shall adopt rules implementing those minimum dis-
6 tribution requirements.

7 **“SECTION 27.** ORS 238A.410 is amended to read:

8 “238A.410. (1)(a) If a member of the individual account program dies be-
9 fore retirement, the amounts in the member’s employee account, rollover
10 account and employer account, to the extent the member is vested in those
11 accounts under ORS 238A.320, shall be paid in a lump sum to the beneficiary
12 or beneficiaries designated by the member for the purposes of this section.

13 “(b) If a member of the individual account program dies before retirement,
14 the amounts in the employee pension stability account established for the
15 member under ORS 238A.353 shall be applied by the Public Employees Re-
16 tirement Board to pay the costs of any benefit payable under ORS 238A.395
17 or 238A.230 that accrues on or after July 1, 2020. If the amounts in the em-
18 ployee pension stability account exceed the costs of the benefit payable under
19 ORS 238A.395 or 238A.230 that accrues on or after July 1, 2020, the excess
20 amounts shall be paid in a lump sum to the beneficiary or beneficiaries
21 designated by the member for the purposes of this section.

22 “(2) If a member of the individual account program is married at the time
23 of death, or there exists at the time of death any other person who is con-
24 stitutionally required to be treated in the same manner as a spouse for the
25 purpose of retirement benefits, the spouse or other person shall be the ben-
26 efficiary for purposes of the death benefit payable under this section unless
27 the spouse or other person consents to the designation of a different benefi-
28 ciary or beneficiaries before the designation has been made and the consent
29 has not been revoked by the spouse or other person as of the time of the
30 member’s death. Consent and revocation of consent must be in writing, ac-

1 knownledged by a notary public, and submitted to the Public Employees Re-
2 tirement Board in accordance with rules adopted by the board. If the
3 member's spouse is designated as the member's beneficiary and the marriage
4 of the member and spouse is subsequently dissolved, the former spouse shall
5 be treated as predeceasing the member for purposes of this section, unless
6 the member expressly designates the former spouse as beneficiary after the
7 effective date of the dissolution or the former spouse is required to be des-
8 gnated as a beneficiary under the provisions of ORS 238.465.

9 “(3) For purposes of this section and ORS 238A.400 (3), if a member fails
10 to designate a beneficiary, or if the person or persons designated do not
11 survive the member, the death benefit provided for in this section shall be
12 paid to the following person or persons, in the following order of priority:

13 “(a) The member's surviving spouse or other person who is constitu-
14 tionally required to be treated in the same manner as a spouse;

15 “(b) The member's surviving children, in equal shares; or

16 “(c) The member's estate.

17 “(4) If a small estate affidavit has been filed under ORS 114.505 to 114.560,
18 and the death benefit does not exceed the maximum amount of personal
19 property for which a small estate affidavit may be filed under ORS 114.505
20 to 114.560, the board shall pay the death benefit to the person who filed the
21 affidavit, if the member's estate is the designated beneficiary or is receiving
22 the payment under subsection (3) of this section.

23 “(5) The entire amount of a deceased member's vested accounts must be
24 distributed by December 31 of the fifth calendar year after the year in which
25 the member died. Notwithstanding any other provision of this chapter, dis-
26 tributions of death benefits under the individual account program must
27 comply with the minimum distribution requirements of 26 U.S.C. 401(a)(9)
28 and the regulations implementing that section, as in effect on January 1,
29 [2024] 2026. The Public Employees Retirement Board shall adopt rules im-
30 plementing those minimum distribution requirements.

1 **“SECTION 28.** ORS 238A.415 is amended to read:

2 “238A.415. (1) Notwithstanding any other provision of ORS 238A.300 to
3 238A.415, an eligible employee who leaves a qualifying position for the pur-
4 pose of performing service in the uniformed services, and who subsequently
5 returns to employment with a participating public employer with reemploy-
6 ment rights under federal law, is entitled to credit toward the probationary
7 period required by ORS 238A.300, credit toward the vesting requirements of
8 ORS 238A.320 and contributions under rules adopted by the Public Employ-
9 ees Retirement Board pursuant to subsection (2) of this section.

10 “(2) The board shall adopt rules establishing contributions and service
11 credit for any period of service in the uniformed services by an employee
12 described in subsection (1) of this section. For the purpose of adopting rules
13 under this subsection, the board shall consider and take into account all
14 federal law relating to benefits and service credit for any period of service
15 in the uniformed services, including 26 U.S.C. 414(u), as in effect on Decem-
16 ber 31, [2023] 2025. Contributions and service credit under rules adopted by
17 the board pursuant to this subsection may not exceed contributions and
18 service credit required under federal law for periods of service in the uni-
19 formed services.

20 **“SECTION 29.** ORS 238A.430 is amended to read:

21 “238A.430. (1) To the extent required by law, and except as otherwise
22 provided by rules adopted by the Public Employees Retirement Board under
23 subsection (4) of this section, any portion of a distribution of benefits de-
24 scribed in subsection (2) of this section shall, at the election of and in lieu
25 of distribution to the distributee, be paid directly to an eligible retirement
26 plan specified by the distributee.

27 “(2) The provisions of subsection (1) of this section apply to a distribution
28 of any benefit under the pension program or the individual account program
29 except:

30 “(a) A distribution that is one of a series of substantially equal periodic

1 payments made at least annually for the life or life expectancy of the
2 distributee, or for the joint lives or life expectancies of the distributee and
3 a designated beneficiary;

4 “(b) A distribution that is one of a series of substantially equal periodic
5 payments made at least annually for a specified period of 10 years or more;
6 and

7 “(c) A distribution to the extent that the distribution is required under
8 26 U.S.C. 401(a)(9).

9 “(3) The provisions of subsection (1) of this section apply to any portion
10 of a distribution of benefits under the pension program or the individual
11 account program even though the portion consists of after-tax employee
12 contributions that are not includable in gross income. Any portion of a dis-
13 tribution that consists of after-tax employee contributions that are not
14 includable in gross income may be transferred only to an individual retire-
15 ment account or annuity described in 26 U.S.C. 408(a) or (b), or to a qual-
16 ified defined contribution or defined benefit plan described in 26 U.S.C. 401(a)
17 or 403(b) that agrees to account separately for amounts transferred, including
18 accounting separately for the portion of the distribution that is includable
19 in gross income and the portion of the distribution that is not includable in
20 gross income. The amount transferred shall be treated as consisting first of
21 the portion of the distribution that is includable in gross income, determined
22 without regard to 26 U.S.C. 402(c)(1).

23 “(4) The board shall adopt rules implementing the direct rollover re-
24 quirements of 26 U.S.C. 401(a)(31) and the regulations implementing that
25 section, and may adopt administrative exceptions to the direct rollover re-
26 quirements to the extent permitted by 26 U.S.C. 401(a)(31) and the regu-
27 lations implementing that section.

28 “(5) All references in this section to federal laws and regulations are to
29 the laws and regulations in effect on December 31, [2023] **2025**.

30 “(6) For purposes of this section:

1 “(a) ‘Distributee’ means a member, a member’s surviving spouse or a
2 member’s alternate payee under ORS 238.465.

3 “(b) ‘Eligible retirement plan’ means:

4 “(A) An individual retirement account described in 26 U.S.C. 408(a);

5 “(B) An individual retirement annuity described in 26 U.S.C. 408(b), other
6 than an endowment contract;

7 “(C) A qualified trust under 26 U.S.C. 401(a), that is a defined contribu-
8 tion or defined benefit plan and permits the acceptance of rollover contri-
9 butions;

10 “(D) An annuity plan described in 26 U.S.C. 403(a);

11 “(E) An eligible deferred compensation plan described in 26 U.S.C. 457(b)
12 that is maintained by an eligible governmental employer described in 26
13 U.S.C. 457(e)(1)(A) and that agrees to account separately for amounts trans-
14 ferred into such plan from the distributing plan; or

15 “(F) An annuity contract described in 26 U.S.C. 403(b).

16 **“SECTION 30.** ORS 238A.435 is amended to read:

17 “238A.435. (1) If a benefit is payable under this chapter to a beneficiary
18 by reason of the death of a member of the system, the beneficiary may elect
19 to have all or part of the distribution of the death benefit paid in an eligible
20 rollover distribution to an individual retirement plan described in 26 U.S.C.
21 408(a), or an individual retirement annuity, other than an endowment con-
22 tract, described in 26 U.S.C. 408(b), if the plan or annuity is established for
23 the purpose of receiving the eligible rollover distribution on behalf of the
24 designated beneficiary.

25 “(2) Subsection (1) of this section applies to an eligible rollover distrib-
26 ution of death benefits to a beneficiary who is not treated as the spouse of
27 the decedent for federal tax purposes and who is the decedent’s designated
28 beneficiary for the purposes of the minimum required distribution require-
29 ments of 26 U.S.C. 401(a)(9). To the extent provided by rules of the Public
30 Employees Retirement Board, a trust maintained for the benefit of one or

1 more beneficiaries must be treated by the board in the same manner as a
2 trust that is designated as a beneficiary for the purposes of the minimum
3 required distribution requirements of 26 U.S.C. 401(a)(9).

4 “(3) As used in this section, ‘eligible rollover distribution’ has the mean-
5 ing given that term in 26 U.S.C. 402(c)(4), as in effect on December 31,
6 [2023] 2025.

7 **“SECTION 31.** ORS 305.239 is amended to read:

8 “305.239. (1) Notwithstanding ORS 9.320:

9 “(a) Any person who is qualified to practice law or public accountancy
10 in this state, any person who has been granted active enrollment to practice
11 before the Internal Revenue Service and who is qualified to prepare tax re-
12 turns in this state or any person who is the authorized employee of a tax-
13 payer and is regularly employed by the taxpayer in tax matters may
14 represent the taxpayer before a tax court magistrate or the Department of
15 Revenue in any conference or proceeding with respect to the administration
16 of any tax.

17 “(b) Any person who is licensed by the State Board of Tax Practitioners
18 or who is exempt from such licensing requirement as provided for and limited
19 by ORS 673.610 may represent a taxpayer before a tax court magistrate or
20 the department in any conference or proceeding with respect to the admin-
21 istration of any tax on or measured by net income.

22 “(c) Any shareholder of an S corporation, as defined in section 1361 of the
23 Internal Revenue Code, as amended and in effect on December 31, [2023]
24 2025, may represent the corporation in any proceeding before a tax court
25 magistrate or the department in the same manner as if the shareholder were
26 a partner and the S corporation were a partnership. The S corporation must
27 designate in writing a tax matters shareholder authorized to represent the
28 S corporation.

29 “(d) An individual who is licensed as a real estate broker or principal real
30 estate broker under ORS 696.022 or is a state certified appraiser or state li-

1 censed appraiser under ORS 674.310 or is a registered appraiser under ORS
2 308.010 may represent a taxpayer before a tax court magistrate or the de-
3 partment in any conference or proceeding with respect to the administration
4 of any ad valorem property tax.

5 “(e) A general partner who has been designated by members of a part-
6 nership as their tax matters partner under ORS 305.242 may represent those
7 partners in any conference or proceeding with respect to the administration
8 of any tax on or measured by net income.

9 “(f) Any person authorized under rules adopted by the department may
10 represent a taxpayer before the department in any conference or proceeding
11 with respect to any tax. Rules adopted under this paragraph, to the extent
12 feasible, shall be consistent with federal law that governs representation
13 before the Internal Revenue Service, as federal law is amended and in effect
14 on December 31, [2023] **2025**.

15 “(g) Any person authorized under rules adopted by the tax court may
16 represent a taxpayer in a proceeding before a tax court magistrate.

17 “(2) A person may not be recognized as representing a taxpayer pursuant
18 to this section unless there is first filed with the magistrate or department
19 a written authorization, or unless it appears to the satisfaction of the
20 magistrate or department that the representative does in fact have authority
21 to represent the taxpayer. A person recognized as an authorized represen-
22 tative under rules or procedures adopted by the tax court shall be considered
23 an authorized representative by the department.

24 “(3) A taxpayer represented by someone other than an attorney is bound
25 by all things done by the authorized representative, and may not thereafter
26 claim any proceeding was legally defective because the taxpayer was not
27 represented by an attorney.

28 “(4) Prior to the holding of a conference or proceeding before the tax
29 court magistrate or department, written notice shall be given by the
30 magistrate or department to the taxpayer of the provisions of subsection (3)

1 of this section.

2 **“SECTION 32.** ORS 305.494 is amended to read:

3 “305.494. Notwithstanding ORS 9.320, any shareholder of an S corporation
4 as defined in section 1361 of the Internal Revenue Code, as amended and in
5 effect on December 31, [2023] **2025**, may represent the corporation in any
6 proceeding before the Oregon Tax Court in the same manner as if the
7 shareholder were a partner and the S corporation were a partnership.

8 **“SECTION 33.** ORS 305.690 is amended to read:

9 “305.690. As used in ORS 305.690 to 305.753, unless the context otherwise
10 requires:

11 “(1) ‘Commission’ means the Oregon Charitable Checkoff Commission.

12 “(2) ‘Department’ means the Department of Revenue.

13 “(3) ‘Internal Revenue Code’ means the federal Internal Revenue Code as
14 amended and in effect on December 31, [2023] **2025**.

15 **“SECTION 34.** ORS 305.842 is amended to read:

16 “305.842. As used in ORS 307.130, 307.147, 307.580, 308A.450, 310.140,
17 310.800 and 311.666, ‘Internal Revenue Code’ means the federal Internal
18 Revenue Code as amended and in effect on December 31, [2023] **2025**.

19 **“SECTION 35.** ORS 314.011 is amended to read:

20 “314.011. (1) As used in this chapter, unless the context requires other-
21 wise, ‘department’ means the Department of Revenue.

22 “(2) As used in this chapter:

23 “(a) Any term has the same meaning as when used in a comparable con-
24 text in the laws of the United States relating to federal income taxes, unless
25 a different meaning is clearly required or the term is specifically defined in
26 this chapter.

27 “(b) Except where the Legislative Assembly has provided otherwise, a
28 reference to the laws of the United States or to the Internal Revenue Code
29 refers to the laws of the United States or to the Internal Revenue Code as
30 they are amended and in effect:

1 “(A) On December 31, [2023] **2025**; or

2 “(B) If related to the definition of taxable income, as applicable to the tax
3 year of the taxpayer.

4 “(c) With respect to ORS 314.105, 314.256 (relating to proxy tax on lob-
5 bying expenditures), 314.260 (1)(b), 314.302, 314.306, 314.330, 314.360, 314.362,
6 314.385, 314.402, 314.410, 314.412, 314.525, 314.767 (7), 314.771 and 314.772 and
7 other provisions of this chapter, except those described in paragraph (b) of
8 this subsection, any reference to the laws of the United States or to the
9 Internal Revenue Code means the laws of the United States relating to in-
10 come taxes or the Internal Revenue Code as they are amended on or before
11 December 31, [2023] **2025**, even when the amendments take effect or become
12 operative after that date, except where the Legislative Assembly has specif-
13 ically provided otherwise.

14 “(3) Insofar as is practicable in the administration of this chapter, the
15 department shall apply and follow the administrative and judicial interpre-
16 tations of the federal income tax law. When a provision of the federal income
17 tax law is the subject of conflicting opinions by two or more federal courts,
18 the department shall follow the rule observed by the United States Commis-
19 sioner of Internal Revenue until the conflict is resolved. Nothing contained
20 in this section limits the right or duty of the department to audit the return
21 of any taxpayer or to determine any fact relating to the tax liability of any
22 taxpayer.

23 “(4) When portions of the Internal Revenue Code incorporated by refer-
24 ence as provided in subsection (2) of this section refer to rules or regulations
25 prescribed by the Secretary of the Treasury, then such rules or regulations
26 shall be regarded as rules adopted by the department under and in accord-
27 ance with the provisions of this chapter, whenever they are prescribed or
28 amended.

29 “(5)(a) When portions of the Internal Revenue Code incorporated by ref-
30 erence as provided in subsection (2) of this section are later corrected by an

1 Act or a Title within an Act of the United States Congress designated as an
2 Act or Title making technical corrections, then notwithstanding the date
3 that the Act or Title becomes law, those portions of the Internal Revenue
4 Code, as so corrected, shall be the portions of the Internal Revenue Code
5 incorporated by reference as provided in subsection (2) of this section and
6 shall take effect, unless otherwise indicated by the Act or Title (in which
7 case the provisions shall take effect as indicated in the Act or Title), as if
8 originally included in the provisions of the Act being technically corrected.
9 If, on account of this subsection, any adjustment is required to an Oregon
10 return that would otherwise be prevented by operation of law or rule, the
11 adjustment shall be made, notwithstanding any law or rule to the contrary,
12 in the manner provided under ORS 314.135.

13 “(b) As used in this subsection, ‘Act or Title’ includes any subtitle, divi-
14 sion or other part of an Act or Title.

15 **“SECTION 36.** ORS 314.306 is amended to read:

16 “314.306. (1) If a taxpayer excludes an amount from federal gross income
17 by reason of the discharge of indebtedness of the taxpayer under section
18 108(a)(1)(A) of the Internal Revenue Code (relating to discharge of indebt-
19 edness in a bankruptcy declared under U.S.C. Title 11), then, with respect
20 to that portion of the excluded amount that is apportioned to Oregon, the
21 taxpayer shall apply the rules in 11 U.S.C. 346(j), as amended and in effect
22 on December 31, [2023] **2025**.

23 “(2) If a taxpayer excludes an amount from federal gross income by reason
24 of the discharge of indebtedness of the taxpayer under section 108(a)(1)(B)
25 or (C) of the Internal Revenue Code (relating to discharge of indebtedness
26 in insolvency or discharge of qualified farm indebtedness), then, with respect
27 to that portion of the excluded amount that is apportioned to Oregon, the
28 following paragraphs shall apply, in the following order:

29 “(a) If the taxpayer has made the election under section 108(b)(5) of the
30 Internal Revenue Code to first reduce the basis of the depreciable property

1 of the taxpayer, the election shall also be effective for Oregon tax purposes.
2 A corresponding reduction in the basis of the depreciable property of the
3 taxpayer shall be made for Oregon tax purposes.

4 “(b) The amount, if any, by which the following attributes are reduced
5 under section 108(b)(1) of the Internal Revenue Code for federal tax purposes
6 shall be added back for Oregon tax purposes:

7 “(A) Federal net operating loss.

8 “(B) Capital loss carryover.

9 “(C) Basis of the property of the taxpayer, excluding amounts subject to
10 the election under section 108(b)(5) of the Internal Revenue Code.

11 “(D) Passive activity loss carryover.

12 “(c) Excluding amounts subject to the election in section 108(b)(5) of the
13 Internal Revenue Code:

14 “(A) Any Oregon net operating loss of an individual or corporate tax-
15 payer, including a net operating loss carryover to the taxpayer, shall be re-
16 duced by the amount of discharged indebtedness.

17 “(B) Any net capital loss for the taxable year of the discharge, and any
18 capital loss carryover to the taxable year, shall be reduced by the amount
19 of discharged indebtedness minus the total amount taken into account under
20 subparagraph (A) of this paragraph.

21 “(C) The basis of the property of the taxpayer shall be reduced by the
22 amount of discharged indebtedness minus the total amount taken into ac-
23 count under subparagraphs (A) and (B) of this paragraph.

24 “(D) The passive activity loss carryover under section 469(b) of the
25 Internal Revenue Code from the taxable year of the discharge shall be re-
26 duced by the amount of discharged indebtedness minus the total amount
27 taken into account under subparagraphs (A), (B) and (C) of this paragraph.

28 **“SECTION 37.** ORS 315.004 is amended to read:

29 “315.004. (1) Except when the context requires otherwise, the definitions
30 contained in ORS chapters 314, 316, 317 and 318 are applicable in the con-

1 struction, interpretation and application of the personal and corporate in-
2 come and excise tax credits contained in this chapter.

3 “(2)(a) For purposes of the tax credits contained in this chapter, any term
4 has the same meaning as when used in a comparable context in the laws of
5 the United States relating to federal income taxes, unless a different meaning
6 is clearly required or the term is specifically defined for purposes of con-
7 struing, interpreting and applying the credit.

8 “(b) With respect to the tax credits contained in this chapter, any refer-
9 ence to the laws of the United States or to the Internal Revenue Code means
10 the laws of the United States relating to income taxes or the Internal Rev-
11 enue Code as they are amended on or before December 31, [2023] **2025**, even
12 when the amendments take effect or become operative after that date.

13 “(3) Insofar as is practicable in the administration of this chapter, the
14 Department of Revenue shall apply and follow the administrative and judi-
15 cial interpretations of the federal income tax law. When a provision of the
16 federal income tax law is the subject of conflicting opinions by two or more
17 federal courts, the department shall follow the rule observed by the United
18 States Commissioner of Internal Revenue until the conflict is resolved.
19 Nothing contained in this section limits the right or duty of the department
20 to audit the return of any taxpayer or to determine any fact relating to the
21 tax liability of any taxpayer.

22 “(4) When portions of the Internal Revenue Code incorporated by refer-
23 ence as provided in subsection (2) of this section refer to rules or regulations
24 prescribed by the Secretary of the Treasury, then such rules or regulations
25 shall be regarded as rules adopted by the department under and in accord-
26 ance with the provisions of this chapter, whenever they are prescribed or
27 amended.

28 “(5)(a) When portions of the Internal Revenue Code incorporated by ref-
29 erence as provided in subsection (2) of this section are later corrected by an
30 Act or a Title within an Act of the United States Congress designated as an

1 Act or Title making technical corrections, then notwithstanding the date
2 that the Act or Title becomes law, those portions of the Internal Revenue
3 Code, as so corrected, shall be the portions of the Internal Revenue Code
4 incorporated by reference as provided in subsection (2) of this section and
5 shall take effect, unless otherwise indicated by the Act or Title (in which
6 case the provisions shall take effect as indicated in the Act or Title), as if
7 originally included in the provisions of the Act being technically corrected.
8 If, on account of this subsection, any adjustment is required to an Oregon
9 return that would otherwise be prevented by operation of law or rule, the
10 adjustment shall be made, notwithstanding any law or rule to the contrary,
11 in the manner provided under ORS 314.135.

12 “(b) As used in this subsection, ‘Act or Title’ includes any subtitle, divi-
13 sion or other part of an Act or Title.

14 **“SECTION 38.** ORS 316.012 is amended to read:

15 “316.012. Any term used in this chapter has the same meaning as when
16 used in a comparable context in the laws of the United States relating to
17 federal income taxes, unless a different meaning is clearly required or the
18 term is specifically defined in this chapter. Except where the Legislative
19 Assembly has provided otherwise, any reference in this chapter to the laws
20 of the United States or to the Internal Revenue Code refers to the laws of
21 the United States or to the Internal Revenue Code as they are amended and
22 in effect:

23 “(1) On December 31, [2023] **2025**; or

24 “(2) If related to the definition of taxable income, as applicable to the tax
25 year of the taxpayer.

26 **“SECTION 39.** ORS 316.147 is amended to read:

27 “316.147. As used in ORS 316.147 to 316.149, unless the context requires
28 otherwise:

29 “(1) ‘Eligible taxpayer’ includes any individual who must pay taxes oth-
30 erwise imposed by this chapter and:

1 “(a) Who pays or incurs expenses for the care of a qualified individual,
2 through a payment method determined by rule of the Department of Revenue;
3 and

4 “(b) Who has a household income, for the taxable year, not to exceed the
5 maximum amount of household income allowed in ORS 310.640 (1989 Edition)
6 for a homeowner or renter refund.

7 “(2) ‘Household income’ means the aggregate income of the eligible tax-
8 payer and the spouse of the taxpayer who reside in the household, that was
9 received during a calendar year. ‘Household income’ includes payments re-
10 ceived by the eligible taxpayer or the spouse of the taxpayer under the fed-
11 eral Social Security Act for the benefit of a minor child or minor children
12 who reside in the household.

13 “(3) ‘Income’ means ‘adjusted gross income’ as defined in the federal
14 Internal Revenue Code, as amended and in effect on December 31, [2023]
15 2025, even when the amendments take effect or become operative after that
16 date, relating to the measurement of taxable income of individuals, estates
17 and trusts, with the following modifications:

18 “(a) There shall be added to adjusted gross income the following items
19 of otherwise exempt income:

20 “(A) The gross amount of any otherwise exempt pension less return of
21 investment, if any.

22 “(B) Child support received by the taxpayer.

23 “(C) Inheritances.

24 “(D) Gifts and grants, the sum of which are in excess of \$500 per year.

25 “(E) Amounts received by a taxpayer or spouse of a taxpayer for support
26 from a parent who is not a member of the taxpayer’s household.

27 “(F) Life insurance proceeds.

28 “(G) Accident and health insurance proceeds, except reimbursement of
29 incurred medical expenses.

30 “(H) Personal injury damages.

- 1 “(I) Sick pay that is not included in federal adjusted gross income.
- 2 “(J) Strike benefits excluded from federal gross income.
- 3 “(K) Worker’s compensation, except for reimbursement of medical ex-
- 4 pense.
- 5 “(L) Military pay and benefits.
- 6 “(M) Veteran’s benefits.
- 7 “(N) Payments received under the federal Social Security Act that are
- 8 excluded from federal gross income.
- 9 “(O) Welfare payments, except as follows:
- 10 “(i) Payments for medical care, drugs and medical supplies, if the pay-
- 11 ments are not made directly to the welfare recipient;
- 12 “(ii) In-home services authorized and approved by the Department of Hu-
- 13 man Services; and
- 14 “(iii) Direct or indirect reimbursement of expenses paid or incurred for
- 15 participation in work or training programs.
- 16 “(P) Nontaxable dividends.
- 17 “(Q) Nontaxable interest not included in federal adjusted gross income.
- 18 “(R) Rental allowance paid to a minister that is excluded from federal
- 19 gross income.
- 20 “(S) Income from sources without the United States that is excluded from
- 21 federal gross income.
- 22 “(b) Adjusted gross income shall be increased due to the disallowance of
- 23 the following deductions:
- 24 “(A) The amount of the net loss, in excess of \$1,000, from all dispositions
- 25 of tangible or intangible properties.
- 26 “(B) The amount of the net loss, in excess of \$1,000, from the operation
- 27 of a farm or farms.
- 28 “(C) The amount of the net loss, in excess of \$1,000, from all operations
- 29 of a trade or business, profession or other activity entered into for the pro-
- 30 duction or collection of income.

1 “(D) The amount of the net loss, in excess of \$1,000, from tangible or in-
2 tangible property held for the production of rents, royalties or other income.

3 “(E) The amount of any net operating loss carryovers or carrybacks in-
4 cluded in federal adjusted gross income.

5 “(F) The amount, in excess of \$5,000, of the combined deductions or other
6 allowances for depreciation, amortization or depletion.

