

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 889

By COMMITTEE ON FINANCE AND REVENUE

June 16

1 On page 1 of the printed A-engrossed bill, line 2, delete “and declaring an emergency” and insert  
2 “creating new provisions; amending ORS 317.090 and 317.635; and prescribing an effective date”.

3 Delete lines 4 through 25 and delete pages 2 through 4 and insert:

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

6 “317.090. (1) As used in this section[,]:

7 “(a) ‘Oregon sales’ means:

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

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

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

17 “(b) If the corporation is an agricultural cooperative that is a cooperative organization  
18 described in section 1381 of the Internal Revenue Code, ‘Oregon sales’ does not include sales  
19 representing business done with or for members of the agricultural cooperative.

20 “(2) Each corporation or affiliated group of corporations filing a return under ORS 317.710 shall  
21 pay annually to the state, for the privilege of carrying on or doing business by it within this state,  
22 a minimum tax as follows:

23 “(a) If Oregon sales properly reported on a return are:

24 “(A) Less than \$500,000, the minimum tax is \$150.

25 “(B) \$500,000 or more, but less than \$1 million, the minimum tax is \$500.

26 “(C) \$1 million or more, but less than \$2 million, the minimum tax is \$1,000.

27 “(D) \$2 million or more, but less than \$3 million, the minimum tax is \$1,500.

28 “(E) \$3 million or more, but less than \$5 million, the minimum tax is \$2,000.

29 “(F) \$5 million or more, but less than \$7 million, the minimum tax is \$4,000.

30 “(G) \$7 million or more, but less than \$10 million, the minimum tax is \$7,500.

31 “(H) \$10 million or more, but less than \$25 million, the minimum tax is \$15,000.

32 “(I) \$25 million or more, but less than \$50 million, the minimum tax is \$30,000.

33 “(J) \$50 million or more, but less than \$75 million, the minimum tax is \$50,000.

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

35 “(L) \$100 million or more, the minimum tax is \$100,000.

1           “(b) If a corporation is an S corporation, the minimum tax is \$150.  
2           “(3) The minimum tax is not apportionable (except in the case of a change of accounting peri-  
3 ods), and is payable in full for any part of the year during which a corporation is subject to tax.  
4           “**SECTION 2. The amendments to ORS 317.090 by section 1 of this 2011 Act apply to tax**  
5 **years beginning on or after January 1, 2011.**  
6           “**SECTION 3.** ORS 317.635 is amended to read:  
7           “317.635. (1) Except as provided in **subsection (2) of this section and** ORS 317.283, a domestic  
8 international sales corporation, commonly referred to as ‘DISC,’ as defined in section 992 of the  
9 Internal Revenue Code, shall be taxed in the manner provided for other corporations under this  
10 chapter and without regard to sections 991 to 996 of the Internal Revenue Code.  
11           “**(2) An interest charge DISC that is primarily engaged in agricultural product sales:**  
12           “**(a) Is exempt from the tax imposed under ORS 317.090; and**  
13           “**(b) Notwithstanding ORS 317.061, shall be taxed under this chapter at a rate of 2.5 per-**  
14 **cent.**  
15           “**SECTION 4. The amendments to ORS 317.635 by section 3 of this 2011 Act apply to tax**  
16 **years beginning on or after January 1, 2011.**  
17           “**SECTION 5. This 2011 Act takes effect on the 91st day after the date on which the 2011**  
18 **regular session of the Seventy-sixth Legislative Assembly adjourns sine die.**”  
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