



Checklist of forms and schedules

Form number	Who must file
Form 20	Every corporation (except S corporations) doing business in Oregon (or authorized to do so).
Schedule C, Form 20	Every corporation apportioning income into or out of Oregon.
U.S. Form 1120 or 1120-A*	Every corporation required to file.
Form 20-ES	Every corporation which estimates its 1997 tax liability to be \$500 or more.
Form 37	Every corporation with an underpayment of estimated tax.

* In general, Oregon is tied to the Internal Revenue Code (IRC) as amended on or before April 15, 1995, even if the amendments take effect after that date. Oregon's corporation income will be the same as for federal income tax purposes, except for certain modifications. See line instructions below for exceptions.

This publication is a guide. It isn't a complete statement of Oregon laws or Oregon Department of Revenue rules. For more information, refer to the laws and rules, or see page 6 for assistance.

ELIMINATION OF OREGON AND FEDERAL DEPRECIATION DIFFERENCES

Oregon requires a one-time adjustment to align Oregon basis of property to the federal basis. It is applicable wherever a basis difference exists due to the provisions of ORS 317.368. The one-time adjustment must be claimed on the 1996 return. Generally, you will no longer have Oregon modifications due to depreciation.

IRC SECTION 179 EXPENSE

Oregon taxpayers may choose to amend their 1993 and 1994 returns to claim the increased IRC 179 expense (\$17,500), conforming to their federal election. Or instead, taxpayers may choose a one-time adjustment on their 1996 return in lieu of amending their 1993 or 1994 returns.

DOUBLE WEIGHTED SALES FACTOR

All business income will be apportioned to Oregon by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus two times the sales factor, and the denominator of which is four. The denominator is reduced by the number of factors with a denominator of zero. If the sales factor denominator is zero, the sum of the factors is divided by two. See ORS 314.650.

S CORPORATIONS

Corporations filing federal Form 1120S must file the Oregon S Corporation Tax return (Form 20-S). To request an Oregon S Corporation Tax return and instructions, see "Assistance" on page 6.

FILING REQUIREMENTS

Oregon has adopted the federal consolidation laws. If you filed a consolidated federal return, corporations that are a part of the unitary group and are included in the consolidated federal return must be included in the consolidated Oregon return. This is true even if these corporations aren't doing business in Oregon and don't have an Oregon source of income. (See "Apportionment and Allocation" on the back of Form 20.) Corporations that aren't unitary are excluded from the consolidated Oregon return.

A corporation filing a consolidated Oregon return must attach a complete copy of its consolidated federal return and supporting schedules as filed with the IRS.

For more information on Oregon's consolidated return laws, see Oregon Revised Statutes (ORS) 317.705 through 317.715. Also, see Oregon Administrative Rules (OAR) 150-317.705 through 150-317.715.

Unitary business. A unitary business is one that has, directly or indirectly, between members or parts of the enterprise, a sharing or exchange of value shown by:

- Centralized management or a common executive force,
- Centralized administrative services or functions resulting in economies of scale, and
- Flow of goods, capital resources, or services showing functional integration.

If you filed a separate federal return, you must file a separate Oregon return.

GENERAL INSTRUCTIONS

Corporations required to file a return

You must file a return if you are incorporated under Oregon laws, authorized to do business in Oregon, or doing business in Oregon. "Doing business" is defined as having sales activity in Oregon and one or more of the following:

- A stock of goods.
- An office.
- A place of business (other than an office) where affairs of the corporation are regularly carried on.

The definition of doing business also includes providing services to customers as the primary business activity or incidental to the sale of tangible or intangible personal property.

Corporations having business activity in Oregon that doesn't constitute "doing business" under the excise tax law may be required to file Form 20-I, Oregon Corporation Income Tax return. To request more information, see "Assistance" on page 6.

Certain exempt nonprofit corporations must file and pay tax on income unrelated to the organization's exempt purposes, ORS 317.920, or lobbying expenses subject to tax under IRC 6033(e).

Publicly traded partnerships

A "publicly traded partnership" is a partnership treated as a corporation for federal income tax purposes under IRC 7704.

The partners in a publicly traded partnership are not subject to tax on their distributive shares of partnership income. The publicly traded partnership is subject to corporation excise tax if it is doing business in Oregon.

