

# Chapter 318

1989 EDITION

## Corporation Income Tax

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**REVENUE AND TAXATION**

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**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c.681 §7; 1971 c.283 §5; 1973 c.115 §6, 1973 c.753 §7; 1977 c.866 §6; 1979 c.414 §6; 1979 c.561 §7; 1979 c.578 §10; repealed by 1983 c.162 §45 (318.031 enacted in lieu of 318.030)]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, 317.045, 317.080, 317.102, 317.116, 317.140, 317.259 to 317.303, 317.310 to 317.635, 317.379 and 317.705 to 317.725 and sections 2 to 4, chapter 911, Oregon Laws 1989. [1983 c.162 §46 (enacted in lieu of 318.030); 1984 c.1 §13; 1985 c.761 §23; 1987 c.293 §49; 1987 c.911 §8f; 1989 c.625 §24; 1989 c.911 §5]

**Note:** Section 6, chapter 911, Oregon Laws 1989, provides:

**Sec. 6.** Sections 2 to 4 of this Act and the amendments to ORS 318.031 by section 5 of this Act apply to amounts paid or incurred in tax years beginning on or after January 1, 1989, and before January 1, 1996. [1989 c.911 §6]

**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 un-receipted 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, chapter 695, Oregon Laws 1985, apply to contributions made in tax years beginning on or after January 1, 1986, and prior to January 1, 1998.

(2) With respect to the credit allowed for a contribution as described in paragraph (c) of subsection (2) of section 2, chapter 695, Oregon Laws 1985, if a written contract or other written agreement to make the contribution is entered into prior to January 1, 1998, 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, chapter 695, Oregon Laws 1985, shall be allowed for those contributions made pursuant to the written contract or other written agreement entered into prior to January 1, 1998 [1985 c.695 §5; 1989 c.989 §1]

**Note:** Sections 8 and 10, chapter 682, Oregon Laws 1987, provide

**Sec. 8.** Section 5 of this 1987 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. [1987 c.682 §8]

**Sec. 10.** Sections 2 [ORS 316.134], 5 [note following ORS 317.133] and 8 of this Act apply to tax years beginning on or after January 1, 1988, and prior to January 1, 1992. For all prior taxable years, the law in effect and applicable for those years shall continue to apply. [1987 c.682 §10]

**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]

**318.160 ORS 317.114 as part of chapter.** ORS 317.114, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1987 c.682 §9]

**318.170 ORS 317.113 as part of chapter.** ORS 317.113, during its existence and as it may be amended, is incorporated into this chapter by reference and made a part hereof. [1987 c.591 §17]