

Chapter 318

1985 REPLACEMENT PART

Corporation Income Tax

318 010	Short title, Department of Revenue to administer chapter	Associations, trusts or other unincorporated organization, income tax liability, 316 277
318 020	Imposition of tax	Business trusts, distributions subject to personal income and corporate excise and income tax provisions, 316 279
318 031	Provisions in ORS chapters 305, 314 and 317 incorporated into corporation income tax law	Claim for refund of any tax paid, 305 270 Deficiency procedure, 305 265 Estimated tax procedure for corporate excise and income tax, 314 505 to 314 525
318 040	Exempt corporations	General provisions relating to income taxation, Ch 314
318 060	Rules and regulations, personnel	Interest on deficiency, delinquency or refund, 305 220
318 070	Disposition of revenue	Metropolitan service district taxing authority, 268 505
318 080	ORS 317 133 as part of chapter	Oregon Mass Transportation Financing Authority, security status of bonds, 391 600
318 090	ORS 317 386 as part of chapter	Payment of tax, penalty and interest required before filing complaint with Tax Court to appeal department order, 305 419
318 100	ORS 317 098 as part of chapter	Relocation assistance from public condemnor, business or farm operation required to submit tax returns, 281 070
318 110	ORS 317 102 as part of chapter	Tax Court, Oregon, 305 405 to 305 555
318 130	ORS 317 329 as part of chapter	Verification of documents filed under tax laws, falsification prohibited, 305 810, 305 815 When tax document deemed filed with tax official, 305 820

CROSS REFERENCES

Administration of revenue laws generally, Ch 305
Administrative appeals, 305 265 to 305 285
Appeal procedure, 305 280

318.010 Short title; Department of Revenue 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 Department of Revenue [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 rates provided in ORS 317.061 upon its Oregon taxable income derived from sources within this state, other than income 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 Oregon taxable 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, 1957 c 607 §9, 1957 c 633 §1, 1961 c 55 §1, subsection (3) enacted as 1961 c 55 §2, 1975 c 368 §7, 1983 c 162 §44]

318 030 [1955 c 334 §3, 1957 c 74 §3, 1965 c 154 §5, 1965 c 460 §5, 1967 c 592 §10, 1969 c 166 §7, 1969 c 493 §96a, 1969 c 681 §7, 1971 c 283 §5, 1973 c 115 §6, 1973 c 753 §7, 1977 c 866 §6, 1979 c 414 §6, 1979 c 561 §7, 1979 c 578 §10, repealed by 1983 c 162 §45 (318 031 enacted in lieu of 318 030)]

318.031 Provisions in ORS chapters 305, 314 and 317 incorporated into corporation income tax law. 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 305 140, 305 150, 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, 317 013, 317 017 to 317 022, 317 030, 317 035, 317 038, 317 080, 317 102, 317 116, 317 259 to 317 303, 317 314 to 317 635, 317 705 to 317 725 [1983 c 162 §46 (enacted in lieu of 318 030), 1984 c 1 §13, 1985 c 761 §23]

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 section 1504 of the Internal Revenue Code [1955 c 334 §4, 1977 c 866 §7, 1984 c 1 §14, 1985 c 802 §34]

318 044 [1957 s s c 15 §§14, 15, 1971 c 724 §2, 1977 c 89 §2, repealed by 1983 c 162 §57]

318 046 [1957 s s c 15 §§16, 17, 1959 c 92 §3, repealed by 1983 c 162 §57]

318 048 [1965 c 178 §6, repealed by 1983 c 162 §57]

318 050 [1955 c 334 §6, repealed by 1977 c 866 §9]

318.060 Rules and regulations; personnel. The Department of Revenue 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 [1955 c 334 §7, 1957 c 528 §5]

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 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 Department of Revenue 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]

318.080 ORS 317.133 as part of chapter. ORS 317 133, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof [1981 c 720 §20]

318.090 ORS 317.386 as part of chapter. ORS 317 386, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part of this chapter [1981 c 778 §38]

318.100 ORS 317.098 as part of chapter. ORS 317 098, during its existence and as it may be amended is incorporated into this chapter by reference and made a part hereof [1983 c 162 §49]

Note Sections 5 to 7, chapter 438, Oregon Laws 1985, provide

Sec 5. Section 6 of this Act is added to and made a part of ORS chapter 318

Sec 6 Section 4 of this 1985 Act (Note before ORS 317 100), during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof

Sec 7. This Act applies to tax years beginning on or after January 1, 1985, and prior to January 1, 1994

Note Sections 4 to 6, chapter 521, Oregon Laws 1985, provide

Sec 4 Section 5 of this Act is added to and made a part of ORS chapter 318

Sec 5 Section 2 of this 1985 Act (Note following ORS 317 133), during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof

Sec. 6 Sections 2 and 5 and the amendments to ORS 316 089 by section 3 of this Act apply to donations of crops made in tax years beginning on or after January 1, 1986, and prior to January 1, 1993

Note Sections 3 to 5, chapter 695, Oregon Laws 1985, provide

Sec 3 Section 4 of this Act is added to and made a part of ORS chapter 318

Sec 4 Section 2 of this 1985 Act (Note following ORS 317 102), during its existence and as it may be amended, is incorporated into this chapter and made a part hereof

Sec 5 (1) Except as provided in subsection (2) of this section, sections 2 and 4 of this Act apply to contributions made in tax years beginning on or after January 1, 1986, and prior to January 1, 1990

(2) With respect to the credit allowed for a contribution as described in paragraph (c) of subsection (2) of section 2 of

this Act, if a written contract or other written agreement to make the contribution is entered into prior to January 1, 1990, and the moneys contributed after that date are contributed pursuant to the contract or agreement, then notwithstanding subsection (1) of this section, the credit allowed as described in paragraph (c) of subsection (2) of section 2 of this Act shall be allowed for those contributions made pursuant to the written contract or other written agreement entered into prior to January 1, 1990

318.110 ORS 317.102 as part of chapter. ORS 317 102, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part of this chapter [1985 c 749 §5]

Note: Section 53, chapter 802, Oregon Laws 1985, provides

Sec 53 Section 51 of this 1985 Act (Note following ORS 317 281), during its existence and as it may be amended, is incorporated into this chapter by reference and made a part of this chapter

318.130 ORS 317.329 as part of chapter. ORS 317 329, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof [1985 c 802 §21d]