

OREGON  
DEPARTMENT  
OF REVENUE

2023 Oregon  
New Law Update

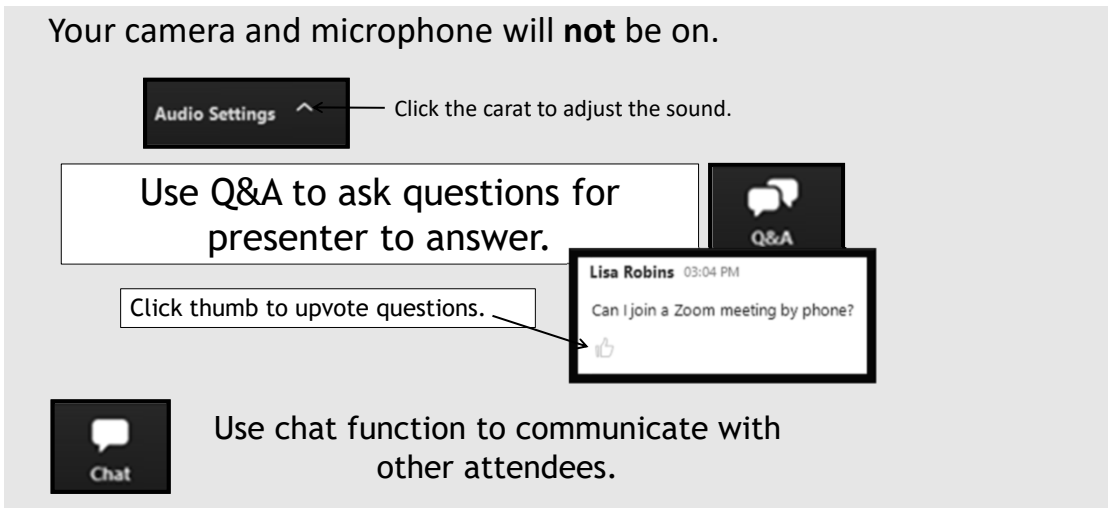
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Hosted by Daron Prara

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## How to participate

Your camera and microphone will **not** be on.



Audio Settings ^ ← Click the carat to adjust the sound.

Use Q&A to ask questions for presenter to answer.

Click thumb to upvote questions.

Use chat function to communicate with other attendees.

Q&A

Lisa Robins 03:04 PM  
Can I join a Zoom meeting by phone?

Chat

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# Presenters



Oregon Health  
Authority



Personal  
Income Tax



Corporate  
Activity Tax

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Oregon Health Authority

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## What tax preparers should know about health coverage in Oregon



**Carolyn Black**  
Senior Outreach and Education Coordinator



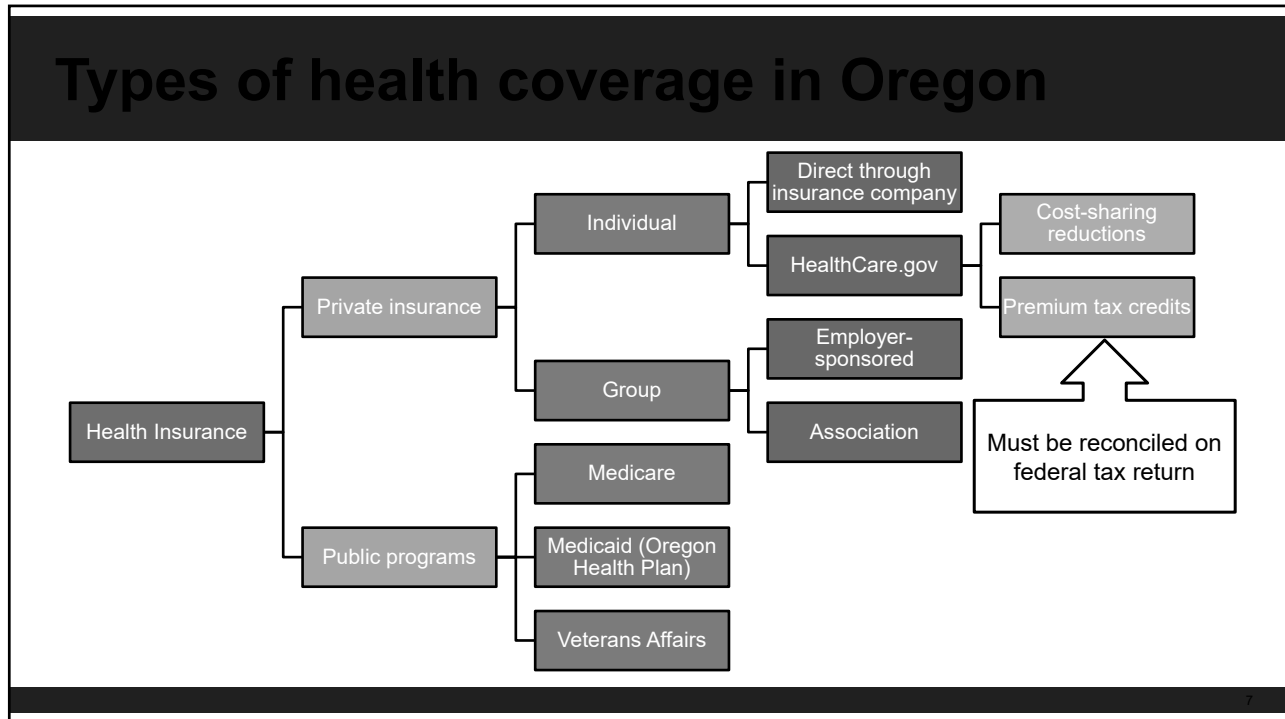
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## Who we are