7 “(G) The amount added or subtracted, as required within the context of
8 this section, for adjustments made under ORS 316.680 (2)(d) and 316.707 to
9 316.737.

10 “(c) ‘Income’ does not include the following:

11 “(A) Any governmental grant that must be used by the taxpayer for re-
12 habilitation of the homestead of the taxpayer.

13 “(B) Any refund of Oregon personal income taxes that were imposed under
14 this chapter.

15 “(4) ‘Qualified individual’ includes an individual at least 60 years of age
16 on the date that the expenses described in subsection (1)(a) of this section
17 are paid or incurred by the eligible taxpayer:

18 “(a) Whose household income does not exceed \$7,500 for the calendar year
19 in which the taxable year of the taxpayer begins;

20 “(b) Who is eligible for authorized services as defined in ORS 410.410
21 under Oregon Project Independence;

22 “(c) Who is certified by the Department of Human Services; and

23 “(d) Whose care or any portion thereof is not paid for under ORS chapter
24 414.

25 **“SECTION 40.** ORS 316.157 is amended to read:

26 “316.157. (1) In the case of an eligible individual, there shall be allowed
27 as a credit against the taxes otherwise due under this chapter for the taxable
28 year an amount equal to the lesser of the tax liability of the taxpayer or nine
29 percent of net pension income.

30 “(2) For purposes of this section:

1 “(a) ‘Eligible individual’ means any individual who is receiving pension
2 income and who has attained 62 years of age before the close of the taxable
3 year.

4 “(b) ‘Household income’ means the aggregate income of the taxpayer and
5 the spouse of the taxpayer who reside in the household, that was received
6 during the taxable year for which a credit is claimed, except that ‘household
7 income’ does not include Social Security benefits received by the taxpayer
8 or the spouse of the taxpayer.

9 “(c) ‘Income’ means ‘adjusted gross income’ as defined in the federal
10 Internal Revenue Code, as amended and in effect on December 31, [2023]
11 2025, even when the amendments take effect or become operative after that
12 date, relating to the measurement of taxable income of individuals, estates
13 and trusts, with the following modifications:

14 “(A) There shall be added to adjusted gross income the following items
15 of otherwise exempt income:

16 “(i) The gross amount of any otherwise exempt pension less return of in-
17 vestment, if any.

18 “(ii) Child support received by the taxpayer.

19 “(iii) Inheritances.

20 “(iv) Gifts and grants, the sum of which are in excess of \$500 per year.

21 “(v) Amounts received by a taxpayer or spouse of a taxpayer for support
22 from a parent who is not a member of the taxpayer’s household.

23 “(vi) Life insurance proceeds.

24 “(vii) Accident and health insurance proceeds, except reimbursement of
25 incurred medical expenses.

26 “(viii) Personal injury damages.

27 “(ix) Sick pay that is not included in federal adjusted gross income.

28 “(x) Strike benefits excluded from federal gross income.

29 “(xi) Worker’s compensation, except for reimbursement of medical ex-
30 pense.

1 “(xii) Military pay and benefits.

2 “(xiii) Veteran’s benefits.

3 “(xiv) Payments received under the federal Social Security Act that are
4 excluded from federal gross income.

5 “(xv) Welfare payments, except as follows:

6 “(I) Payments for medical care, drugs and medical supplies, if the pay-
7 ments are not made directly to the welfare recipient;

8 “(II) In-home services authorized and approved by the Department of Hu-
9 man Services; and

10 “(III) Direct or indirect reimbursement of expenses paid or incurred for
11 participation in work or training programs.

12 “(xvi) Nontaxable dividends.

13 “(xvii) Nontaxable interest not included in federal adjusted gross income.

14 “(xviii) Rental allowance paid to a minister that is excluded from federal
15 gross income.

16 “(xix) Income from sources without the United States that is excluded
17 from federal gross income.

18 “(B) Adjusted gross income shall be increased due to the disallowance of
19 the following deductions:

20 “(i) The amount of the net loss, in excess of \$1,000, from all dispositions
21 of tangible or intangible properties.

22 “(ii) The amount of the net loss, in excess of \$1,000, from the operation
23 of a farm or farms.

24 “(iii) The amount of the net loss, in excess of \$1,000, from all operations
25 of a trade or business, profession or other activity entered into for the pro-
26 duction or collection of income.

27 “(iv) The amount of the net loss, in excess of \$1,000, from tangible or in-
28 tangible property held for the production of rents, royalties or other income.

29 “(v) The amount of any net operating loss carryovers or carrybacks in-
30 cluded in federal adjusted gross income.

1 “(vi) The amount, in excess of \$5,000, of the combined deductions or other
2 allowances for depreciation, amortization or depletion.

3 “(vii) The amount added or subtracted, as required within the context of
4 this section, for adjustments made under ORS 316.680 (2)(d) and 316.707 to
5 316.737.

6 “(C) ‘Income’ does not include the following:

7 “(i) Any governmental grant that must be used by the taxpayer for reha-
8 bilitation of the homestead of the taxpayer.

9 “(ii) Any refund of Oregon personal income taxes that were imposed under
10 this chapter.

11 “(d) ‘Net pension income’ means:

12 “(A) For eligible individuals filing a joint return, the lesser of the pension
13 income of the eligible individuals received during the taxable year or the
14 excess, if any, of \$15,000 over the sum of the following amounts:

15 “(i) Any Social Security benefits received by the eligible individual, or
16 by the spouse of the individual, during the taxable year; and

17 “(ii) The excess, if any, of household income over \$30,000.

18 “(B) For an eligible individual filing a return other than a joint return,
19 the lesser of the pension income of the eligible individual received during the
20 taxable year or the excess, if any, of \$7,500 over the sum of the following
21 amounts:

22 “(i) Any Social Security benefits received by the eligible individual during
23 the taxable year; and

24 “(ii) The excess, if any, of household income over \$15,000.

25 “(e) ‘Pension income’ means income included in Oregon taxable income
26 from:

27 “(A) Distributions from or pursuant to an employee pension benefit plan,
28 as defined in section 3(2) of the Employee Retirement Income Security Act
29 of 1974, which satisfies the requirements of section 401 of the Internal Rev-
30 enue Code;

1 “(B) Distributions from or pursuant to a public retirement system of this
2 state or a political subdivision of this state, or a public retirement system
3 created by an Act of this state or a political subdivision of this state, or the
4 public retirement system of any other state or local government;

5 “(C) Distributions from or pursuant to a federal retirement system created
6 by the federal government for any officer or employee of the United States,
7 including any person retired from service in the United States Civil Service,
8 the Armed Forces of the United States or any agency or subdivision thereof;

9 “(D) Distributions or withdrawals from or pursuant to an eligible deferred
10 compensation plan which satisfies the requirements of section 457 of the
11 Internal Revenue Code;

12 “(E) Distributions or withdrawals from or pursuant to an individual re-
13 tirement account, annuity or trust or simplified employee pension which
14 satisfies the requirements of section 408 of the Internal Revenue Code; and

15 “(F) Distributions or withdrawals from or pursuant to an employee an-
16 nuity, including custodial accounts treated as annuities, subject to section
17 403 (a) or (b) of the Internal Revenue Code.

18 “(f) ‘Social Security benefits’ means Social Security benefits, as defined
19 in section 86 of the Internal Revenue Code (Title II Social Security or tier
20 1 railroad retirement benefits).

21 “(3) If a change in the taxable year of the eligible individual occurs as
22 described in ORS 314.085, or if the Department of Revenue terminates the tax
23 year of the eligible individual under ORS 314.440, the credit allowed by this
24 section shall be prorated or computed in a manner consistent with ORS
25 314.085.

26 “(4) If a change in the status of the eligible individual from resident to
27 nonresident or from nonresident to resident occurs, the credit allowed by this
28 section shall be determined in a manner consistent with subsection (1) of this
29 section.

30 **“SECTION 41.** ORS 317.010 is amended to read:

1 “317.010. As used in this chapter, unless the context requires otherwise:

2 “(1) ‘Centrally assessed corporation’ means every corporation the property
3 of which is assessed by the Department of Revenue under ORS 308.505 to
4 308.674.

5 “(2) ‘Department’ means the Department of Revenue.

6 “(3)(a) ‘Consolidated federal return’ means the return permitted or re-
7 quired to be filed by a group of affiliated corporations under section 1501 of
8 the Internal Revenue Code.

9 “(b) ‘Consolidated state return’ means the return required to be filed un-
10 der ORS 317.710 (5).

11 “(4) ‘Doing business’ means any transaction or transactions in the course
12 of its activities conducted within the state by a national banking association,
13 or any other corporation; provided, however, that a foreign corporation
14 whose activities in this state are confined to purchases of personal property,
15 and the storage thereof incident to shipment outside the state, shall not be
16 deemed to be doing business unless such foreign corporation is an affiliate
17 of another foreign or domestic corporation which is doing business in
18 Oregon. Whether or not corporations are affiliated shall be determined as
19 provided in section 1504 of the Internal Revenue Code.

20 “(5) ‘Excise tax’ means a tax measured by or according to net income
21 imposed upon national banking associations, all other banks, and financial,
22 centrally assessed, mercantile, manufacturing and business corporations for
23 the privilege of carrying on or doing business in this state.

24 “(6) ‘Financial institution’ has the meaning given that term in ORS
25 314.610 except that it does not include a credit union as defined in ORS
26 723.006, an interstate credit union as defined in ORS 723.001 or a federal
27 credit union.

28 “(7) ‘Internal Revenue Code,’ except where the Legislative Assembly has
29 provided otherwise, refers to the laws of the United States or to the Internal
30 Revenue Code as they are amended and in effect:

1 “(a) On December 31, [2023] **2025**; or

2 “(b) If related to the definition of taxable income, as applicable to the tax
3 year of the taxpayer.

4 “(8) ‘Oregon taxable income’ means taxable income, less the deduction
5 allowed under ORS 317.476, except as otherwise provided with respect to
6 insurers in subsection (11) of this section and ORS 317.650 to 317.665.

7 “(9) ‘Oregon net loss’ means taxable loss, except as otherwise provided
8 with respect to insurers in subsection (11) of this section and ORS 317.650
9 to 317.665.

10 “(10) ‘Taxable income or loss’ means the taxable income or loss deter-
11 mined, or in the case of a corporation for which no federal taxable income
12 or loss is determined, as would be determined, under chapter 1, Subtitle A
13 of the Internal Revenue Code and any other laws of the United States re-
14 lating to the determination of taxable income or loss of corporate taxpayers,
15 with the additions, subtractions, adjustments and other modifications as are
16 specifically prescribed by this chapter except that in determining taxable
17 income or loss for any year, no deduction under ORS 317.476 or 317.478 and
18 section 45b, chapter 293, Oregon Laws 1987, shall be allowed. If the corpo-
19 ration is a corporation to which ORS 314.280 or 314.605 to 314.675 (requiring
20 or permitting apportionment of income from transactions or activities carried
21 on both within and without the state) applies, to derive taxable income or
22 loss, the following shall occur:

23 “(a) From the amount otherwise determined under this subsection, sub-
24 tract nonapportionable income, or add nonapportionable loss, whichever is
25 applicable.

26 “(b) Multiply the amount determined under paragraph (a) of this sub-
27 section by the Oregon apportionment percentage defined under ORS 314.280,
28 314.650 or 314.667, whichever is applicable. The resulting product shall be
29 Oregon apportioned income or loss.

30 “(c) To the amount determined as Oregon apportioned income or loss un-

1 der paragraph (b) of this subsection, add nonapportionable income allocable
2 entirely to Oregon under ORS 314.280 or 314.625 to 314.645, or subtract
3 nonapportionable loss allocable entirely to Oregon under ORS 314.280 or
4 314.625 to 314.645. The resulting figure is ‘taxable income or loss’ for those
5 corporations carrying on taxable transactions or activities both within and
6 without Oregon.

7 “(11) As used in ORS 317.650 to 317.665, ‘insurer’ means any domestic,
8 foreign or alien insurer as defined in ORS 731.082 and any interinsurance
9 and reciprocal exchange and its attorney in fact with respect to its attorney
10 in fact net income as a corporate attorney in fact acting as attorney in
11 compliance with ORS 731.458, 731.462, 731.466 and 731.470 for the reciprocal
12 or interinsurance exchange. However, ‘insurer’ does not include title insurers
13 or health care service contractors operating pursuant to ORS 750.005 to
14 750.095.

15 **“SECTION 42.** ORS 317.097 is amended to read:

16 “317.097. (1) As used in this section:

17 “(a) ‘Annual rate’ means the yearly interest rate specified on the note,
18 and not the annual percentage rate, if any, disclosed to the applicant to
19 comply with the federal Truth in Lending Act.

20 “(b) ‘Bonds’ means a bond, as defined in ORS 286A.001, if issued on behalf
21 of the Housing and Community Services Department, or bonds, as defined in
22 ORS 456.055, if issued by a housing authority.

23 “(c) ‘Finance charge’ means the total of all interest, loan fees, interest
24 on any loan fees financed by the lending institution, and other charges re-
25 lated to the cost of obtaining credit.

26 “(d) ‘Lending institution’ means any insured institution, as that term is
27 defined in ORS 706.008, any mortgage banking company that maintains an
28 office in this state or any community development corporation that is or-
29 ganized under the Oregon Nonprofit Corporation Law.

