

# House Bill 3217

Sponsored by Representative BREWER; Representatives CAMERON, CONGER, FREEMAN, GARRARD, HUFFMAN, JOHNSON, KRIEGER, LINDSAY, MCLANE, OLSON, PARRISH, RICHARDSON, SHEEHAN, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD

## 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 uniform corporate minimum tax of \$150 and removes provisions basing amount of tax on amount of Oregon sales. Requires Department of Revenue to refund excess tax paid.  
Applies to tax years beginning on or after January 1, 2009.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to corporate minimum tax; creating new provisions; amending ORS 317.090; and prescribing  
3 an effective date.

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

5 **SECTION 1.** ORS 317.090, as amended by section 1, chapter 745, Oregon Laws 2009, is amended  
6 to read:

7 317.090. *[(1) As used in this section, "Oregon sales" means:]*

8 *[(a) If the corporation apportions business income under ORS 314.650 to 314.665 for Oregon tax*  
9 *purposes, the total sales of the taxpayer in this state during the tax year, as determined for purposes*  
10 *of ORS 314.665;]*

11 *[(b) If the corporation does not apportion business income for Oregon tax purposes, the total sales*  
12 *in this state that the taxpayer would have had, as determined for purposes of ORS 314.665, if the tax-*  
13 *payer were required to apportion business income for Oregon tax purposes; or]*

14 *[(c) If the corporation apportions business income using a method different from the method pre-*  
15 *scribed by ORS 314.650 to 314.665, Oregon sales as defined by the Department of Revenue by rule.]*

16 *[(2) Each corporation or affiliated group of corporations filing a return under ORS 317.710 shall*  
17 *pay annually to the state, for the privilege of carrying on or doing business by it within this state, a*  
18 *minimum tax as follows:]*

19 *[(a) If Oregon sales properly reported on a return are:]*

20 *[(A) Less than \$500,000, the minimum tax is \$150.]*

21 *[(B) \$500,000 or more, but less than \$1 million, the minimum tax is \$500.]*

22 *[(C) \$1 million or more, but less than \$2 million, the minimum tax is \$1,000.]*

23 *[(D) \$2 million or more, but less than \$3 million, the minimum tax is \$1,500.]*

24 *[(E) \$3 million or more, but less than \$5 million, the minimum tax is \$2,000.]*

25 *[(F) \$5 million or more, but less than \$7 million, the minimum tax is \$4,000.]*

26 *[(G) \$7 million or more, but less than \$10 million, the minimum tax is \$7,500.]*

27 *[(H) \$10 million or more, but less than \$25 million, the minimum tax is \$15,000.]*

28 *[(I) \$25 million or more, but less than \$50 million, the minimum tax is \$30,000.]*

29 *[(J) \$50 million or more, but less than \$75 million, the minimum tax is \$50,000.]*

**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 [(K) \$75 million or more, but less than \$100 million, the minimum tax is \$75,000.]

2 [(L) \$100 million or more, the minimum tax is \$100,000.]

3 [(b) If a corporation is an S corporation, the minimum tax is \$150.]

4 [(3)] **Each taxpayer named in ORS 317.070 shall pay annually to the state, for the privilege**  
5 **of carrying on or doing business within this state, a minimum tax of \$150.** The minimum tax  
6 is not apportionable (except in the case of a change of accounting periods), and is payable in full  
7 for any part of the year during which a corporation is subject to tax.

8 **SECTION 2. The amendments to ORS 317.090 by section 1 of this 2011 Act apply to tax**  
9 **years beginning on or after January 1, 2009.**

10 **SECTION 3. If, for tax years beginning on or after January 1, 2009, and before January**  
11 **1, 2012, the Department of Revenue determines that a taxpayer has paid more in tax than**  
12 **the amount due under ORS 317.090, as amended by section 1 of this 2011 Act, the department**  
13 **shall refund the excess paid. The department shall make refunds under this section as pro-**  
14 **vided in ORS 305.270 and 314.415 no later than June 30, 2012.**

15 **SECTION 4. This 2011 Act takes effect on the 91st day after the date on which the 2011**  
16 **session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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