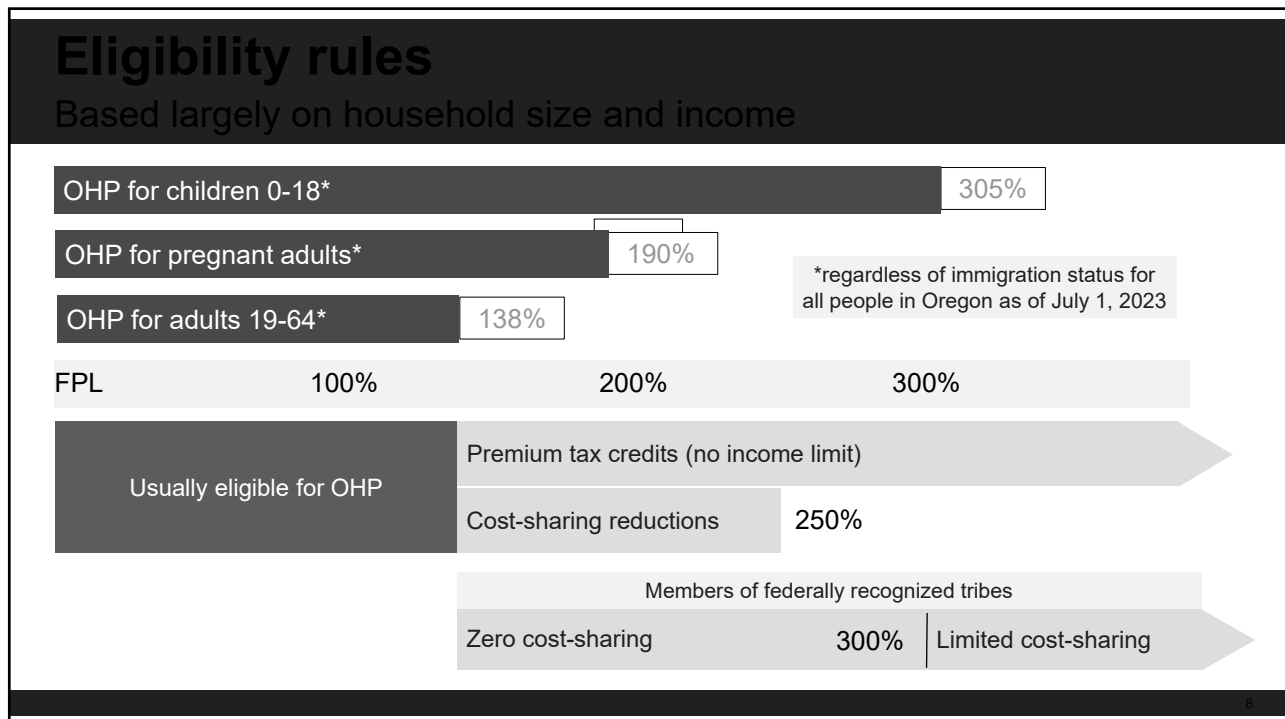
- Part of state government
  - Within Oregon Health Authority's Health Policy and Analytics office
- State-based exchange that uses federal platform (HealthCare.gov)
- Our team consists of:
  - **Program team**, overseeing Marketplace programs/functions
  - **Outreach team**, educating and informing the public, often in person around the state

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## How premium tax credits are calculated

**Cost of benchmark plan**  
(second lowest cost silver plan, SLCSP)

**Expected premium contribution**

**Premium tax credit**

Annual household income (% of FPL)	Expected premium contribution (% of income)
0% - 150%	0%
150% - 200%	2%
200% - 250%	4%
250% - 300%	6%
300% - 400%	8.5%
400% and up	8.5%

