

Chapter 318
1955 REPLACEMENT PART

Corporate Income Tax

318.010	Short title; State Tax Commission to administer chapter	318.050	Computation of tax upon change of taxable status or tax rate
318.020	Imposition of tax	318.060	Rules and regulations; personnel; disposition of revenue
318.030	Provisions of ORS chapter 314 and certain provisions of ORS chapter 317 applicable	318.070	Disposition of revenue
318.040	Exempt corporations		

CROSS REFERENCES

318.060
Administrative costs to be paid from commission's appropriation, 306.430

318.010 Short title; State Tax Commission to administer chapter. This chapter shall be known and may be cited as the Corporation Income Tax Act of 1955, and it shall be administered by the State Tax Commission. [1955 c.334 §1]

318.020 Imposition of tax. (1) There hereby is imposed upon every corporation for each taxable year a tax at the rate of eight percent upon its net income derived from sources within this state after August 3, 1955, other than income for any period for which the corporation is subject to the tax imposed by the Corporation Excise Tax Law of 1929 (ORS chapter 317) according to or measured by its net income.

(2) Income from sources within this state includes income from tangible or intangible property located or having a situs in this state and income from any activities carried on in this state, regardless of whether carried on in intrastate, interstate or foreign commerce. [1955 c.334 §2]

318.030 Provisions of ORS chapter 314 and certain provisions of ORS chapter 317 applicable. It being the intention of the Legislative Assembly that this chapter and the Corporation Excise Tax Law of 1929 shall be administered as uniformly as possible (allowance being made for the difference in imposition of the taxes and the operative date of this chapter), the provisions of ORS chapter 314 and of the following sections of ORS chapter 317, as amended on or before August 3, 1955, and as they may thereafter be amended, are incorporated into this chapter by this reference and made a part hereof: ORS 317.010, 317.015, 317.020, 317.030, 317.035, 317.080, 317.105, 317.110, 317.155, 317.160, 317.165, 317.170, 317.175, 317.180, 317.185, 317.205, 317.210, 317.215 (except that wherever the words "December 31, 1928" or "January 1, 1929" appear, there shall be substituted "August 3, 1955"), 317.220, 317.225, 317.230, 317.235, 317.240, 317.242, 317.245, 317.249, 317.255, 317.260, 317.262, 317.265 (except that subsection (4) shall read: "Taxes which became due and payable before January 1, 1956"); 317.270, 317.275, 317.280, 317.290, 317.295, 317.300, 317.355, 317.360, 317.365, 317.370, 317.375, 317.380, 317.390, 317.395, 317.405 to 317.480, 317.505 to 317.550 and 317.990. [1955 c.334 §3]

318.040 Exempt corporations. In addition to the corporations exempt from the

provisions of this chapter by the incorporation in this chapter of ORS 317.080, there shall also be exempt those foreign corporations whose activities in this state are confined to purchases of personal property, and the storage thereof incident to shipment outside the state, unless such foreign corporation is an affiliate of another foreign or domestic corporation which is doing business in Oregon or is subject to this chapter. Whether or not corporations are affiliated shall be determined as provided in ORS 317.360. [1955 c.334 §4]

318.050 Computation of tax upon change of taxable status or tax rate. If the taxable status of a corporation under this chapter changes, or if any rate of tax imposed by this chapter changes, and if the taxable year includes the effective date of the change (unless that date is the first day of the taxable year), then tentative taxes shall be computed by applying the rate for the period before the effective date of the change, and the rate for the period on and after such date, to the taxable income for the entire taxable year, and the tax for such taxable year shall be the sum of that proportion of each such tentative tax which the number of days in each such period bears to the number of days in the entire taxable year. A corporation shall be deemed to have changed its taxable status on the effective date of this Act (August 3, 1955), or of any subsequent Act under which it first becomes subject to this chapter; and a corporation which at any time ceases to be subject to this chapter shall be deemed to have changed its taxable status at that time. [1955 c.334 §6]

318.060 Rules and regulations; personnel; disposition of revenue. The State Tax Commission is authorized to employ such personnel, and prescribe and prepare such rules, regulations, forms and tables as are necessary to place this chapter in operation and, for this purpose, there shall be advanced out of the General Fund in the State Treasury, to the commission, such sum as may be necessary, not to exceed \$75,000. The sum so advanced shall be repaid to the General Fund out of the first revenues received under this chapter. All costs incurred in the administration of this chapter shall be paid out of the revenue from the tax imposed by this chapter, and the net revenue from the tax, after deduction of such administrative

costs, shall be paid over to the State Treasurer and held by him in the General Fund as miscellaneous receipts applicable to no special purpose, but available generally to meet any expense or obligation of the State of Oregon lawfully incurred. A working balance of unreceipted revenue from the tax imposed by this chapter may be retained for the payment of refunds and administrative costs, but such working balance shall not at the close of any fiscal year exceed the sum of \$10,000. [1955 c.334 §7]

318.070 Disposition of revenue. The net revenue from the tax imposed by this chapter shall be paid over to the State Treasurer and held by him in the General Fund as miscellaneous receipts available generally to meet any expense or obligation of the State of Oregon lawfully incurred. A working balance of unreceipted revenue from the tax imposed by this chapter may be retained by the State Tax Commission for the payment of refunds, but such working balance shall not at the close of any fiscal year exceed the sum of \$50,000. [1955 c.334 §5]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel