

House Bill 2842

Sponsored by Representative HUNT (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes personal income tax credit for individuals donating certain transplanted organs during tax year. Limits credit to lesser of 50 percent of personal income tax liability or \$1,000.

Applies to transplant operations occurring in tax years beginning on or after January 1, 2012, and before January 1, 2018.

A BILL FOR AN ACT

1
2 Relating to tax credits for organ transplants.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 315.**

5 **SECTION 2. (1) A resident individual taxpayer shall be allowed a credit against the taxes**
6 **otherwise due under ORS chapter 316 if, during the tax year, the taxpayer donates the**
7 **taxpayer's single kidney or partial liver in a transplant operation, and the taxpayer is not**
8 **deceased at the time of the transplant operation.**

9 (2) The amount of the credit allowed under subsection (1) of this section shall equal the
10 lesser of:

11 (a) Fifty percent of the taxpayer's Oregon income tax liability for the tax year in which
12 the transplant operation occurred, calculated without consideration of the credit granted by
13 this section; or

14 (b) \$1,000.

15 (3) The credit allowed in a tax year may not exceed the tax liability of the taxpayer and
16 may not be carried forward to another tax year.

17 (4) In the case of a credit allowed under this section:

18 (a) A nonresident shall be allowed the credit in the same manner and subject to the same
19 limitations as the credit allowed to a resident of this state. However, the credit shall be
20 prorated using the proportion provided in ORS 316.117.

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

25 (c) If a change in the status of a taxpayer from resident to nonresident or from nonres-
26 ident to resident occurs, the credit allowed by this section shall be determined in a manner
27 consistent with ORS 316.117.

28 (5) The claim for the tax credit allowed by this section shall be substantiated by sub-
29 mission, with the tax return, of hospital records verifying that the transplant operation oc-
30 curred during the tax year for which the credit is claimed. The department may waive the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 requirement for substantiation partially, conditionally or absolutely as provided in ORS
2 315.063.

3 **SECTION 3.** Section 2 of this 2011 Act applies to transplant operations occurring in tax
4 years beginning on or after January 1, 2012, and before January 1, 2018.

5