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## How premium tax credits are calculated

Example: A single adult, 26, lives in eastern Oregon and earns \$23,970 per year (162% FPL)

Annual income \$23,970  
Monthly income \$1,998

Second-lowest cost silver plan (SLCSP) **\$475**

What's considered "affordable?" **\$13**

Premium tax credits **\$462**

Use tax credits on any plan on HealthCare.gov

	Bronze	Silver	Gold
Monthly premium	\$369	\$475	\$548
Tax credit	\$462	\$462	\$462
Cost after tax credit	<b>\$1*</b>	<b>\$13</b>	<b>\$86</b>

\*Costs on this slide are an example. There are no "zero dollar plans" available after tax credits in Oregon due to benefits included in all plans that are not federal essential health benefits.

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# 1095 forms for reconciliation

## 1095-A Marketplace coverage

Thumbnail of a 1095-A Health Insurance Marketplace Statement form. The form includes sections for Recipient Information (Marketplace identifier, policy number, issuer name, start/end dates, address), Covered Individuals (names, SSNs, birth dates, coverage start/termination dates), and Coverage Information (monthly enrollment, second lowest cost silver plan premium, and advance payment of premium tax credit).

## 1095-B Public medical coverage (Medicaid/CHIP, Medicare, Veterans Affairs) and some employer coverage

Thumbnail of a 1095-B Health Coverage form. It displays a table with columns for the recipient's name, SSN, birth date, and coverage start/termination dates for various public programs like Medicaid, CHIP, Medicare, and Veterans Affairs.

## 1095-C Employer-offered coverage

Thumbnail of a 1095-C Premium-Related Health Insurance Information form. It shows a table with columns for the recipient's name, SSN, birth date, and monthly enrollment/premium information for employer-sponsored plans.

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# Incorrect 1095-A form?

- Seek a corrected 1095-A if enrollment-related information is incorrect:
  - Policy issuer's name (Part I)
  - Policy start or end date (Part I, Part II)
  - Premium cost (Part III, Column A)
  - APTC received (Part III, Column C)

Detailed view of a 1095-A form. Annotations highlight errors in Part III, Coverage Information:

- Column A:** Monthly enrollment premium. An arrow points to the value for January, which is incorrect.
- Column B:** Monthly second lowest cost silver plan (SLCSP) premium. An arrow points to the value for January, which is incorrect.
- Column C:** Monthly advance payment of premium tax credit. An arrow points to the value for January, which is incorrect.

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# Piecing together the 1095-A information

- **Column A:** full premium, including amount paid with APTC
  - If the premium is -0- but there is an APTC, the person likely didn't pay their premium
    - If they pay it by the last day of the tax filing season, they can claim PTC for the month.
    - If they do not, they must repay the APTC received for that month. (Enter as written on Form 1095-A.)
  - If there are multiple rows with -0- and an APTC value, this is likely an error. Seek a corrected Form 1095-A

Part I Recipient Information				
1 Marketplace identifier	2 Marketplace-assigned policy number	3 Policy issuer's name		
4 Recipient's name	5 Recipient's SSN		6 Recipient's date of birth	
7 Recipient's spouse's name	8 Recipient's spouse's SSN		9 Recipient's spouse's date of birth	
10 Policy start date	11 Policy termination date	12 Street address (including apartment no.)		
13 City or town	14 State or province	15 Country and ZIP or foreign postal code		
Part II Covered Individuals				
A. Covered individual name	B. Covered individual SSN	C. Covered individual date of birth	D. Coverage start date	E. Coverage termination date
16				
17				
18				
19				
20				
Part III Coverage Information				
Month	A. Monthly enrollment premiums	B. Monthly second lowest cost silver plan (SLCSP) premium	C. Monthly advance payment of premium tax credit	
21 January	↓	↓	↓	
22 February	Column A	Column B	Column C	
23 March				

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# Piecing together the 1095-A information

- **Column B:** the benchmark plan (SLCSP) premium used to establish PTC amount
  - It is incorrect, perhaps because a change in family size was not reported.
  - It is missing. This happens when someone paid the full premium.
  - There are multiple Forms 1095-A with conflicting information, or the taxpayer otherwise thinks it's incorrect.

