

# House Bill 3442

Sponsored by Representative HAYDEN

## 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**.

Imposes personal income tax at flat rate if taxpayer has adjusted gross income below threshold amount. Applies to tax years beginning on or after January 1, 2020.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to personal income tax rates; creating new provisions; amending ORS 316.037, 316.122 and 316.362; and prescribing an effective date.

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

**SECTION 1.** ORS 316.037 is amended to read:

316.037. (1)(a) A tax is imposed for each taxable year on the entire taxable income of every resident of this state. **Except as provided in subsection (2) of this section**, the amount of the tax shall be determined in accordance with the following table:

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If taxable income is:	The tax is:
Not over \$2,000	5% of taxable income
Over \$2,000 but not over \$5,000	\$100 plus 7% of the excess over \$2,000
Over \$5,000 but not over \$125,000	\$310 plus 9% of the excess over \$5,000
Over \$125,000	\$11,110 plus 9.9% of the excess over \$125,000

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**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 (b) For tax years beginning in each calendar year, the Department of Revenue shall adopt a  
 2 table that shall apply in lieu of the table contained in paragraph (a) of this subsection, as follows:

3 (A) Except as provided in subparagraph (D) of this paragraph, the minimum and maximum dollar  
 4 amounts for each bracket for which a tax is imposed shall be increased by the cost-of-living adjust-  
 5 ment for the calendar year.

6 (B) The rate applicable to any rate bracket as adjusted under subparagraph (A) of this para-  
 7 graph shall not be changed.

8 (C) The amounts setting forth the tax, to the extent necessary to reflect the adjustments in the  
 9 rate brackets, shall be adjusted.

10 (D) The rate brackets applicable to taxable income in excess of \$125,000 may not be adjusted.

11 (c) For purposes of paragraph (b) of this subsection, the cost-of-living adjustment for any calen-  
 12 dar year is the percentage (if any) by which the monthly averaged U.S. City Average Consumer  
 13 Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the  
 14 monthly averaged index for the second quarter of the calendar year 1992.

15 (d) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S. City  
 16 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of  
 17 Labor Statistics of the United States Department of Labor.

18 (e) If any increase determined under paragraph (b) of this subsection is not a multiple of \$50,  
 19 the increase shall be rounded to the next lower multiple of \$50.

20 **(2) The rate of tax imposed under this chapter shall be four percent of taxable income,**  
 21 **if the taxpayer's adjusted gross income does not exceed \$100,000 if reported on a joint return**  
 22 **or \$50,000 for all other types of returns.**

23 [(2)] (3) A tax is imposed for each taxable year upon the entire taxable income of every part-year  
 24 resident of this state. The amount of the tax shall be computed under subsection (1) **or (2)** of this  
 25 section as if the part-year resident were a full-year resident and shall be multiplied by the ratio  
 26 provided under ORS 316.117 to determine the tax on income derived from sources within this state.

27 [(3)] (4) A tax is imposed for each taxable year on the taxable income of every full-year non-  
 28 resident that is derived from sources within this state. The amount of the tax shall be determined  
 29 in accordance with [*the table set forth in subsection (1)*] **subsection (1) or (2)** of this section.

30 **SECTION 2.** ORS 316.122 is amended to read:

31 316.122. (1) If the federal taxable income of spouses in a marriage (one being a part-year resident  
 32 and the other a nonresident) is determined on a joint federal return, their taxable income in this  
 33 state shall be separately determined, unless they elect to file a joint return, in which case their tax  
 34 on their joint income shall be determined in this state pursuant to ORS 316.037 [(3)] (4).

35 (2) If the federal taxable income of spouses in a marriage (one being a full-year resident and the  
 36 other a part-year resident) is determined on a joint federal return, their taxable income in this state  
 37 shall be separately determined, unless they elect to file a joint return, in which case their tax on  
 38 their joint income shall be determined in this state pursuant to ORS 316.037 [(2)] (3).

39 (3) If the federal taxable income of spouses in a marriage (one being a full-year resident and the  
 40 other a nonresident) is determined on a joint federal return, their taxable income in the state shall  
 41 be separately determined, unless they elect to file a joint return, in which case their tax on their  
 42 joint income shall be determined in this state pursuant to ORS 316.037 [(3)] (4).

43 (4) For purposes of computing the tax of spouses under this section, if one of the spouses is a  
 44 full-year resident individual, then as used in ORS 316.037 [(2) or (3)] (3) **or (4)**, that spouse's taxable  
 45 income derived from Oregon sources is that spouse's entire federal taxable income, defined in the

1 laws of the United States, with the modifications, additions and subtractions provided in this chapter  
 2 and other laws of this state applicable to personal income taxation.

3 (5) The provisions of ORS 316.367 with respect to joint returns apply if both spouses are part-  
 4 year residents or full-year nonresidents.

5 **SECTION 3.** ORS 316.362 is amended to read:

6 316.362. (1) An income tax return with respect to the tax imposed by this chapter shall be made  
 7 by the following:

8 (a) Every resident individual:

9 (A) Who is required to file a federal income tax return for the taxable year; or

10 (B) Who has gross income greater than the sum of:

11 (i) The basic standard deduction allowed under ORS 316.695 (1)(c)(B);

12 (ii) Any additional standard deduction allowed to the taxpayer under ORS 316.695 (7); and

13 (iii) An amount equal to the income equivalent of one personal exemption credit under ORS  
 14 316.085 (3)(b) if unmarried, or equal to the income equivalent of two personal exemption credits un-  
 15 der ORS 316.085 (3)(b) if married.

16 (b) Every nonresident individual who has federal gross income from sources in this state of more  
 17 than the basic standard deduction allowed under ORS 316.695 (1)(c)(B).

18 (c) Every resident estate or trust that is required to file a federal income tax return.

19 (d) Every nonresident estate that has federal gross income of \$600 or more for the taxable year  
 20 from sources within this state.

21 (e) Every nonresident trust that for the taxable year has from sources within this state any  
 22 taxable income, or gross income of \$600 or more regardless of the amount of taxable income.

23 (2) Nothing contained in this section shall preclude the Department of Revenue from requiring  
 24 any individual, estate or trust to file a return when, in the judgment of the department, a return  
 25 should be filed.

26 (3) For purposes of this section, the income equivalent of a personal exemption credit under ORS  
 27 316.085 (3)(b) shall be determined as follows:

28 (a) Divide the personal exemption credit amount by the rate applicable to the lowest income  
 29 bracket under ORS 316.037.

30 (b) If the resulting quotient is less than the maximum amount of income subject to the rate used  
 31 in paragraph (a) of this subsection, the quotient is the income equivalent.

32 (c) If the resulting quotient is more than the maximum amount of income subject to the rate  
 33 used in paragraph (a) of this subsection:

34 (A) Multiply the maximum amount of income subject to the rate used in paragraph (a) of this  
 35 subsection by the rate used in paragraph (a) of this subsection.

36 (B) Determine the difference between the product calculated under subparagraph (A) of this  
 37 paragraph and the personal exemption credit amount.

38 (C) Divide the difference determined in subparagraph (B) of this paragraph by the rate applica-  
 39 ble to the income bracket that is the next succeeding the lowest income bracket under ORS 316.037  
 40 (1).

41 (D) Add the quotient determined in subparagraph (C) of this paragraph to the maximum amount  
 42 of income subject to the rate used in paragraph (a) of this subsection. The sum is the income  
 43 equivalent.

44 **SECTION 4. The amendments to ORS 316.037, 316.122 and 316.362 by sections 1 to 3 of this**  
 45 **2019 Act apply to tax years beginning on or after January 1, 2020.**

1        **SECTION 5.** This 2019 Act takes effect on the 91st day after the date on which the 2019  
2        regular session of the Eightieth Legislative Assembly adjourns sine die.  
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