

House Bill 2253

Sponsored by Representative WILDE (Presession 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**.

Imposes surcharge based on amounts of forgiven loans received by corporate excise or personal income taxpayer through Paycheck Protection Program of Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Applies to tax years beginning on or after January 1, 2020, and before January 1, 2021.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to a surcharge on Paycheck Protection Program loan proceeds; prescribing an effective
3 date; and providing for revenue raising that requires approval by a three-fifths majority.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 316.**

6 **SECTION 2. (1) A surcharge shall be imposed based on loan amounts received by the**
7 **taxpayer under section 1102 of the Coronavirus Aid, Relief, and Economic Security (CARES)**
8 **Act (P.L. 116-136) that are forgiven as provided in section 1106(b) of the Coronavirus Aid,**
9 **Relief, and Economic Security (CARES) Act (P.L. 116-136).**

10 **(2) The surcharge under this section:**

11 **(a) Shall be imposed only if, by at least five percent, receipts in the taxpayer's course of**
12 **trade or business received in this state during the tax year ending in calendar year 2020 ex-**
13 **ceed receipts in the taxpayer's course of trade or business received in this state for the tax**
14 **year ending in calendar year 2019.**

15 **(b) Shall be in the amount of 10 percent of amounts received under section 1102 of the**
16 **Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) that are forgiven**
17 **as of the effective date of this 2021 Act.**

18 **(3) The provisions of this chapter and ORS chapters 305 and 314 apply to the surcharge**
19 **imposed under this section as if the surcharge were a tax imposed upon or measured by net**
20 **income.**

21 **SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS chapter 317.**

22 **SECTION 4. (1) A surcharge shall be imposed based on loan amounts received by the**
23 **taxpayer under section 1102 of the Coronavirus Aid, Relief, and Economic Security (CARES)**
24 **Act (P.L. 116-136) that are forgiven as provided in section 1106(b) of the Coronavirus Aid,**
25 **Relief, and Economic Security (CARES) Act (P.L. 116-136).**

26 **(2) The surcharge under this section:**

27 **(a) Shall be imposed only if, by at least five percent, receipts in the taxpayer's course of**
28 **trade or business received in this state during the tax year ending in calendar year 2020 ex-**
29 **ceed receipts in the taxpayer's course of trade or business received in this state for the tax**
30 **year ending in calendar year 2019.**

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) Shall be in the amount of 10 percent of amounts received under section 1102 of the**
2 **Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) that are forgiven**
3 **as of the effective date of this 2021 Act.**

4 **(3) The provisions of this chapter and ORS chapters 305 and 314 apply to the surcharge**
5 **imposed under this section as if the surcharge were a tax imposed upon or measured by net**
6 **income.**

7 **SECTION 5. Sections 2 and 4 of this 2021 Act apply to tax years beginning on or after**
8 **January 1, 2020, and before January 1, 2021.**

9 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**
10 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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