Real Estate Mortgage Investment Conduits (REMIC)

A REMIC must file if it derives income from Oregon sources or has any resident holders of a residual interest. Income is from an Oregon source if it is derived from tangible property located in Oregon or intangible property used in an Oregon business.

All REMICs required to file must use Form 20-I and follow that form's instructions.

Political organizations

Political organizations (campaign committees, political parties) normally do not pay state or federal taxes. However, income earned from investments is taxable. Examples include interest earned on deposits, dividends from contributed stock, rents or royalties, and gains from the sale of contributed property.

Political organizations that are incorporated must file Form 20, Oregon Corporation Excise Tax return. Unincorporated political organizations with taxable income are treated as corporations and must file Form 20-I, Oregon Corporation Income Tax return.

For more information, order the circular "Political Corporations," 150-102-663. See "Assistance" on page 6.

Excise tax

This is a tax for the privilege of doing business in Oregon. It is measured by net income. All interest is included in income, no matter what its source. This includes interest on obligations of the United States, its instrumentalities, and all of the 50 states and their subdivisions.

Due date of the Oregon return

Returns for the calendar year are due on or before April 15. Returns for other tax periods are due on or before the 15th day of the month following the due date of the federal return for the tax year. When the 15th falls on a Saturday or Sunday, the due date will be the following Monday.

Oregon won't charge a late filing penalty if the return is filed by the Oregon due date, including extensions. But interest and a 5 percent late payment penalty are charged if the tax isn't paid by the original due date of the return.

Extension of time for filing

If you need more time to file both your federal and your Oregon returns:

- Oregon accepts the extension you have for your federal return.
- Attach a copy of your federal extension to your Oregon return and mark the extension box at the top of Form 20.
- To avoid penalty and interest, mail any tax due on or before the original due date of your return. Attach the payment to a separate copy of your federal extension.
- Include the amount you paid with your extension on Form 20, line 6, Schedule B, when you file your return.

If you need an extension of time to file for Oregon only, send us a federal extension form. Write "For Oregon Only" across the top. Include your payment. Mail the extension request to: Oregon Department of Revenue, PO Box 14777, Salem OR 97309-

0960. We'll notify you only if your extension is denied. More time to file doesn't mean more time to pay your tax! Even if you have an extension, any tax due is payable on the original due date of the return.

Include a copy of your extension with your return when you file. Put the extension at the back of the Oregon return and schedules. It should be the last item before the federal corporation return. Check the appropriate box at the top of Form 20 if you have attached an extension.

Penalty and interest

Penalty. Include a penalty payment if you:

- Mail your tax due after the original due date (even if you have an extension).
- File your excise tax return after the due date, including any extension.

Penalty is 5 percent of the unpaid balance of your tax.

If you get an extension, the penalty won't be charged if you:

- Pay at least 90 percent of the tax due on or before the original due date of the return, and
- Pay the balance of tax when you file within the extension period, and
- Pay any interest due either when the return is filed or within 30 days of billing by the department.

If you file more than three months after the original or extended due date, add an additional penalty of 20 percent of the unpaid tax. If you don't file returns for three consecutive years by the due date of the third year's return, including extensions, you must pay a 100 percent penalty on the tax liability for each tax year. Include any penalty due on Form 20, line 24.

Interest. If you don't pay the tax by the due date, interest will be charged on the unpaid tax.

The current interest rate is .8333 percent per month (.0274 percent per day). The interest rate may change once a calendar year.

Interest is figured daily for periods of less than a month. A month, for example, is May 16 to June 15. Here's how to figure daily interest:

$$\text{Tax} \times \text{Daily interest rate} \times \text{Number of days}$$

Interest accrues during an extension of time to file. Include interest for payment of tax after the original return due date on Form 20, line 24.

Additional interest on deficiencies and delinquencies. Interest will increase by one-third of 1 percent per month (4 percent yearly) on deficiencies or delinquencies if the following occurs:

- You file a return showing taxes due (self-assess a tax liability), or the Department of Revenue has assessed an existing deficiency, and
- The assessment isn't paid within 60 days after the notice of assessment is issued.