Part I Recipient Information				
1 Marketplace identifier	2 Marketplace-assigned policy number	3 Policy issuer's name		
4 Recipient's name	5 Recipient's SSN		6 Recipient's date of birth	
7 Recipient's spouse's name	8 Recipient's spouse's SSN		9 Recipient's spouse's date of birth	
10 Policy start date	11 Policy termination date	12 Street address (including apartment no.)		
13 City or town	14 State or province	15 Country and ZIP or foreign postal code		
Part II Covered Individuals				
A. Covered individual name	B. Covered individual SSN	C. Covered individual date of birth	D. Coverage start date	E. Coverage termination date
16				
17				
18				
19				
20				
Part III Coverage Information				
Month	A. Monthly enrollment premiums	B. Monthly second lowest cost silver plan (SLCSP) premium	C. Monthly advance payment of premium tax credit	
21 January	↓	↓	↓	
22 February	Column A	Column B	Column C	
23 March				

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## Piecing together the 1095-A information

- **Column C:** advanced payments of PTC
  - Some taxpayers will have multiple Forms 1095-A. This will happen if the taxpayer:
    - Changed marketplace plans during the year.
    - Had family members enrolled in different marketplace plans.
    - Had more than 5 family members in the same plan.

Part I Recipient Information				
1 Marketplace identifier	2 Marketplace-assigned policy number	3 Policy issuer's name		
4 Recipient's name	5 Recipient's SSN	6 Recipient's date of birth		
7 Recipient's spouse's name	8 Recipient's spouse's SSN	9 Recipient's spouse's date of birth		
10 Policy start date	11 Policy termination date	12 Street address (including apartment no.)		
13 City or town	14 State or province	15 Country and ZIP or foreign postal code		
Part II Covered Individuals				
A. Covered individual name	B. Covered individual SSN	C. Covered individual date of birth	D. Coverage start date	E. Coverage termination date
16				
17				
18				
19				
20				
Part III Coverage Information				
Month	A. Monthly enrollment premiums	B. Monthly second lowest cost silver plan (SLCSP) premium	C. Monthly advance payment of premium tax credit	
21 January				
22 February	Column A	Column B	Column C	
23 March				

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## Multiple 1095-A forms?

- Make sure everyone on the Forms 1095-A is also on the tax return.
- Column A: Add the premiums together.
- Column B: If everyone is in the same state, the SLCSP should be the same on all Forms 1095-A for a given month. Enter that amount.
  - If the enrollees are in different states, add the SLCSPs. When in doubt, look it up in the Tax Tool for your marketplace.
- Column C (entered in Column F of Form 8962): Add the amounts together.

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# Reconciling APTC

May get more credits on taxes



Income estimate on application

May have to repay some credits on taxes

## Repayment limits on APTC (tax year 2023)

Income (% FPL)	SINGLE taxpayers	OTHER taxpayers
Under 200%	\$350	\$700
200% - 300%	\$900	\$1,800
300% - 400%	\$1,500	\$3,000
400% and above	None	None

Source: IRS, <https://bit.ly/418N1KS>

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# Where to see excess/repayment of APTC

Get more: If no tax credits are taken in advance or only a portion of the tax credits are claimed

Pay back: If taxpayer receives excess tax credits in advance

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## Taxpayer is Married filing Separately

- What you'll see: A filing status of Married Filing Separately on the 1040 and a Form 1095-A.
- What to do: In general, the taxpayer is ineligible for the PTC and must repay the APTC, up to the cap.
- However: Does an exception apply? Check the box at the top of Form 8962 if the taxpayer is either a survivor of domestic abuse or has been abandoned by their spouse.

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## Taxpayer is at or above 401% FPL

- There is no upper income tax limit to qualify for PTC for tax years 2021-2025.
- Taxpayers are only liable to repay amounts received above the monthly premium tax credit allowed.
- Form 8962 has been updated accordingly for 2021- 2025.
- There is still no cap on APTC repayment for taxpayers earning above 400% FPL.

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## The taxpayer stopped paying premiums

- What you'll see: Numbers in Columns B and C but no premium in Column A (-0-) for a month on Form 1095-A, Part III.
- What to do:
  - The taxpayer can only collect APTC if the premium is paid by the tax return due date (without extensions). If the APTC is high and covers most of the premium, can the taxpayer make the (late) premium payment? It may be more cost-effective to pay the premium than to repay the APTC! When the premium is paid, ask for a corrected Form 1095-A.
  - If the premium payment has not and will not be made, enter the SLCSP and APTC and leave Column A blank. Note: There should never be consecutive months like this. If so, there is an error on Form 1095-A.
  - Even if the taxpayer isn't eligible for PTC, he or she is still considered to have coverage for the month, despite nonpayment of premium.

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## The taxpayer paid the full premium for one or more months

- What you'll see: A premium in Column A but nothing in Columns B or C on Form 1095-A, Part III.
- What to do:
  - The taxpayer might have paid the full premium because he or she was disputing an eligibility determination or reported a change in circumstances that adjusted the APTC to zero.
  - The taxpayer may still be eligible for a premium tax credit for that month!
  - First, ensure the person is otherwise eligible for the premium tax credit for the month (see Form 8962 Instructions, p.2). