

1 AN ACT

2 Relating to corporate minimum tax; creating new provisions; and amending ORS 317.090.

3 **Be It Enacted by the People of the State of Oregon:**4 **SECTION 1.** ORS 317.090 is amended to read:

5 317.090. (1) As used in this section:

6 (a) "Oregon sales" means:

7 (A) If the corporation apportions income under ORS 314.650 to 314.665 for Oregon tax
8 purposes, the total sales of the taxpayer in this state during the tax year, as determined
9 for purposes of ORS 314.665;10 (B) If the corporation does not apportion income for Oregon tax purposes, the total sales in
11 this state that the taxpayer would have had, as determined for purposes of ORS 314.665,
12 if the taxpayer were required to apportion income for Oregon tax purposes; or13 (C) If the corporation apportions income using a method different from the method
14 prescribed by ORS 314.650 to 314.665, Oregon sales as defined by the Department of
15 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
18 representing business done with or for members of the agricultural cooperative.19 (c) **"Eligibility year" means the calendar year in which the individual qualifies for the**
20 **Oregon People's Rebate by spending in this state in the aggregate more than 200 days.**21 (d) **"Rebate year" means the first calendar year following the eligibility year.**22 (2) Each corporation or affiliated group of corporations filing a return under ORS 317.710 shall pay
23 annually to the state, for the privilege of carrying on or doing business by it within this state, a
24 minimum tax as follows:

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

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

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

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

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

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

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

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

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

34 (I) \$25 million or more, [*but less than \$50 million,*] the minimum tax is \$30,000 **plus 3**
35 **percent of the excess over \$25 million.**36 [*(J) \$50 million or more, but less than \$75 million, the minimum tax is \$50,000.*]37 [*(K) \$75 million or more, but less than \$100 million, the minimum tax is \$75,000.*]38 [*(L) \$100 million or more, the minimum tax is \$100,000.*]39 (b) If a corporation is an S corporation **with Oregon sales properly reported on an annual**
40 **return of less than \$25 million,** the minimum tax is \$150.41 (3) The minimum tax is not apportionable (except in the case of a change of accounting periods), is
42 payable in full for any part of the year during which a corporation is subject to tax and may not
43 be reduced, paid or otherwise satisfied through the use of any tax credit.

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 **SECTION 2.** The Oregon People’s Rebate.

- 2 (1) The increase in corporate minimum tax revenue, if any, attributable to the amendments to
3 ORS 317.090 by section 1 of this 2022 Act shall be used to provide an equal rebate to each
4 individual, as defined in ORS 316.022, who has spent in this state in the aggregate more
5 than 200 days of the calendar year for which the rebate is claimed.
- 6 (2) An individual who is eligible to receive a rebate under this section may also receive rebates
7 on behalf of dependents of that individual who are eligible to receive the rebate.
- 8 (3) The rebate under this section:
9 (a) Is in addition to any other tax credit, refund payment or other mechanism by which
10 excess revenue is returned to personal income taxpayers;
11 (b) Is not income subject to taxation under ORS chapter 316 or any other provision of
12 Oregon law;
13 (c) May not be used to determine the eligibility or amount of need of an applicant for or
14 recipient of public assistance, as defined in ORS 411.010, or medical assistance, as
15 defined in ORS 414.025;
16 (d) Is inalienable by any assignment or transfer and is exempt from garnishment, levy or
17 execution; and
18 (e) May not be provided to any individual who during the rebate year:
19 (A) Declines to receive a rebate; or
20 (B) Fails to claim a rebate on or before December 31.
- 21 (4) A rebate may not be issued under this section, if the amount of the rebate, per individual,
22 is less than \$25.
- 23 (5) Moneys not distributed as a rebate for the reasons described in subsections (3)(e)(A) and
24 (4) of this section shall be used to provide additional funding for services for senior
25 citizens, health care, public early childhood education and public kindergarten through
26 grade 12 education.
- 27 (6) Funds generated by the increase in corporate minimum tax specified in subsection (1) of
28 this section during the eligibility year which are not spent for rebates or program
29 administration during the rebate year shall be deposited into a program fund available to
30 the rebate program.

31 **SECTION 3.** Administration of the Oregon People’s Rebate.

- 32 (1) On or before December 31 of 2023 and each subsequent year, the Department of Revenue
33 shall determine the net amount available for rebates for the following year by estimating
34 for the current calendar year:
35 (a) The increase in the amount of corporate minimum tax revenue to be received by the
36 department in the current calendar year attributable to the amendments to ORS
37 317.090 by section 1 of this 2022 Act; plus
38 (b) Funds remaining in the program balance due to subsection (3)(e)(B) or subsection (6)
39 of section 2 of this 2022 Act; minus
40 (c) The administrative costs to the department of providing the rebate for the current
41 calendar year, including costs under subsection (3)(e) and the cost of the hold harmless
42 program established under subsection (3)(f) of this section for the current calendar
43 year.

- 1 (2) The net amount available for rebates determined under subsection (1) of this section shall
2 be adjusted by the difference between the amount estimated pursuant to subsection (1)(a)
3 of this section for the prior year and the actual amount of corporate minimum tax revenue
4 received by the department attributable to the amendments to ORS 317.090 by section 1 of
5 this 2022 Act for the prior year.
- 6 (3) The department shall:
- 7 (a) For each rebate year, estimate the number of individuals eligible to receive a rebate
8 under section 2 of this 2022 Act due to days spent in Oregon during the eligibility year;
- 9 (b) Calculate the per-individual amount of rebate available to individuals under section 2
10 of this 2022 Act by dividing the amount determined pursuant to subsections (1) and (2)
11 of this section by the number estimated pursuant to subsection (3)(a) of this section;
- 12 (c) Issue the equal rebates to eligible individuals as soon as is practicable;
- 13 (d) Make the rebate available to individuals as:
- 14 (A) A refundable tax credit, if the rebate is requested concurrently with an Oregon
15 personal income tax return; or
- 16 (B) A cash payment within forty-five (45) days of claiming the rebate, regardless of
17 whether the individual has filed or will file an Oregon personal income tax return.
- 18 (e) Provide information and education in multiple languages to state and local government
19 agencies, nonprofit corporations and other organizations that are capable of helping
20 individuals to receive a rebate; and
- 21 (f) Establish a hold harmless program funded entirely by the new revenue attributable to
22 the amendments to ORS 317.090 by section 1 of this 2022 Act.
- 23 (A) The program shall provide benefits to individuals whose federal income-based or
24 resource-based benefits are denied, reduced or revoked because the rebate is taken
25 into account by the federal government. The benefits to an individual shall be equal
26 and comparable to the federal income-based or resource-based benefits which were
27 denied, reduced, or revoked.
- 28 (B) The program shall include any necessary action to ensure that individuals' federal
29 income-based or resource-based benefits are not denied, reduced or revoked as a
30 result of receiving a rebate.
- 31 (4) The department shall adopt rules, policies, and procedures necessary to carry out the
32 functions specified in this 2022 Act.
- 33 (5) The individual must present acceptable documents to prove eligibility under section 2 of
34 this 2022 Act for the eligibility year for the individual and for any dependents claimed by
35 that individual for rebate purposes. The department shall determine by rule which
36 documents satisfy the eligibility requirements.
- 37 (a) The department shall require the individual to provide the Social Security number(s)
38 assigned to the individual and any claimed dependents by the United States Social
39 Security Administration, the Individual Taxpayer Identification number(s) assigned to
40 the individual and any claimed dependents by the United States Internal Revenue
41 Service, or a written statement that the individual and/or claimed dependents have not
42 been assigned either such number.
- 43 (b) Except as provided in subsection (5)(c) of this section, acceptable alternative
44 documents to prove eligibility include but are not limited to the following for the
45 individual and separately for any claimed dependent:
- 46 (A) An unexpired valid passport from the person's country of citizenship;

1 (B) An unexpired valid consular identification document issued by the consulate of the
2 person's country of citizenship, if the department determines that the procedure
3 used in issuing the consular identification document is sufficient to prove the
4 person's identity;

5 (C) A driver license, driver permit or identification card issued by this state that is
6 unexpired or expired not more than 13 years from the date on which the individual
7 claims the rebate; or

8 (D) A driver license, driver permit or identification card issued by another state that is
9 unexpired or expired not more than one year from the date on which the individual
10 claims the rebate.

11 (c) The department may refuse to accept any document described in subsection (5) of this
12 section, if the department has reason to believe that:

13 (A) The document is fraudulent or has been altered; or

14 (B) The procedures used by the agency that issued the document are no longer
15 sufficient for proving the person's identity or date of birth.

16 (d) The department shall require by rule proof to verify the address of an individual prior
17 to issuance of a rebate. Verification of proof of address may include, but is not limited
18 to, providing a utility bill, a tax return, a record from a financial institution, a proof of
19 insurance card or a health benefits card, a selective service card, a mortgage document
20 or a lease agreement showing the individual's asserted address. The individual may
21 provide the proof of address by submitting proof in the form of an original document
22 or a copy of a document, use an electronic device to display proof of address, or
23 provide proof through the use of a third party address verification system or a
24 certification from a third party nonprofit corporation which houses or receives mail on
25 behalf of unhoused individuals.

26 (e) The department shall require the individual and any dependents to provide for
27 verification by the department a statement asserting that each spent in this state in the
28 aggregate more than 200 days during the eligibility year. For purposes of this
29 subsection, a fraction of a calendar day shall be counted as a whole day.

30 **SECTION 4.** Moneys shall be continuously appropriated to the Department of Revenue to
31 distribute the rebates and the hold harmless program available under this 2022 Act.

32 **SECTION 5.** The amendments to ORS 317.090 by section 1 of this 2022 Act apply to tax years
33 beginning on or after January 1, 2023.

34 **SECTION 6.** If any provision of this 2022 Act is held invalid for any reason, all remaining
35 provisions of this 2022 Act shall remain in place and shall be given full force and effect.

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