Interest on underpayment of estimated tax. You have an underpayment if you paid less than 100 percent of the tax due on each estimated tax payment due date. You don't have an underpayment if you owe less than \$500 tax on your 1996 return. The tax you owe is the net excise tax on line 21. If you have an underpayment, you must file Oregon Form 37, "Underpayment of Estimated Taxes." Attach Form 37 to your return, and check the box at the top of Form 20.

Use Form 37 to figure:

- The amount of underpayment of estimated tax.
- The amount of interest you owe on the underpayment.
- Any exception to the payment of interest.

To get Form 37, see “Assistance” on page 6.

On Form 20, line 25, enter interest due from underpayment of estimated tax. Check the appropriate box at the top of Form 20 if you have attached Form 37.

Federal audit changes

If the IRS changes your federal net income for any tax year, you must notify the Oregon Department of Revenue. File an amended Oregon return and attach a copy of the federal audit report. Mail this separately from your current year’s return to: Oregon Department of Revenue, PO Box 14777, Salem OR 97309-0960. If you don’t amend, or send a copy of the federal report, the Oregon Department of Revenue has two years from the date the department is notified of the change by the IRS to issue a deficiency notice. You must file within two years after the date of the federal report to receive a refund.

Amended returns

If you change net income by amending your federal return, you must file an amended Oregon return within 90 days. Attach a copy of the amended federal return to the amended Oregon return and explain the adjustments made.

On the line for prepayments, enter the net excise tax per the original return. Add or subtract prior tax adjustments to your original return.

Don’t amend your Oregon return if you amend the federal return to carry a net operating loss back to prior years. Oregon allows corporations to carry losses forward, but not back. See instructions for line 15.

Pay all tax and interest due when you file an amended return. Otherwise, you may be charged the 5 percent late payment penalty.

LINE INSTRUCTIONS

Instructions are for lines not fully explained on the form.

Heading. Use the mailing label in the name and address space. Correct the name, address, or federal employer identification number, if necessary. If you didn’t receive a label, type or print the required information.

Generally, file the consolidated Oregon return in the name of the common parent corporation. If the parent corporation isn’t doing business in Oregon, file the return in the name of the member of the group having the greatest presence in Oregon. “Having the greatest presence” means the member which has the largest Oregon property value as determined under ORS 314.655 (see Schedule C-1, Property Factor).

If this is your first return, a filing number will be assigned when the return is filed.

Line 1. Taxable income from U.S. corporation income tax return. Enter the taxable income for federal income tax purposes before net operating loss or special deductions. This includes interest from obligations of the U.S. government and its instrumentalities. This income is also taxable by Oregon. Oregon’s

excise tax applies to all interest income, regardless of source. Also, enter taxable income from federal Form 990T.

Oregon law requires a different method for computing the taxable income of domestic insurance companies. These companies should attach Schedule INS—Domestic Insurance Companies Computation of Net Income (150-102-126)—to their returns. For a copy of Schedule INS, see “Assistance” on page 6.

Additions

Line 2. Certain interest excluded on the federal return. Oregon gross income includes interest on all state and municipal bonds or other interest excluded for federal tax purposes. Reduce the addition by any interest incurred to carry the obligations and by any expenses incurred in producing this interest income.

Line 3. Oregon excise tax and other taxes on or measured by net income. Taxes of Oregon and other states or foreign governments on or measured by net income or profits can’t be deducted on the Oregon return. However, local taxes, such as the Multnomah County Business Income Tax, are deductible.

Line 4. Income of related FSC or DISC. The net income or loss of a foreign sales corporation (FSC) or domestic international sales corporation (DISC) must be included in the net income of its related U.S. affiliate.

Line 5. Other additions. Enter the amount by which any item of gross income is greater under Oregon law than under federal law, or the amount by which any allowable deduction is less under Oregon law than under federal law. Examples:

