

# House Bill 2160

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

## 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**.

Requires out-of-state corporation making sales into state to pay corporate minimum tax.  
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

1  
2 Relating to application of corporate minimum tax to out of state corporation; creating new pro-  
3 visions; amending ORS 317.090; and prescribing an effective date.

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

5 **SECTION 1.** ORS 317.090 is amended to read:

6 317.090. (1) As used in this section:

7 (a) "Oregon sales" means:

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

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

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

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

19 (2) Each corporation or affiliated group of corporations filing a return under ORS 317.710 **and**  
20 **each corporation making sales in this state from outside of this state** shall pay annually to the  
21 state, for the privilege of carrying on or doing business by it within this state, a minimum tax as  
22 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.

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

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

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

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

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

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

7 (3) The minimum tax is not apportionable (except in the case of a change of accounting periods),  
8 is payable in full for any part of the year during which a corporation is subject to tax and may not  
9 be reduced, paid or otherwise satisfied through the use of any tax credit.

10 **SECTION 2. The amendments to ORS 317.090 by section 1 of this 2019 Act apply to tax**  
11 **years beginning on or after January 1, 2020.**

12 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
13 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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