30 “(e) ‘Limited equity cooperative’ means a cooperative corporation formed

1 under ORS chapter 62 whose articles of incorporation, in addition to the
2 other requirements of ORS chapter 62, prohibit members from selling their
3 ownership interests:

4 “(A) To any person other than a low income person; or

5 “(B) For a sales price that exceeds the sum of:

6 “(i) The price the member paid for the ownership interest;

7 “(ii) The cost of any permanent improvements the member made to the
8 housing unit during the member’s ownership;

9 “(iii) Any special assessments the member paid to the limited equity co-
10 operative during the member’s ownership that were expended to make per-
11 manent improvements to the building in which the member’s housing unit is
12 located; and

13 “(iv) A return on the amounts described in sub-subparagraphs (i) to (iii)
14 of this subparagraph, computed from the year in which the respective amount
15 was paid, that equals the greater of the result of adjusting each amount by
16 the percentage increase, if any, in the Consumer Price Index for All Urban
17 Consumers, West Region (All Items), as published by the Bureau of Labor
18 Statistics of the United States Department of Labor, or of increasing each
19 amount by three percent compounded annually.

20 “(f) ‘Manufactured dwelling park’ has the meaning given that term in
21 ORS 446.003.

22 “(g) ‘Nonprofit corporation’ means a corporation that is exempt from in-
23 come taxes under section 501(c)(3) or (4) of the Internal Revenue Code as
24 amended and in effect on December 31, [2023] 2025.

25 “(h) ‘Preservation project’ means housing that was previously developed
26 as affordable housing with a contract for rent assistance from the United
27 States Department of Housing and Urban Development or the United States
28 Department of Agriculture and that is being acquired by a sponsoring entity.

29 “(i) ‘Qualified assignee’ means any investor participating in the secondary
30 market for real estate loans.

1 “(j) ‘Qualified borrower’ means any borrower that is a sponsoring entity
2 that has a controlling interest in the real property that is financed by a
3 qualified loan. A controlling interest includes a controlling interest in the
4 general partner of a limited partnership that owns the real property.

5 “(k) ‘Qualified loan’ means:

6 “(A) A loan that meets the criteria stated in subsection (5) of this section
7 or that is made to refinance a loan that meets the criteria described in sub-
8 section (5) of this section;

9 “(B) The purchase by a lending institution of bonds, the proceeds of which
10 are used to finance or refinance a loan that meets the criteria described in
11 subsection (5) of this section; or

12 “(C) A qualified mortgage loan fund.

13 “(L) ‘Qualified mortgage loan fund’ means a fund that:

14 “(A) Is operated by a lending institution described in subsection (12) of
15 this section;

16 “(B) Makes mortgages to first-time home buyers;

17 “(C) Makes mortgages for homes subject to a land trust mortgage; and

18 “(D) Makes mortgages to households that, at the time of mortgage origi-
19 nation, have income that is 80 percent or less of area median income as de-
20 fined in ORS 458.610.

21 “(m) ‘Sponsoring entity’ means a nonprofit corporation, nonprofit cooper-
22 ative, state governmental entity, local unit of government as defined in ORS
23 466.706, housing authority or any other person, provided that the person has
24 agreed to restrictive covenants imposed by a nonprofit corporation, nonprofit
25 cooperative, state governmental entity, local unit of government or housing
26 authority.

27 “(2) The Department of Revenue shall allow a credit against taxes other-
28 wise due under this chapter for the tax year to a lending institution that
29 makes a qualified loan certified by the Housing and Community Services
30 Department as provided in subsection (7) of this section. The amount of the

1 credit is equal to the difference between:

2 “(a) The amount of finance charge charged by the lending institution
3 during the tax year at an annual rate less than the market rate for a qualifi-
4 ed loan that complies with the requirements of this section; and

5 “(b) The amount of finance charge that would have been charged during
6 the tax year by the lending institution for the qualified loan for housing
7 construction, development, acquisition or rehabilitation measured at the an-
8 nual rate charged by the lending institution for nonsubsidized loans made
9 under like terms and conditions at the time the qualified loan for housing
10 construction, development, acquisition or rehabilitation is made.

11 “(3) The maximum amount of credit for the difference between the
12 amounts described in subsection (2)(a) and (b) of this section may not exceed
13 four percent of the average unpaid balance of the qualified loan during the
14 tax year for which the credit is claimed.

15 “(4) Any tax credit allowed under this section that is not used by the
16 taxpayer in a particular year may be carried forward and offset against the
17 taxpayer’s tax liability for the next succeeding tax year. Any credit remain-
18 ing unused in the next succeeding tax year may be carried forward and used
19 in the second succeeding tax year, and likewise, any credit not used in that
20 second succeeding tax year may be carried forward and used in the third
21 succeeding tax year, and any credit not used in that third succeeding tax
22 year may be carried forward and used in the fourth succeeding tax year, and
23 any credit not used in that fourth succeeding tax year may be carried for-
24 ward and used in the fifth succeeding tax year, but may not be carried for-
25 ward for any tax year thereafter.

26 “(5) To be eligible for the tax credit allowable under this section, a
27 lending institution must make a qualified loan by either purchasing bonds,
28 the proceeds of which are used to finance or refinance a loan that meets the
29 criteria stated in this subsection, or making a loan directly to:

30 “(a) An individual or individuals who own a dwelling, participate in an

1 owner-occupied community rehabilitation program and are certified by the
2 local government or its designated agent as having an income level when the
3 loan is made of 80 percent of the area median income or less;

4 “(b) A qualified borrower who:

5 “(A) Uses the loan proceeds to finance construction, development, acqui-
6 sition or rehabilitation of housing, including housing in the form of a limited
7 equity cooperative; and

8 “(B) Provides a written certification executed by the Housing and Com-
9 munity Services Department that the:

10 “(i) Housing created by the loan is or will be occupied by households
11 earning 80 percent of the area median income or less; and

12 “(ii) Full amount of savings from the reduced interest rate provided by
13 the lending institution is or will be passed on, in the form of reduced housing
14 payments, to the tenants or to the holders of proprietary leases in a limited
15 equity cooperative;

16 “(c) Subject to subsection (14) of this section, a qualified borrower who:

17 “(A) Uses the loan proceeds to finance construction, development, acqui-
18 sition or rehabilitation of housing consisting of a manufactured dwelling
19 park; and

20 “(B) Provides a written certification executed by the Housing and Com-
21 munity Services Department that the housing will continue to be operated
22 as a manufactured dwelling park during the period for which the tax credit
23 is allowed;

24 “(d) A qualified borrower who:

25 “(A) Uses the loan proceeds to finance acquisition or rehabilitation of
26 housing consisting of a preservation project; and

27 “(B) Provides a written certification executed by the Housing and Com-
28 munity Services Department that the housing preserved by the loan:

29 “(i) Is or will be occupied by households earning 80 percent of the area
30 median income or less; and

1 “(ii) Is the subject of a rent assistance contract with the United States
2 Department of Housing and Urban Development or the United States De-
3 partment of Agriculture that will be maintained by the qualified borrower;

4 “(e) A qualified borrower who:

5 “(A) Uses the loan proceeds to finance construction, development, acqui-
6 sition or rehabilitation of housing; and

7 “(B) Provides a written certification executed by the Housing and Com-
8 munity Services Department or the governmental party to the rent assistance
9 contract that the housing preserved by the loan:

10 “(i) Is or will be occupied by households earning 80 percent of the area
11 median income or less; and

12 “(ii) Is the subject of a rent assistance contract with the federal govern-
13 ment or with a state or local government that will be maintained by the
14 qualified borrower and that limits a tenant’s rent to no more than 30 percent
15 of their income;

16 “(f) A qualified borrower who:

17 “(A) Uses the loan proceeds to finance preservation or rehabilitation of
18 housing; and

19 “(B) Provides a written certification executed by the Housing and Com-
20 munity Services Department that the housing preserved or rehabilitated by
21 the loan:

22 “(i) Is or will be occupied by households earning 80 percent of the area
23 median income or less; and

24 “(ii) Is currently characterized by financial or physical distress that
25 threatens its ongoing viability as an affordable housing resource; or

26 “(g) A qualified mortgage loan fund.

27 “(6) A loan made to refinance a loan that meets the criteria stated in
28 subsection (5) of this section must be treated the same as a loan that meets
29 the criteria stated in subsection (5) of this section.

30 “(7) For a qualified loan to be eligible for the tax credit allowable under

1 this section, the Housing and Community Services Department must execute
2 a written certification for the qualified loan that:

3 “(a) States that the qualified loan is within the limitation imposed by
4 subsection (8) of this section; and

5 “(b) Specifies the period, as determined by the Housing and Community
6 Services Department, during which the tax credit is allowed for the qualified
7 loan, not to exceed:

8 “(A) 30 years, for a qualified loan with a contract for rent assistance or
9 financing resources from the United States Department of Agriculture, for
10 new housing construction, acquisition of housing or a preservation project;
11 or

12 “(B) 20 years, for any other type of qualified loan.

13 “(8) The Housing and Community Services Department may certify qualifi-
14 ed loans that are eligible under subsection (5) of this section if the total
15 credits attributable to all qualified loans eligible for credits under this sec-
16 tion and then outstanding do not exceed \$35 million for any fiscal year. In
17 making loan certifications under subsection (7) of this section, the Housing
18 and Community Services Department shall attempt to distribute the tax
19 credits statewide, but shall concentrate the tax credits in those areas of the
20 state that are determined by the Oregon Housing Stability Council to have
21 the greatest need for affordable housing.

22 “(9) The tax credit provided for in this section may be taken whether or
23 not:

24 “(a) The financial institution is eligible to take a federal income tax
25 credit under section 42 of the Internal Revenue Code with respect to the
26 project financed by the qualified loan;

27 “(b) The project receives financing from bonds, the interest on which is
28 exempt from federal taxation under section 103 of the Internal Revenue Code;
29 or

30 “(c) The project receives moneys from the Elderly and Disabled Housing

1 Fund under ORS 456.535.

2 “(10) For a qualified loan defined in subsection (1)(k)(B) of this section
3 financed through the purchase of bonds, the interest of which is exempt from
4 federal taxation under section 103 of the Internal Revenue Code, the amount
5 of finance charge that would have been charged under subsection (2)(b) of
6 this section is determined by reference to the finance charge that would have
7 been charged if the federally tax exempt bonds had been issued and the tax
8 credit under this section did not apply.

9 “(11) A lending institution may sell a qualified loan for which a certi-
10 fication has been executed to a qualified assignee whether or not the lending
11 institution retains servicing of the qualified loan so long as a designated
12 lending institution maintains records, annually verified by a loan servicer,
13 that establish the amount of tax credit earned by the taxpayer throughout
14 each year of eligibility.

15 “(12) Notwithstanding any other provision of law, a lending institution
16 that is a community development corporation organized under the Oregon
17 Nonprofit Corporation Law may transfer all or part of a tax credit allowed
18 under this section to one or more other lending institutions that are stock-
19 holders or members of the community development corporation or that oth-
20 erwise participate through the community development corporation in the
21 making of one or more qualified loans for which the tax credit under this
22 section is allowed.

23 “(13) The lending institution shall file an annual statement with the
24 Housing and Community Services Department, specifying that it has con-
25 formed with all requirements imposed by law to qualify for a tax credit under
26 this section.

27 “(14) Notwithstanding subsection (1)(j) and (m) of this section, a qualified
28 borrower on a loan to finance the construction, development, acquisition or
29 rehabilitation of a manufactured dwelling park under subsection (5)(c) of this
30 section must be:

1 “(a) A nonprofit corporation, manufactured dwelling park nonprofit co-
2 operative, state governmental entity, local unit of government as defined in
3 ORS 466.706 or housing authority; or

4 “(b) A nonprofit corporation or housing authority that has a controlling
5 interest in the real property that is financed by a qualified loan. A control-
6 ling interest includes a controlling interest in the general partner of a lim-
7 ited partnership that owns the real property.

8 “(15) The Department of Revenue may require that a lending institution
9 that has earned the credit and a lending institution that intends to claim the
10 credit jointly file a notice, as prescribed by the Department of Revenue. The
11 notice must comply with ORS 315.056 (2) or 315.058 (2).

12 “(16) The Housing and Community Services Department shall provide in-
13 formation to the Department of Revenue about all certifications executed
14 under this section, if required by ORS 315.058.

15 “(17) The Housing and Community Services Department and the Depart-
16 ment of Revenue may adopt rules to carry out the provisions of this section.

17 **“SECTION 43.** ORS 317A.100, as amended by section 6, chapter 502,
18 Oregon Laws 2025, is amended to read:

19 “317A.100. As used in ORS 317A.100 to 317A.158:

20 “(1)(a) ‘Commercial activity’ means:

21 “(A) The total amount realized by a person, arising from transactions and
22 activity in the regular course of the person’s trade or business, without de-
23 duction for expenses incurred by the trade or business;

24 “(B) If received by a financial institution:

25 “(i) If the reporting person for a financial institution is a holding com-
26 pany, all items of income reported on the FR Y-9 filed by the holding com-
27 pany;

28 “(ii) If the reporting person for a financial institution is a bank organ-
29 ization, all items of income reported on the call report filed by the bank or-
30 ganization; and

1 “(iii) If the reporting person for a financial institution is a nonbank fi-
2 nancial organization, all items of income reported in accordance with gen-
3 erally accepted accounting principles; and

4 “(C)(i) If received by an insurer, as reported on the statement of premiums
5 accompanying the annual statement required under ORS 731.574 to be filed
6 with the Director of the Department of Consumer and Business Services, all
7 gross direct life insurance premiums, gross direct accident and health insur-
8 ance premiums and gross direct property and casualty insurance premiums;
9 and

10 “(ii) The gross amount of surplus lines premiums received on Oregon
11 home state risks as shown in the report required by ORS 735.465.