- Federal depreciation or amortization in excess of Oregon allowance. Generally, you will no longer have Oregon modifications due to depreciation. See instructions for line 8.
- Health care service contractors must deduct the same amount of depreciation on the Oregon return as they do on the federal return. If federal exempt status was denied under IRC 501(m), the stepped-up basis adjustment allowable on the federal return when health care service contractors dispose of assets must be eliminated by an Oregon modification.
- Gain or loss on the disposition of depreciable property. The difference in gain or loss on sale of business assets when the Oregon basis is less than it is for federal purposes. See ORS 317.356.
- Safe harbor lease agreements. Oregon did not tie to the provisions of IRC 168(f)(8). See OAR 150-317.349-(A) and 150-317.349-(B) for details about the adjustments required for Oregon.
- Capital construction fund amounts deferred under Section 607 of the Merchant Marine Act of 1936 and IRC 7518 must be added back to income.
- IRC 631(a) treatment of timber isn’t recognized by Oregon. Both beginning and ending inventories must be adjusted for IRC 631(a) gain. For Oregon purposes, there is no taxable event until actual sale.
- Federal bad debt reserve addition of a financial institution to the extent that it exceeds the amount that is allowable for Oregon. The bad debt method of financial institutions is tied to the federal method. For taxpayers required to use the specific write-off method, an addition must be made if the amortization of the federal reserve is less than the amortization of the Oregon reserve. See ORS 317.310.

- Gains from involuntary conversions and like kind exchanges can't be deferred if property located or having situs inside Oregon is converted or exchanged for property located or having situs outside of Oregon.

Such gains can be deferred if property located or having situs outside Oregon is converted or exchanged for property located or having situs inside or outside Oregon. (See OAR 150-314.290.)

- Net federal capital loss deduction. If the Oregon and federal capital loss deductions are different, add the federal capital loss back to income on this line. The Oregon capital loss will be deducted on either line 15, page 1 (by corporations not required to apportion income) or line 8, Schedule C-2 (by corporations required to apportion income).
- Percentage depletion in excess of cost. Percentage depletion is allowed only on metal mines. All other assets are limited to cost depletion.
- Inventory cost. The costs allocable to inventory are the same as those included in IRC 263A. Differences in depreciation and depletion allocable to inventory result in a modification.
- Losses of non-unitary corporations. The net losses of non-unitary corporations included in a consolidated federal return must be eliminated from the Oregon return. Attach a schedule showing computation of the net loss eliminated. See instructions for line 11.
- Unused business credits. Unused business credits taken as a federal deduction must be added back to Oregon income.

Subtractions

Line 8. One-time Oregon depreciation adjustment. If you placed depreciable assets into service prior to January 1, 1985, the Oregon and federal depreciation on those assets may have been different. A one-time adjustment is required in 1996 to align the Oregon and federal basis on those assets if the difference is attributable to the depreciation differences. Only differences attributable to IRC 167, 168, 179, and ORS 317.368 should be included in this modification.

The 1996 one-time adjustment does not apply to depreciation of nonresidential real property placed into service after May 12, 1993. You must amend your 1993 or 1994 Oregon return to report any difference from this source.

Generally, you will no longer have depreciation modifications for Oregon after 1996.

Line 9. Federal jobs credit wages not deducted on the federal return. Enter the amount of wages that weren't deducted on the federal return because the federal jobs credit was claimed.

Line 10. Dividend deduction. A 70 percent deduction is allowed for qualifying dividends regardless of geographic source. An 80 percent deduction is allowed for dividends from corporations owned 20 percent or more.

The Oregon deduction is computed as follows:

1. Dividends included in federal taxable income prior to "special deductions" 1. _____
2. Minus:
 - a. Dividends described in IRC 243(d) 2a. _____
 - b. Dividends described in IRC 245(c) and 246(d) (from FSCs and DISCs) 2b. _____

- c. Other income not treated as dividends under federal law 2c. _____
- d. Dividends from debt financed stock 2d. _____
- e. Dividends from corporations included in consolidated Oregon return 2e. _____
- f. IRC Section 78 gross-up 2f. _____
3. Total (add lines 2a through 2f) 3. _____
4. Balance subject to 70% (or 80%) deduction (line 1 minus line 3) 4. _____
5. Percentage deduction 5. $\times .7(.8)$
6. Allowable deduction (line 5 \times line 4) 6. _____

Line 11. Income of non-unitary corporations. The net income of non-unitary corporations included in a consolidated federal return must be eliminated from the Oregon return. Net income includes the separate taxable income, as determined under Treasury Regulations adopted for IRC 1502, and any deductions, additions, or items of income, expense, gain, or loss for which consolidated treatment is prescribed. Attach a schedule showing computation of the net income eliminated.

Line 12. Other subtractions. Enter the amount by which any item of gross income is less under Oregon law than under federal law, or the amount by which any allowable deduction is greater under Oregon law than under federal law. Examples:

- Oregon depreciation or amortization in excess of federal allowance. Generally, you will no longer have Oregon modifications due to depreciation. See instructions for line 8.
- Gain or loss on the sale of depreciable property. The difference in gain or loss on sale of business assets when the Oregon basis is greater than it is for federal purposes. See ORS 317.356.
- Did you take the federal investment tax credit on certain assets? If so, your federal basis is less than your Oregon basis. You must refigure gain or loss on disposal of those assets and subtract the difference.
- IRC Section 78 dividends (gross-up dividends) must be subtracted from federal taxable income.
- Dividends from foreign sales corporations and domestic international sales corporations, the net income of which was included on line 4.
- Dividends from corporations included in this consolidated Oregon return.
- Dividends from debt financed stock to the extent deductible for federal tax purposes (see IRC 246A).
- Oregon depletion in excess of federal allowance.
- Oregon bad debt reserve addition of a financial institution to the extent that it exceeds the amount that is allowed on the federal return. A subtraction is also made if the amortization of the federal reserve is greater than the amortization of the Oregon reserve. See ORS 317.310.
- Inventory costs. See instructions under line 5.
- Research credit deduction. Subtract the amount of expense not deducted on the federal return because the federal credit was taken.
- Charitable contribution. Subtract the amount by which a corporation must reduce its charitable contribution deduction under IRC 170(d)(2)(B).

Line 15. Net loss deduction and net capital loss deduction.

- Net loss deduction. A net loss is the amount determined under Chapter 1, subtitle A of the IRC, with the modifications specifically prescribed under Oregon law. If you are taxable only by Oregon, the deduction on line 15 will be the sum of unused net losses for preceding taxable years. Net losses occurring in tax years starting on or after January 1, 1987 can be carried forward up to 15 years. Oregon doesn't allow net losses to be carried back.

For losses and built-in losses occurring before a change in ownership, Oregon is tied to the federal limitations. (See IRC 382, 384, and ORS 317.478.)

The total net loss deduction on a consolidated Oregon return is the sum of the net losses available to each of the corporations subject to the limitations in OAR 150-317.476(4).

Real estate investment trusts qualified under IRC 856 aren't allowed a deduction for a net loss.

If you are taxable both in Oregon and another state, don't complete line 15. Any net losses assigned to Oregon during the preceding taxable years (and not previously deducted) must be entered on line 8, Schedule C-2.

- Net capital loss deduction. The federal capital loss deduction amount included in line 1 must be added back to Oregon income. Write this amount on line 5 as an "other addition."

For corporations not required to apportion income, use this line to subtract net capital losses carried forward from another year. The deductible loss is limited to net capital gain included in Oregon income.

For corporations required to apportion income, net capital losses carried forward from another year are deducted on line 8, Schedule C-2. The deductible loss is limited to net capital gain assigned to Oregon. Attach a schedule showing the computation of the net capital loss deduction.

Line 16. Oregon taxable income. If you are apportioning income to Oregon and other states, enter the amount from line 9, Schedule C-2.

Line 17. Excise tax. The tax is 6.6 percent of Oregon taxable income. The minimum tax is \$10. Only one \$10 minimum tax payment is required on a consolidated return.

If you owe interest on deferred tax liabilities with respect to installment obligations under ORS 314.302, add it to excise tax. Attach a schedule showing how you figured the interest.

Line 18. Total credits. Enter the total credits from line 15, Schedule A. Forms and instructions for the credits aren't included as part of the excise tax return. They are available separately from the Oregon Department of Revenue. For general information on credits, see the information circulars, "Tax Credits for Corporations," 150-102-694 and "Additional Tax Credits for Corporations," 150-102-699. The total credits for a consolidated Oregon return is the sum of the credits available to each of the corporations included in the return.

Line 19. Excise tax after credits. Every corporation doing business in Oregon must pay a \$10 minimum tax, even if no profit is shown. Also, every corporation qualified to do business in Oregon must pay the minimum tax, even if no business is done. If a consolidated return shows a net loss, only one \$10 minimum tax payment is required.

Line 20. Tax adjustment for LIFO benefit recapture. This amount is a subtraction. Enclose it in brackets < >.