12 “(b) ‘Commercial activity’ does not include:

13 “(A) Interest income except:

14 “(i) Interest on credit sales; or

15 “(ii) Interest income, including service charges, received by financial in-
16 stitutions;

17 “(B) Receipts from the sale, exchange or other disposition of an asset
18 described in section 1221 or 1231 of the Internal Revenue Code, without re-
19 gard to the length of time the person held the asset;

20 “(C) If received by an insurer, federally reinsured premiums or income
21 from transactions between a reciprocal insurer and its attorney in fact op-
22 erating under ORS 731.142;

23 “(D) Receipts from hedging transactions, to the extent that the trans-
24 actions are entered into primarily to protect a financial position, including
25 transactions intended to manage the risk of exposure to foreign currency
26 fluctuations that affect assets, liabilities, profits, losses, equity or invest-
27 ments in foreign operations, risk of exposure to interest rate fluctuations or
28 risk of commodity price fluctuations;

29 “(E) Proceeds received attributable to the repayment, maturity or re-
30 demption of the principal of a loan, bond, mutual fund, certificate of deposit

1 or marketable instrument;

2 “(F) The principal amount received under a repurchase agreement or on
3 account of any transaction properly characterized as a loan to the person;

4 “(G) Contributions received by a trust, plan or other arrangement, any
5 of which is described in section 501(a) of the Internal Revenue Code, or to
6 which title 26, subtitle A, chapter 1, subchapter (D) of the Internal Revenue
7 Code applies;

8 “(H) Compensation, whether current or deferred, and whether in cash or
9 in kind, received or to be received by an employee, a former employee or the
10 employee's legal successor for services rendered to or for an employer, in-
11 cluding reimbursements received by or for an individual for medical or edu-
12 cation expenses, health insurance premiums or employee expenses or on
13 account of a dependent care spending account, legal services plan, any cafe-
14 teria plan described in section 125 of the Internal Revenue Code or any
15 similar employee reimbursement;

16 “(I) Proceeds received from the issuance of the taxpayer's own stock,
17 options, warrants, puts or calls, or from the sale of the taxpayer's treasury
18 stock;

19 “(J) Proceeds received on the account of payments from insurance poli-
20 cies, including crop insurance policies, owned by the taxpayer, except those
21 proceeds received for the loss of commercial activity;

22 “(K) Gifts or charitable contributions received, membership dues received
23 by trade, professional, homeowners' or condominium associations, payments
24 received for educational courses, meetings or meals, or similar payments to
25 a trade, professional or other similar association, and fundraising receipts
26 received by any person when any excess receipts are donated or used exclu-
27 sively for charitable purposes;

28 “(L) Damages received as the result of litigation in excess of amounts
29 that, if received without litigation, would be treated as commercial activity;

30 “(M) Property, money and other amounts received or acquired by an agent

1 on behalf of another in excess of the agent's commission, fee or other
2 remuneration;

3 “(N) Tax refunds from any tax program, other tax benefit recoveries and
4 reimbursements for the tax imposed under ORS 317A.100 to 317A.158 made
5 by entities that are part of the same unitary group as provided under ORS
6 317A.106, and reimbursements made by entities that are not members of a
7 unitary group that are required to be made for economic parity among mul-
8 tiple owners of an entity whose tax obligation under ORS 317A.100 to
9 317A.158 is required to be reported and paid entirely by one owner, as pro-
10 vided in ORS 317A.106;

11 “(O) Pension reversions;

12 “(P) Contributions to capital;

13 “(Q) Receipts from the sale, transfer, exchange or other disposition of
14 motor vehicle fuel or any other product used for the propulsion of motor
15 vehicles;

16 “(R) In the case of receipts from the sale of cigarettes or tobacco products
17 by a wholesale dealer, retail dealer, distributor, manufacturer or seller, an
18 amount equal to the federal and state excise taxes paid by any person on or
19 for such cigarettes or tobacco products under subtitle E of the Internal
20 Revenue Code or ORS chapter 323;

21 “(S) In the case of receipts from the sale of malt beverages or wine, as
22 defined in ORS 471.001, cider, as defined in ORS 471.023 or distilled liquor,
23 as defined in ORS 471.001, by a person holding a license issued under ORS
24 chapter 471, an amount equal to the federal and state excise taxes paid by
25 any person on or for such malt beverages, wine or distilled liquor under
26 subtitle E of the Internal Revenue Code or ORS chapter 471 or 473, and any
27 amount paid to the Oregon Liquor and Cannabis Commission for sales of
28 distilled spirits by an agent appointed under ORS 471.750;

29 “(T) In the case of receipts from the sale of marijuana items, as defined
30 in ORS 475C.009, by a person holding a license issued under ORS 475C.005

1 to 475C.525, an amount equal to the federal and state excise taxes paid by
2 any person on or for such marijuana items under subtitle E of the Internal
3 Revenue Code or ORS 475C.670 to 475C.734 and any local retail taxes au-
4 thorized under ORS 475C.453;

5 “(U) Local taxes collected by a restaurant or other food establishment on
6 sales of meals, prepared food or beverages;

7 “(V) Tips or gratuities collected by a restaurant or other food establish-
8 ment and passed on to employees;

9 “(W) Receipts realized by a vehicle dealer certified under ORS 822.020 or
10 a person described in ORS 320.400 (8)(a)(B) from the sale or other transfer
11 of a motor vehicle, as defined in ORS 801.360, to another vehicle dealer for
12 the purpose of resale by the transferee vehicle dealer, but only if the sale
13 or other transfer was based upon the transferee's need to meet a specific
14 customer's preference for a motor vehicle or is an exchange of new vehicles
15 between franchised motor vehicle dealerships;

16 “(X) Registration fees or taxes collected by a vehicle dealer certified un-
17 der ORS 822.020 or a person described in ORS 320.400 (8)(a)(B) at the sale
18 or other transfer of a motor vehicle, as defined in ORS 801.360, that are owed
19 to a third party by the purchaser of the motor vehicle and passed to the third
20 party by the dealer;

21 “(Y) Receipts from a financial institution for services provided to the fi-
22 nancial institution in connection with the issuance, processing, servicing and
23 management of loans or credit accounts, if the financial institution and the
24 recipient of the receipts have at least 50 percent of their ownership interests
25 owned or controlled, directly or constructively through related interests, by
26 common owners;

27 “(Z) In the case of amounts retained as commissions by a holder of a li-
28 cense under ORS chapter 462, an amount equal to the amounts specified un-
29 der ORS chapter 462 that must be paid to or collected by the Department of
30 Revenue as a tax and the amounts specified under ORS chapter 462 to be

1 used as purse money;

2 “(AA) Receipts of residential care facilities as defined in ORS 443.400 or
3 in-home care agencies as defined in ORS 443.305, to the extent that the re-
4 ceipts are derived from or received as compensation for providing services
5 to a medical assistance or Medicare recipient;

6 “(BB) Dividends received;

7 “(CC) Distributive income received from a pass-through entity;

8 “(DD) Receipts from sales to a wholesaler in this state, if the seller re-
9 ceives certification at the time of sale from the wholesaler that the whole-
10 saler will sell the purchased property outside this state;

11 “(EE) Receipts from the wholesale or retail sale of groceries, including
12 receipts of a person that owns groceries at the time of sale and compensation
13 of any consignee engaged in effecting the sale of groceries on behalf the
14 owner of the groceries, but only to the extent that the compensation relates
15 to grocery sales;

16 “(FF) Receipts from transactions among members of a unitary group;

17 “(GG) Moneys, including public purpose charge moneys collected under
18 ORS 757.612 and moneys collected to plan for and pursue cost-effective en-
19 ergy efficiency resources under ORS 757.054, that are collected from cus-
20 tomers, passed to a utility and approved by the Public Utility Commission
21 and that support energy conservation, renewable resource acquisition and
22 low-income assistance programs;

23 “(HH) Moneys collected by a utility from customers for the payment of
24 loans through on-bill financing;

25 “(II) Surcharges collected under ORS 757.736;

26 “(JJ) Moneys passed to a utility by the Bonneville Power Administration
27 for the purpose of effectuating the Regional Power Act Exchange credits or
28 pursuant to any settlement associated with the exchange credit;

29 “(KK) Moneys collected or recovered, by entities listed in ORS 756.310,
30 cable operators as defined in 47 U.S.C. 522(5), telecommunications carriers

1 as defined in 47 U.S.C. 153(51) and providers of information services as de-
2 fined in 47 U.S.C. 153(24), for fees payable under ORS 756.310, right-of-way
3 fees, franchise fees, privilege taxes, federal taxes and local taxes;

4 “(LL) Charges assessed under ORS 759.685 and paid into the Residential
5 Service Protection Fund;

6 “(MM) Universal service surcharge moneys collected or recovered and
7 paid into the universal service fund established in ORS 759.425;

8 “(NN) Moneys collected for public purpose funding as described in ORS
9 759.430;

10 “(OO) Moneys collected or recovered and paid into the federal universal
11 service fund as determined by the Federal Communications Commission;

12 “(PP) In the case of a seller or provider of telecommunications services,
13 the amount of tax imposed under ORS 403.200 for access to the emergency
14 communications system that is collected from subscribers or consumers;

15 “(QQ) In the case of a transient lodging tax collector, the amount of tax
16 imposed under ORS 320.305 and of any local transient lodging tax imposed
17 upon the occupancy of transit lodging;

18 “(RR) In the case of a seller of bicycles, the amount of tax imposed under
19 ORS 320.415 upon retail sales of bicycles;

20 “(SS) In the case of a qualified heavy equipment provider, the amount of
21 tax imposed under ORS 307.872 upon the rental price of heavy equipment;

22 “(TT) Farmer sales to an agricultural cooperative in this state that is a
23 cooperative organization described in section 1381 of the Internal Revenue
24 Code;

25 “(UU) Revenue received by a business entity that is mandated by contract
26 or subcontract to be distributed to another person or entity if the revenue
27 constitutes sales commissions that are paid to a person who is not an em-
28 ployee of the business entity, including, without limitation, a split-fee real
29 estate commission;

30 “(VV) Receipts from the sale of fluid milk by dairy farmers that are not

1 members of an agricultural cooperative; and

2 “(WW)(i) Cost paid by a dealer for items of precious metal.

3 “(ii) As used in this subparagraph, ‘item of precious metal’ means an item
4 of gold, silver, platinum, rhodium or palladium that has been put through a
5 process of smelting or refining and that is in a state or condition that its
6 value depends on its contents and not its form.

7 “(2) ‘Cost inputs’ means:

8 “(a) The cost of goods sold as calculated in arriving at federal taxable
9 income under the Internal Revenue Code; or

10 “(b) In the case of a taxpayer that is engaged in a farming operation, as
11 defined in ORS 317A.102, and that does not report cost of goods sold for
12 federal tax purposes, the taxpayer’s operating expenses excluding labor costs.

13 “(3) ‘Doing business’ means engaging in any activity, whether legal or
14 illegal, that is conducted for, or results in, the receipt of commercial activity
15 at any time during a calendar year.

16 “(4) ‘Excluded person’ means any of the following:

17 “(a) Organizations described in sections 501(c) and 501(j) of the Internal
18 Revenue Code, unless the exemption is denied under section 501(h), (i) or (m)
19 or under section 502, 503 or 505 of the Internal Revenue Code.

20 “(b) Organizations described in section 501(d) of the Internal Revenue
21 Code, unless the exemption is denied under section 502 or 503 of the Internal
22 Revenue Code.

23 “(c) Organizations described in section 501(e) of the Internal Revenue
24 Code.

25 “(d) Organizations described in section 501(f) of the Internal Revenue
26 Code.

27 “(e) Charitable risk pools described in section 501(n) of the Internal Rev-
28 enue Code.

29 “(f) Organizations described in section 521 of the Internal Revenue Code.

30 “(g) Qualified state tuition programs described in section 529 of the

1 Internal Revenue Code.

2 “(h) Foreign or alien insurance companies, but only with respect to the
3 underwriting profit derived from writing wet marine and transportation in-
4 surance subject to tax under ORS 731.824 and 731.828 or if an insurance
5 company is subject to the retaliatory tax under ORS 731.854 and 731.859.

6 “(i) Governmental entities.

7 “(j) Any person with commercial activity that does not exceed \$750,000 for
8 the tax year, other than a person that is part of a unitary group as provided
9 in ORS 317A.106 with commercial activity in excess of \$750,000.

10 “(k) Hospitals subject to assessment under ORS 414.855, long term care
11 facilities subject to assessment under ORS 409.801 or any entity subject to
12 assessment under ORS 414.880 or section 3 or 5, chapter 538, Oregon Laws
13 2017.

14 “(L) Manufactured dwelling park nonprofit cooperatives organized under
15 ORS chapter 62.

16 “(5) ‘Financial institution’ has the meaning given that term in ORS
17 314.610, except that ‘financial institution’ does not include a credit union.

18 “(6)(a) ‘FR Y-9’ means the consolidated or parent-only financial state-
19 ments that a holding company is required to file with the Federal Reserve
20 Board pursuant to 12 U.S.C. 1844.

21 “(b) In the case of a holding company required to file both consolidated
22 and parent-only financial statements, ‘FR Y-9’ means the consolidated finan-
23 cial statements that the holding company is required to file.