Oregon has adopted the provisions of IRC 1363(d) for S corporation elections made after December 17, 1987. LIFO benefits are included in the taxable income for the last year of the C corporation under these provisions. Compute on a separate schedule the difference between tax (after credits and any surplus refund) on income per the return and income without the recapture of LIFO benefits. Multiply this difference by 75 percent and enter the result on line 20 as a subtraction. Attach the computation schedule to the Oregon return.

On the tax adjustment line of each of the first three returns of the new S corporation, add one-third of the tax that was deferred from the last year of the C corporation.

Line 21. Net Excise Tax. Line 19 minus line 20.

Line 26. Total now due. All payments are applied first to any penalty and interest due, then to tax due.

Line 28. Amount of refund to be credited to 1997 estimated tax. If a refund is shown on line 27, enter the amount you want credited to your 1997 estimated tax. This election can't be changed. A refund can't be made until the 1997 return is filed.

Line 29. Net refund. Enter the amount from line 27 that you want refunded. No refund of less than \$5 will be issued.

Schedule A. Credits against tax. Enter the following on line 14, other credits:

- Fish habitat improvement.
- Fish gleaning (form 150-101-068).
- Crop gleaning (form 150-101-240).
- Reclaimed plastics product.
- Reforestation.
- Domestic insurance company (form 150-102-126).
- Computer, scientific equipment, or research donation.

Schedule C-2

Line 2. Minus: Net nonbusiness income and gains from prior year installment sales included in line 1. OAR 150-314.615-(G) requires that installment gains be apportioned to Oregon using the average percent from the year of the sale rather than the year payment is received.

Line 6. Add: Net nonbusiness income allocated entirely to Oregon and gains from prior year installment sales apportioned to Oregon. Multiply the installment gains subtracted on line 2 by the average percent from the year of the sale.

Questions

Answer questions A through N. Furnish additional information where necessary.

Question H(1). If the answer is YES, attach a list of the consolidated corporations from the federal return.

Question H(2). If the answer is YES, attach a list of the corporations included in the consolidated Oregon return that either:

- Are "doing business" in Oregon;
- Have income from Oregon sources; or
- Are otherwise required to register with the Oregon Office of the Secretary of State, Corporation Division.

List each corporation's name, Oregon filing number, and federal employer identification number.

Question H(3). If the answer is YES, attach a list of corporations included in the consolidated federal return but not this

Oregon return. List each corporation's name, Oregon filing number (if any), and federal employer identification number.

Question M. If you have employees performing services inside either the Tri-County Metropolitan Transportation District

(Clackamas, Multnomah, and Washington counties) or the Lane County Mass Transit District, you must register as an employer on form 150-211-055. To request a registration form, see "Assistance" below or phone (503) 945-8091. The employer payroll tax is payable quarterly.

ASSISTANCE

For questions about Oregon Corporation Excise Tax, write or call: Corporation Audit, Oregon Department of Revenue, 955 Center Street NE, Salem OR 97310-2501.

Voice response system

For touchtone phones, our voice response system has recorded information. You can also order tax forms through our voice response system. This service is available 24 hours a day.

Representatives are available: 7:30 A.M.–5:10 P.M. Monday–Friday, except Wednesday when the hours are 9 A.M.–5:10 P.M. Closed on holidays. From April 1–April 15, representatives are available from 7 A.M. until 7 P.M., Monday–Friday.

Telephone numbers

Call: Salem (503) 378-4988
Toll-free within Oregon 1-800-356-4222

The toll-free number is only available January through April.

A message line is available all year for those who need assistance in Spanish. The number in Salem is (503) 945-8618.

Habla Español?

Las personas que necesitan asistencia en Español pueden dejar un mensaje. El número disponible todo el año en Salem es (503) 945-8618.

TTY (hearing or speech impaired only): These numbers are answered by machine only and are not for voice use. The year-round toll-free number within Oregon is 1-800-886-7204. In Salem, the number is (503) 945-8617.

To get forms

To order corporation tax forms and instructions, write to: Forms, Oregon Department of Revenue, PO Box 14999, Salem OR 97309-0990. For information circulars, write to: Publications (at the same address). Our internet address is: <http://www.dor.state.or.us>

In compliance with the Americans with Disabilities Act (ADA), this information is available in alternative formats upon request by calling (503) 378-4988.