24 “(7) ‘Governmental entity’ means:

25 “(a) The United States and any of its unincorporated agencies and in-
26 strumentalities.

27 “(b) Any incorporated agency or instrumentality of the United States
28 wholly owned by the United States or by a corporation wholly owned by the
29 United States.

30 “(c) The State of Oregon and any of its unincorporated agencies and in-

1 strumentalities.

2 “(d) Any county, city, district or other political subdivision of the state.

3 “(e) A special government body as defined in ORS 174.117.

4 “(f) A federally recognized Indian tribe.

5 “(8) ‘Groceries’ means food as defined in 7 U.S.C. 2012(k), but does not
6 include cannabinoid edibles or marijuana seeds.

7 “(9)(a) ‘Hedging transaction’ means a hedging transaction as defined in
8 section 1221 of the Internal Revenue Code or a transaction accorded hedge
9 accounting treatment under Financial Accounting Standards Board State-
10 ment No. 133.

11 “(b) ‘Hedging transaction’ does not include a transaction in which an
12 actual transfer of title of real or tangible property to another entity occurs.

13 “(10) ‘Insurer’ has the meaning given that term in ORS 317.010.

14 “(11) ‘Internal Revenue Code,’ except where the Legislative Assembly has
15 provided otherwise, refers to the laws of the United States or to the Internal
16 Revenue Code as they are amended and in effect on December 31, [2023]
17 **2025**.

18 “(12) ‘Labor costs’ means total compensation of all employees, not to in-
19 clude compensation paid to any single employee in excess of \$500,000.

20 “(13)(a) ‘Motor vehicle fuel or any other product used for the propulsion
21 of motor vehicles’ means:

22 “(A) Motor vehicle fuel as defined in ORS 319.010; and

23 “(B) Fuel the use of which in a motor vehicle is subject to taxation under
24 ORS 319.530.

25 “(b) ‘Motor vehicle fuel or any other product used for the propulsion of
26 motor vehicles’ does not mean:

27 “(A) Electricity; or

28 “(B) Electric batteries or any other mechanical or physical component or
29 accessory of a motor vehicle.

30 “(14) ‘Person’ includes individuals, combinations of individuals of any

1 form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-
2 stock companies, business trusts, estates, partnerships, limited liability
3 partnerships, limited liability companies, associations, joint ventures, clubs,
4 societies, entities organized as for-profit corporations under ORS chapter 60,
5 C corporations, S corporations, qualified subchapter S subsidiaries, qualified
6 subchapter S trusts, trusts, entities that are disregarded for federal income
7 tax purposes and any other entities.

8 “(15) ‘Retailer’ means a person doing business by selling tangible personal
9 property to a purchaser for a purpose other than:

10 “(a) Resale by the purchaser of the property as tangible personal property
11 in the regular course of business;

12 “(b) Incorporation by the purchaser of the property in the course of reg-
13 ular business as an ingredient or component of real or personal property; or

14 “(c) Consumption by the purchaser of the property in the production for
15 sale of a new article of tangible personal property.

16 “(16) ‘Taxable commercial activity’ means commercial activity sourced to
17 this state under ORS 317A.128, less any subtraction pursuant to ORS
18 317A.119.

19 “(17)(a) ‘Taxpayer’ means any person or unitary group required to regis-
20 ter, file or pay tax under ORS 317A.100 to 317A.158.

21 “(b) ‘Taxpayer’ does not include excluded persons, except to the extent
22 that a tax-exempt entity has unrelated business income as described in the
23 Internal Revenue Code.

24 “(18) ‘Tax year’ means, except as otherwise provided in ORS 317A.103, a
25 taxpayer’s annual accounting period used for federal income tax purposes
26 under section 441 of the Internal Revenue Code.

27 “(19)(a) ‘Unitary business’ means a business enterprise in which there
28 exists directly or indirectly between the members or parts of the enterprise
29 a sharing or exchange of value as demonstrated by:

30 “(A) Centralized management or a common executive force;

1 “(B) Centralized administrative services or functions resulting in econo-
2 mies of scale; or

3 “(C) Flow of goods, capital resources or services demonstrating functional
4 integration.

5 “(b) ‘Unitary business’ may include a business enterprise the activities
6 of which:

7 “(A) Are in the same general line of business, such as manufacturing,
8 wholesaling or retailing; or

9 “(B) Constitute steps in a vertically integrated process, such as the steps
10 involved in the production of natural resources, which might include explo-
11 ration, mining, refining and marketing.

12 “(20) ‘Unitary group’ means a group of persons with more than 50 percent
13 common ownership, either direct or indirect, that is engaged in business ac-
14 tivities that constitute a unitary business.

15 “(21) ‘Wholesaler’ means a person primarily doing business by merchant
16 distribution of tangible personal property to retailers or to other whole-
17 salers.

18 **“SECTION 44.** ORS 317A.100, as amended by section 20, chapter 4,
19 Oregon Laws 2025, and section 6, chapter 502, Oregon Laws 2025, is amended
20 to read:

21 “317A.100. As used in ORS 317A.100 to 317A.158:

22 “(1)(a) ‘Commercial activity’ means:

23 “(A) The total amount realized by a person, arising from transactions and
24 activity in the regular course of the person’s trade or business, without de-
25 duction for expenses incurred by the trade or business;

26 “(B) If received by a financial institution:

27 “(i) If the reporting person for a financial institution is a holding com-
28 pany, all items of income reported on the FR Y-9 filed by the holding com-
29 pany;

30 “(ii) If the reporting person for a financial institution is a bank organ-

1 ization, all items of income reported on the call report filed by the bank or-
2 ganization; and

3 “(iii) If the reporting person for a financial institution is a nonbank fi-
4 nancial organization, all items of income reported in accordance with gen-
5 erally accepted accounting principles; and

6 “(C)(i) If received by an insurer, as reported on the statement of premiums
7 accompanying the annual statement required under ORS 731.574 to be filed
8 with the Director of the Department of Consumer and Business Services, all
9 gross direct life insurance premiums, gross direct accident and health insur-
10 ance premiums and gross direct property and casualty insurance premiums;
11 and

12 “(ii) The gross amount of surplus lines premiums received on Oregon
13 home state risks as shown in the report required by ORS 735.465.

14 “(b) ‘Commercial activity’ does not include:

15 “(A) Interest income except:

16 “(i) Interest on credit sales; or

17 “(ii) Interest income, including service charges, received by financial in-
18 stitutions;

19 “(B) Receipts from the sale, exchange or other disposition of an asset
20 described in section 1221 or 1231 of the Internal Revenue Code, without re-
21 gard to the length of time the person held the asset;

22 “(C) If received by an insurer, federally reinsured premiums or income
23 from transactions between a reciprocal insurer and its attorney in fact op-
24 erating under ORS 731.142;

25 “(D) Receipts from hedging transactions, to the extent that the trans-
26 actions are entered into primarily to protect a financial position, including
27 transactions intended to manage the risk of exposure to foreign currency
28 fluctuations that affect assets, liabilities, profits, losses, equity or invest-
29 ments in foreign operations, risk of exposure to interest rate fluctuations or
30 risk of commodity price fluctuations;

1 “(E) Proceeds received attributable to the repayment, maturity or re-
2 demption of the principal of a loan, bond, mutual fund, certificate of deposit
3 or marketable instrument;

4 “(F) The principal amount received under a repurchase agreement or on
5 account of any transaction properly characterized as a loan to the person;

6 “(G) Contributions received by a trust, plan or other arrangement, any
7 of which is described in section 501(a) of the Internal Revenue Code, or to
8 which title 26, subtitle A, chapter 1, subchapter (D) of the Internal Revenue
9 Code applies;

10 “(H) Compensation, whether current or deferred, and whether in cash or
11 in kind, received or to be received by an employee, a former employee or the
12 employee's legal successor for services rendered to or for an employer, in-
13 cluding reimbursements received by or for an individual for medical or edu-
14 cation expenses, health insurance premiums or employee expenses or on
15 account of a dependent care spending account, legal services plan, any cafe-
16 teria plan described in section 125 of the Internal Revenue Code or any
17 similar employee reimbursement;

18 “(I) Proceeds received from the issuance of the taxpayer's own stock,
19 options, warrants, puts or calls, or from the sale of the taxpayer's treasury
20 stock;

21 “(J) Proceeds received on the account of payments from insurance poli-
22 cies, including crop insurance policies, owned by the taxpayer, except those
23 proceeds received for the loss of commercial activity;

24 “(K) Gifts or charitable contributions received, membership dues received
25 by trade, professional, homeowners' or condominium associations, payments
26 received for educational courses, meetings or meals, or similar payments to
27 a trade, professional or other similar association, and fundraising receipts
28 received by any person when any excess receipts are donated or used exclu-
29 sively for charitable purposes;

30 “(L) Damages received as the result of litigation in excess of amounts

1 that, if received without litigation, would be treated as commercial activity;

2 “(M) Property, money and other amounts received or acquired by an agent
3 on behalf of another in excess of the agent's commission, fee or other
4 remuneration;

5 “(N) Tax refunds from any tax program, other tax benefit recoveries and
6 reimbursements for the tax imposed under ORS 317A.100 to 317A.158 made
7 by entities that are part of the same unitary group as provided under ORS
8 317A.106, and reimbursements made by entities that are not members of a
9 unitary group that are required to be made for economic parity among mul-
10 tiple owners of an entity whose tax obligation under ORS 317A.100 to
11 317A.158 is required to be reported and paid entirely by one owner, as pro-
12 vided in ORS 317A.106;

13 “(O) Pension reversions;

14 “(P) Contributions to capital;

15 “(Q) Receipts from the sale, transfer, exchange or other disposition of
16 motor vehicle fuel or any other product used for the propulsion of motor
17 vehicles;

18 “(R) In the case of receipts from the sale of cigarettes or tobacco products
19 by a wholesale dealer, retail dealer, distributor, manufacturer or seller, an
20 amount equal to the federal and state excise taxes paid by any person on or
21 for such cigarettes or tobacco products under subtitle E of the Internal
22 Revenue Code or ORS chapter 323;

23 “(S) In the case of receipts from the sale of malt beverages or wine, as
24 defined in ORS 471.001, cider, as defined in ORS 471.023 or distilled liquor,
25 as defined in ORS 471.001, by a person holding a license issued under ORS
26 chapter 471, an amount equal to the federal and state excise taxes paid by
27 any person on or for such malt beverages, wine or distilled liquor under
28 subtitle E of the Internal Revenue Code or ORS chapter 471 or 473, and any
29 amount paid to the Oregon Liquor and Cannabis Commission for sales of
30 distilled spirits by an agent appointed under ORS 471.750;

1 “(T) In the case of receipts from the sale of marijuana items, as defined
2 in ORS 475C.009, by a person holding a license issued under ORS 475C.005
3 to 475C.525, an amount equal to the federal and state excise taxes paid by
4 any person on or for such marijuana items under subtitle E of the Internal
5 Revenue Code or ORS 475C.670 to 475C.734 and any local retail taxes au-
6 thorized under ORS 475C.453;

7 “(U) Local taxes collected by a restaurant or other food establishment on
8 sales of meals, prepared food or beverages;

9 “(V) Tips or gratuities collected by a restaurant or other food establish-
10 ment and passed on to employees;

11 “(W) Receipts realized by a vehicle dealer certified under ORS 822.020 or
12 a person described in ORS 320.400 (8)(a)(B) from the sale or other transfer
13 of a motor vehicle, as defined in ORS 801.360, to another vehicle dealer for
14 the purpose of resale by the transferee vehicle dealer, but only if the sale
15 or other transfer was based upon the transferee's need to meet a specific
16 customer's preference for a motor vehicle or is an exchange of new vehicles
17 between franchised motor vehicle dealerships;

18 “(X) Registration fees or taxes collected by a vehicle dealer certified un-
19 der ORS 822.020 or a person described in ORS 320.400 (8)(a)(B) at the sale
20 or other transfer of a motor vehicle, as defined in ORS 801.360, that are owed
21 to a third party by the purchaser of the motor vehicle and passed to the third
22 party by the dealer;

23 “(Y) Receipts from a financial institution for services provided to the fi-
24 nancial institution in connection with the issuance, processing, servicing and
25 management of loans or credit accounts, if the financial institution and the
26 recipient of the receipts have at least 50 percent of their ownership interests
27 owned or controlled, directly or constructively through related interests, by
28 common owners;

29 “(Z) In the case of amounts retained as commissions by a holder of a li-
30 cense under ORS chapter 462, an amount equal to the amounts specified un-

1 der ORS chapter 462 that must be paid to or collected by the Department of
2 Revenue as a tax and the amounts specified under ORS chapter 462 to be
3 used as purse money;

4 “(AA) Receipts of residential care facilities as defined in ORS 443.400 or
5 in-home care agencies as defined in ORS 443.305, to the extent that the re-
6 ceipts are derived from or received as compensation for providing services
7 to a medical assistance or Medicare recipient;

8 “(BB) Dividends received;

9 “(CC) Distributive income received from a pass-through entity;

10 “(DD) Receipts from sales to a wholesaler in this state, if the seller re-
11 ceives certification at the time of sale from the wholesaler that the whole-
12 saler will sell the purchased property outside this state;

13 “(EE) Receipts from the wholesale or retail sale of groceries, including
14 receipts of a person that owns groceries at the time of sale and compensation
15 of any consignee engaged in effecting the sale of groceries on behalf the
16 owner of the groceries, but only to the extent that the compensation relates
17 to grocery sales;

18 “(FF) Receipts from transactions among members of a unitary group;

19 “(GG) Moneys, including public purpose charge moneys collected under
20 ORS 757.612 and moneys collected to plan for and pursue cost-effective en-
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4 fined in 47 U.S.C. 153(24), for fees payable under ORS 756.310, right-of-way
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7 Service Protection Fund;

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9 paid into the universal service fund established in ORS 759.425;

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13 service fund as determined by the Federal Communications Commission;

14 “(PP) In the case of a seller or provider of telecommunications services,
15 the amount of tax imposed under ORS 403.200 for access to the emergency
16 communications system that is collected from subscribers or consumers;

17 “(QQ) In the case of a transient lodging tax collector, the amount of tax
18 imposed under ORS 320.305 and of any local transient lodging tax imposed
19 upon the occupancy of transit lodging;

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28 or subcontract to be distributed to another person or entity if the revenue
29 constitutes sales commissions that are paid to a person who is not an em-
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4 “(WW)(i) Cost paid by a dealer for items of precious metal.

5 “(ii) As used in this subparagraph, ‘item of precious metal’ means an item

6 of gold, silver, platinum, rhodium or palladium that has been put through a

7 process of smelting or refining and that is in a state or condition that its

8 value depends on its contents and not its form.

9 “(2) ‘Cost inputs’ means:

10 “(a) The cost of goods sold as calculated in arriving at federal taxable

11 income under the Internal Revenue Code; or

12 “(b) In the case of a taxpayer that is engaged in a farming operation, as

13 defined in ORS 317A.102, and that does not report cost of goods sold for

14 federal tax purposes, the taxpayer’s operating expenses excluding labor costs.

15 “(3) ‘Doing business’ means engaging in any activity, whether legal or

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17 at any time during a calendar year.

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20 Revenue Code, unless the exemption is denied under section 501(h), (i) or (m)

21 or under section 502, 503 or 505 of the Internal Revenue Code.

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23 Code, unless the exemption is denied under section 502 or 503 of the Internal

24 Revenue Code.

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3 Internal Revenue Code.

4 “(h) Foreign or alien insurance companies, but only with respect to the
5 underwriting profit derived from writing wet marine and transportation in-
6 surance subject to tax under ORS 731.824 and 731.828 or if an insurance
7 company is subject to the retaliatory tax under ORS 731.854 and 731.859.

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10 the tax year, other than a person that is part of a unitary group as provided
11 in ORS 317A.106 with commercial activity in excess of \$750,000.

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13 “(L) Manufactured dwelling park nonprofit cooperatives organized under
14 ORS chapter 62.

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16 314.610, except that ‘financial institution’ does not include a credit union.

17 “(6)(a) ‘FR Y-9’ means the consolidated or parent-only financial state-
18 ments that a holding company is required to file with the Federal Reserve
19 Board pursuant to 12 U.S.C. 1844.

20 “(b) In the case of a holding company required to file both consolidated
21 and parent-only financial statements, ‘FR Y-9’ means the consolidated finan-
22 cial statements that the holding company is required to file.

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24 “(a) The United States and any of its unincorporated agencies and in-
25 strumentalities.

26 “(b) Any incorporated agency or instrumentality of the United States
27 wholly owned by the United States or by a corporation wholly owned by the
28 United States.

29 “(c) The State of Oregon and any of its unincorporated agencies and in-
30 strumentalities.

1 “(d) Any county, city, district or other political subdivision of the state.

2 “(e) A special government body as defined in ORS 174.117.

3 “(f) A federally recognized Indian tribe.

4 “(8) ‘Groceries’ means food as defined in 7 U.S.C. 2012(k), but does not
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9 ment No. 133.

10 “(b) ‘Hedging transaction’ does not include a transaction in which an
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13 “(11) ‘Internal Revenue Code,’ except where the Legislative Assembly has
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16 **2025**.

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22 “(B) Fuel the use of which in a motor vehicle is subject to taxation under
23 ORS 319.530.

24 “(b) ‘Motor vehicle fuel or any other product used for the propulsion of
25 motor vehicles’ does not mean:

26 “(A) Electricity; or

27 “(B) Electric batteries or any other mechanical or physical component or
28 accessory of a motor vehicle.

29 “(14) ‘Person’ includes individuals, combinations of individuals of any
30 form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-

1 stock companies, business trusts, estates, partnerships, limited liability
2 partnerships, limited liability companies, associations, joint ventures, clubs,
3 societies, entities organized as for-profit corporations under ORS chapter 60,
4 C corporations, S corporations, qualified subchapter S subsidiaries, qualified
5 subchapter S trusts, trusts, entities that are disregarded for federal income
6 tax purposes and any other entities.

7 “(15) ‘Retailer’ means a person doing business by selling tangible personal
8 property to a purchaser for a purpose other than:

9 “(a) Resale by the purchaser of the property as tangible personal property
10 in the regular course of business;

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12 ular business as an ingredient or component of real or personal property; or

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15 “(16) ‘Taxable commercial activity’ means commercial activity sourced to
16 this state under ORS 317A.128, less any subtraction pursuant to ORS
17 317A.119.

18 “(17)(a) ‘Taxpayer’ means any person or unitary group required to regis-
19 ter, file or pay tax under ORS 317A.100 to 317A.158.

20 “(b) ‘Taxpayer’ does not include excluded persons, except to the extent
21 that a tax-exempt entity has unrelated business income as described in the
22 Internal Revenue Code.

23 “(18) ‘Tax year’ means, except as otherwise provided in ORS 317A.103, a
24 taxpayer’s annual accounting period used for federal income tax purposes
25 under section 441 of the Internal Revenue Code.

26 “(19)(a) ‘Unitary business’ means a business enterprise in which there
27 exists directly or indirectly between the members or parts of the enterprise
28 a sharing or exchange of value as demonstrated by:

29 “(A) Centralized management or a common executive force;

30 “(B) Centralized administrative services or functions resulting in econo-

1 mies of scale; or

2 “(C) Flow of goods, capital resources or services demonstrating functional
3 integration.

4 “(b) ‘Unitary business’ may include a business enterprise the activities
5 of which:

6 “(A) Are in the same general line of business, such as manufacturing,
7 wholesaling or retailing; or

8 “(B) Constitute steps in a vertically integrated process, such as the steps
9 involved in the production of natural resources, which might include explo-
10 ration, mining, refining and marketing.

11 “(20) ‘Unitary group’ means a group of persons with more than 50 percent
12 common ownership, either direct or indirect, that is engaged in business ac-
13 tivities that constitute a unitary business.

14 “(21) ‘Wholesaler’ means a person primarily doing business by merchant
15 distribution of tangible personal property to retailers or to other whole-
16 salers.

17 **“SECTION 45.** ORS 458.670 is amended to read:

18 “458.670. As used in this section and ORS 458.675 to 458.700, unless the
19 context requires otherwise:

20 “(1) ‘Account holder’ means a resident of this state who:

21 “(a) Is 12 years of age or older;

22 “(b) Is a member of a lower income household; and

23 “(c) Has established an individual development account with a fiduciary
24 organization.

25 “(2) ‘Fiduciary organization’ means an organization selected under ORS
26 458.695 to administer state moneys directed to individual development ac-
27 counts and that is:

28 “(a) A nonprofit, fund raising organization that is exempt from taxation
29 under section 501(c)(3) of the Internal Revenue Code as amended and in ef-
30 fect on December 31, [2023] 2025; or

1 “(b) A federally recognized Oregon Indian tribe that is located, to a sig-
2 nificant degree, within the boundaries of this state.

3 “(3) ‘Financial institution’ means:

4 “(a) An organization regulated under ORS chapters 706 to 716 or 723; or

5 “(b) In the case of individual development accounts established for the
6 purpose described in ORS 458.685 (1)(c), a financial institution as defined in
7 ORS 178.300.

8 “(4) ‘Individual development account’ means a contract between an ac-
9 count holder and a fiduciary organization, for the deposit of funds into a fi-
10 nancial institution by the account holder and the deposit of matching funds
11 into a designated account by the fiduciary organization, to allow the account
12 holder to accumulate assets for use toward achieving a specific purpose ap-
13 proved by the fiduciary organization.

14 “(5) ‘Lower income household’ means a household having an income equal
15 to or less than the greater of the following:

16 “(a) 80 percent of the median household income for the area as determined
17 by the Housing and Community Services Department. In making the deter-
18 mination, the department shall give consideration to any data on area
19 household income published by the United States Department of Housing and
20 Urban Development.

21 “(b) 200 percent of the poverty guidelines as determined by the Housing
22 and Community Services Department. In making the determination, the de-
23 partment shall give consideration to poverty guidelines published by the
24 United States Department of Health and Human Services and may consider
25 other income data periodically published by other federal or Oregon agen-
26 cies.

27 “(6)(a) ‘Net worth’ means a calculation based on the net value of assets
28 of a household established by rule by the Housing and Community Services
29 Department.

30 “(b) ‘Net worth’ does not include:

1 “(A) Equity in one residence and in one vehicle.

2 “(B) Holdings in pension accounts valued at less than \$120,000.

3 “(7) ‘Resident of this state’ has the meaning given that term in ORS
4 316.027.

5 **“SECTION 46.** ORS 657.010 is amended to read:

6 “657.010. As used in this chapter, unless the context requires otherwise:

7 “(1) ‘Base year’ means the first four of the last five completed calendar
8 quarters preceding the benefit year.

9 “(2) ‘Benefits’ means the money allowances payable to unemployed per-
10 sons under this chapter.

11 “(3) ‘Benefit year’ means a period of 52 consecutive weeks commencing
12 with the first week with respect to which an individual files an initial valid
13 claim for benefits, and thereafter the 52 consecutive weeks period beginning
14 with the first week with respect to which the individual next files an initial
15 valid claim after the termination of the individual’s last preceding benefit
16 year except that the benefit year shall be 53 weeks if the filing of an initial
17 valid claim would result in overlapping any quarter of the base year of a
18 previously filed initial valid claim.

19 “(4) ‘Calendar quarter’ means the period of three consecutive calendar
20 months ending on March 31, June 30, September 30 or December 31, or the
21 approximate equivalent thereof, as the Director of the Employment Depart-
22 ment may, by rule, prescribe.

23 “(5) ‘Client employer’ means an employer that enters into a PEO re-
24 lationship.

25 “(6) ‘Client worker’ means an individual who performs services for com-
26 pensation for the client of a professional employer organization.

27 “(7) ‘Contribution’ or ‘contributions’ means the money payments required
28 by this chapter, or voluntary payments permitted, to be made to the Unem-
29 ployment Compensation Trust Fund.

30 “(8) ‘Covered employee’ means a client worker for whom a PEO has as-

1 sumed employer responsibilities under a PEO relationship.

2 “(9) ‘Educational institution,’ including an institution of higher edu-
3 cation, means an institution:

4 “(a) In which participants, trainees or students are offered an organized
5 course of study or training designed to transfer to them knowledge, skills,
6 information, doctrines, attitudes or abilities from, by or under the guidance
7 of an instructor or teacher;

8 “(b) That is accredited, registered, approved, licensed or issued a permit
9 to operate as a school by the Department of Education or other government
10 agency, or that offers courses for credit that are transferable to an approved,
11 registered or accredited school;

12 “(c) In which the course or courses of study or training that it offers may
13 be academic, technical, trade or preparation for gainful employment in a re-
14 cognized occupation; and

15 “(d) In which the course or courses of study or training are offered on a
16 regular and continuing basis.

17 “(10) ‘Employment office’ means a free public employment office or branch
18 thereof, operated by this state or maintained as a part of a state-controlled
19 system of public employment offices.

20 “(11) ‘Hospital’ has the meaning given that term in ORS 442.015.

21 “(12) ‘Institution of higher education’ means an educational institution
22 that:

23 “(a) Admits as regular students only individuals having a certificate of
24 graduation from a high school, or the recognized equivalent of such a cer-
25 tificate;

26 “(b) Is legally authorized in this state to provide a program of education
27 beyond high school;

28 “(c) Provides an educational program for which it awards a bachelor’s or
29 higher degree, or provides a program that is acceptable for full credit toward
30 such a degree, a program of post-graduate or post-doctoral studies, or a pro-

1 gram of training to prepare students for gainful employment in a recognized
2 occupation; and

3 “(d) Is a public or other nonprofit institution.

4 “(13) ‘Instructional capacity’ does not include services performed as an
5 instructional assistant as defined in ORS 342.120.

6 “(14) ‘Internal Revenue Code’ means the federal Internal Revenue Code,
7 as amended and in effect on December 31, [2023] **2025**.

8 “(15) ‘Labor dispute’ means any concerted or deliberate action by two or
9 more individuals or by an employing unit resulting in either a strike or
10 lockout in which wages, hours, working conditions or terms of employment
11 of the individuals are involved.

12 “(16) ‘Lockout’ means any refusal by an employer to permit employees to
13 work as a result of a dispute with the employees affecting wages, hours or
14 other terms or conditions of their employment.

15 “(17) ‘Nonprofit employing unit’ means an organization, or group of or-
16 ganizations, described in section 501(c)(3) of the Internal Revenue Code that
17 is exempt from income tax under section 501(a) of the Internal Revenue Code.

18 “(18) ‘PEO relationship’ means an agreement between a PEO and a client
19 employer under which certain employer responsibilities for some or all of the
20 client employer’s workers are allocated.

21 “(19)(a) ‘Professional employer organization’ or ‘PEO’ means a person re-
22 quired to be licensed under ORS 656.855 that enters into a PEO relationship
23 with a client employer.

24 “(b) ‘Professional employer organization’ or ‘PEO’ does not mean a person
25 that solely provides workers to a client on a temporary basis or a person that
26 provides payroll processing or similar administrative services without as-
27 suming employer responsibilities for client workers.

28 “(20) ‘State’ includes, in addition to the states of the United States of
29 America, the District of Columbia and Puerto Rico. However, for all pur-
30 poses of this chapter the Virgin Islands shall be considered a state on and

1 after the day on which the United States Secretary of Labor first approves
2 the Virgin Islands' law under section 3304(a) of the Federal Unemployment
3 Tax Act as amended by Public Law 94-566.

4 "(21) 'Strike' means any concerted act of employees in a lawful refusal
5 under applicable state or federal law to perform work or services for an
6 employer.

7 "(22) 'Taxes' means contributions.

8 "(23) 'Temporary basis' means providing workers to a client:

9 "(a) For special situations, including but not limited to employee ab-
10 sences, employee leaves, professional skill shortages, seasonal workloads and
11 special assignments and projects with the expectation that the position will
12 be terminated when the special situation ends.

13 "(b) As probationary new hires with a reasonable expectation of transi-
14 tioning to permanent employment with the client, if the client uses a prees-
15 tablished probationary period in its overall employment selection program.

16 "(24) 'Valid claim' means any claim for benefits made in accordance with
17 ORS 657.260 if the individual meets the wages-paid-for-employment require-
18 ments of ORS 657.150.

19 "(25) 'Week' means any period of seven consecutive calendar days ending
20 at midnight, as the director may prescribe by rule.

21 "**SECTION 47.** ORS 657B.010 is amended to read:

22 "657B.010. As used in this chapter:

23 "(1) 'Alternate base year' means the last four completed calendar quarters
24 preceding the benefit year.

25 "(2) 'Average weekly wage' means the amount calculated by the Employ-
26 ment Department as the state average weekly covered wage under ORS
27 657.150 (4)(e) as determined not more than once per year.

28 "(3) 'Base year' means the first four of the last five completed calendar
29 quarters preceding the benefit year.

30 "(4) 'Benefits' means family and medical leave insurance benefits.

1 “(5)(a) ‘Benefit year’ means, except as provided in paragraph (b) of this
2 subsection, a period of 52 consecutive weeks beginning on the Sunday im-
3 mediately preceding the date on which family leave, medical leave or safe
4 leave commences.

5 “(b) ‘Benefit year’ means, in the event that the 52-week period described
6 in paragraph (a) of this subsection would result in an overlap of any quarter
7 of the base year of a previously filed valid claim, a period of 53 consecutive
8 weeks beginning on the Sunday immediately preceding the date on which
9 family leave, medical leave or safe leave commences.

10 “(6) ‘Child’ means:

11 “(a) A biological child, adopted child, stepchild or foster child of a cov-
12 ered individual or of the covered individual’s spouse or domestic partner;

13 “(b) A person who is or was a legal ward of a covered individual or of
14 the covered individual’s spouse or domestic partner; or

15 “(c) A person who is or was in a relationship of *in loco parentis* with a
16 covered individual or with the covered individual’s spouse or domestic part-
17 ner.

18 “(7) ‘Claimant’ means an individual who has submitted an application or
19 established a claim for benefits.

20 “(8) ‘Contribution’ or ‘contributions’ means the money payments made by
21 any of the following under ORS 657B.150:

22 “(a) An employer;

23 “(b) An employee;

24 “(c) A self-employed individual;

25 “(d) A tribal government; or

26 “(e) An employee of a tribal government.

27 “(9) ‘Covered individual’ means any one of the following who qualifies
28 under ORS 657B.015 to receive family and medical leave insurance benefits:

29 “(a) An eligible employee;

30 “(b) A self-employed individual; or

1 “(c) An employee of a tribal government.

2 “(10) ‘Domestic partner’ means an individual joined in a domestic part-
3 nership.

4 “(11) ‘Domestic partnership’ has the meaning given that term in ORS
5 106.310.

6 “(12) ‘Eligible employee’ means:

7 “(a)(A) An employee who has earned at least \$1,000 in wages during the
8 base year; or

9 “(B) If an employee has not earned at least \$1,000 in wages during the
10 base year, an employee who has earned at least \$1,000 in wages during the
11 alternate base year; and

12 “(b) An employee to whom paid family and medical leave insurance ben-
13 efits may be available under ORS 657B.015.

14 “(13) ‘Eligible employee’s average weekly wage’ means an amount calcu-
15 lated by the Director of the Employment Department by dividing the total
16 wages earned by an eligible employee during the base year by the number
17 of weeks in the base year.

18 “(14)(a) ‘Employee’ means:

19 “(A) An individual performing services for an employer for remuneration
20 or under any contract of hire, written or oral, express or implied.

21 “(B) A home care worker as defined in ORS 410.600.

22 “(b) ‘Employee’ does not include:

23 “(A) An independent contractor as defined in ORS 670.600.

24 “(B) A participant in a work training program administered under a state
25 or federal assistance program.

26 “(C) A participant in a work-study program that provides students in
27 secondary or postsecondary educational institutions with employment op-
28 portunities for financial assistance or vocational training.

29 “(D) A railroad worker exempted under the federal Railroad Unemploy-
30 ment Insurance Act.

1 “(E) A volunteer.

2 “(F) A judge as defined in ORS 260.005.

3 “(G) A member of the Legislative Assembly.

4 “(H) A holder of public office as defined in ORS 260.005.

5 “(15)(a) ‘Employer’ means any person that employs one or more employees
6 working anywhere in this state or any agent or employee of such person to
7 whom the duties of the person under this chapter have been delegated.

8 “(b) ‘Employer’ includes:

9 “(A) A political subdivision of this state or any county, city, district,
10 authority or public corporation, or any instrumentality of a county, city,
11 district, authority or public corporation, organized and existing under law
12 or charter;

13 “(B) An individual;

14 “(C) Any type of organization, corporation, partnership, limited liability
15 company, association, trust, estate, joint stock company or insurance com-
16 pany;

17 “(D) Any successor in interest to an entity described in subparagraph (C)
18 of this paragraph;

19 “(E) A trustee, trustee in bankruptcy or receiver; or

20 “(F) A trustee or legal representative of a deceased person.

21 “(c) ‘Employer’ does not include the federal government or a tribal gov-
22 ernment.

23 “(16) ‘Employment agency’ has the meaning given that term in ORS
24 658.005.

25 “(17) ‘Family and medical leave insurance benefits’ means the wage re-
26 placement benefits that are available to a covered individual under ORS
27 657B.050 or under the terms of an employer plan approved under ORS
28 657B.210, for family leave, medical leave or safe leave.

29 “(18)(a) ‘Family leave’ means leave from work taken by a covered indi-
30 vidual:

1 “(A) To care for and bond with a child during the first year after the
2 child’s birth or during the first year after the placement of the child through
3 foster care or adoption;

4 “(B) To effectuate the legal process required for placement of a foster
5 child or the adoption of a child; or

6 “(C) To care for a family member with a serious health condition.

7 “(b) ‘Family leave’ does not mean:

8 “(A) Leave described in ORS 659A.159 (1)(a) except for leave to care for
9 a child who requires home care due to an illness, injury or condition that
10 is a serious health condition;

11 “(B) Leave described in ORS 659A.159 (1)(b); or

12 “(C) Leave authorized under ORS 659A.093.

13 “(19) ‘Family member’ means:

14 “(a) The spouse of a covered individual;

15 “(b) A child or the child’s spouse or domestic partner;

16 “(c) A parent or the parent’s spouse or domestic partner;

17 “(d) A sibling or stepsibling of a covered individual or the sibling’s or
18 stepsibling’s spouse or domestic partner;

19 “(e) A grandparent of a covered individual or the grandparent’s spouse
20 or domestic partner;

21 “(f) A grandchild of a covered individual or the grandchild’s spouse or
22 domestic partner;

23 “(g) The domestic partner of a covered individual; or

24 “(h) Any individual related by blood or affinity whose close association
25 with a covered individual is the equivalent of a family relationship.

26 “(20) ‘Medical leave’ means leave from work taken by a covered individual
27 that is made necessary by the individual’s own serious health condition.

28 “(21) ‘Parent’ means:

29 “(a) A biological parent, adoptive parent, stepparent or foster parent of
30 a covered individual;

1 “(b) A person who was a foster parent of a covered individual when the
2 covered individual was a minor;

3 “(c) A person designated as the legal guardian of a covered individual at
4 the time the covered individual was a minor or required a legal guardian;

5 “(d) A person with whom a covered individual was or is in a relationship
6 of in loco parentis; or

7 “(e) A parent of a covered individual’s spouse or domestic partner who
8 meets a description under paragraphs (a) to (d) of this subsection.

9 “(22) ‘Safe leave’ means leave taken for any purpose described in ORS
10 659A.272.

11 “(23) ‘Self-employed individual’ means:

12 “(a) An individual who has self-employment income as defined in section
13 1402(b) of the Internal Revenue Code as amended and in effect on December
14 31, [2023] 2025; or

15 “(b) An independent contractor as defined in ORS 670.600.

16 “(24) ‘Serious health condition’ means:

17 “(a) An illness, injury, impairment or physical or mental condition that
18 requires inpatient care in a hospital, hospice or residential medical care fa-
19 cility;

20 “(b) An illness, disease or condition that in the medical judgment of the
21 treating health care provider poses an imminent danger of death, is terminal
22 in prognosis with a reasonable possibility of death in the near future, or
23 requires constant care;

24 “(c) Any period of disability due to pregnancy, or period of absence for
25 prenatal care; or

26 “(d) Any period of absence for the donation of a body part, organ or tis-
27 sue, including preoperative or diagnostic services, surgery, post-operative
28 treatment and recovery.

29 “(25) ‘Third party administrator’ means a third party that enters into an
30 agreement with the Director of the Employment Department to implement

1 and administer the paid family and medical leave program established under
2 this chapter.

3 “(26) ‘Tribal government’ means:

4 “(a) A tribal government as defined in ORS 181A.940; or

5 “(b) A federally recognized Indian tribe.

6 “(27)(a) ‘Wages’ has the meaning given that term in ORS 657.105.

7 “(b) ‘Wages’ does not mean contribution amounts paid to the Paid Family
8 and Medical Leave Insurance Fund by an employer on behalf of an employee
9 under ORS 657B.150 (5).

10 **“SECTION 48. (1) Except as provided in subsections (2) and (3) of
11 this section, the amendments to statutes by sections 16 to 47 of this
12 2026 Act apply to transactions or activities occurring on or after Jan-
13 uary 1, 2026, in tax years beginning on or after January 1, 2026.**

14 **“(2) The effective and applicable dates, and the exceptions, special
15 rules and coordination with the Internal Revenue Code, as amended,
16 relative to those dates, contained in federal law amending the Internal
17 Revenue Code and enacted before January 1, 2026, apply for Oregon
18 personal income and corporate excise and income tax purposes, to the
19 extent they can be made applicable, in the same manner as they are
20 applied under the Internal Revenue Code and related federal law.**

21 **“(3)(a) If a deficiency is assessed against any taxpayer for a tax year
22 beginning before January 1, 2026, and the deficiency or any portion
23 thereof is attributable to any retroactive treatment under the amend-
24 ments to ORS 178.300, 178.375, 305.239, 305.494, 305.690, 305.842, 314.011,
25 314.306, 315.004, 316.012, 316.147, 316.157, 317.010, 317.097 and 317A.100 by
26 sections 16, 17 and 31 to 44 of this 2026 Act, then any interest or pen-
27 alty assessed under ORS chapter 305, 314, 315, 316, 317, 317A or 318 with
28 respect to the deficiency or portion thereof shall be canceled.**

29 **“(b) If a refund is due any taxpayer for a tax year beginning before
30 January 1, 2026, and the refund or any portion thereof is due the tax-**

1 payer on account of any retroactive treatment under the amendments
2 to ORS 178.300, 178.375, 305.239, 305.494, 305.690, 305.842, 314.011, 314.306,
3 315.004, 316.012, 316.147, 316.157, 317.010, 317.097 and 317A.100 by sections
4 16, 17 and 31 to 44 of this 2026 Act for a tax year beginning before
5 January 1, 2026, then notwithstanding ORS 305.270 or 314.415 or any
6 other law, the refund or portion thereof shall be paid without interest.

7 “(c) Any changes required because of the amendments to ORS
8 178.300, 178.375, 305.239, 305.494, 305.690, 305.842, 314.011, 314.306, 315.004,
9 316.012, 316.147, 316.157, 317.010, 317.097 and 317A.100 by sections 16, 17
10 and 31 to 44 of this 2026 Act for a tax year beginning before January
11 1, 2026, shall be made by filing an amended return within the time
12 prescribed by law.

13 “(d) If a taxpayer fails to file an amended return under paragraph
14 (c) of this subsection, the Department of Revenue shall make any
15 changes under paragraph (c) of this subsection on the return to which
16 the changes relate within the period specified for issuing a notice of
17 deficiency or claiming a refund as otherwise provided by law with re-
18 spect to that return, or within one year after a return for a tax year
19 beginning on or after January 1, 2026, and before January 1, 2027, is
20 filed, whichever period expires later.

21 “**SECTION 49.** This 2026 Act takes effect on the 91st day after the
22 date on which the 2026 regular session of the Eighty-third Legislative
23 Assembly adjourns sine die.”.

24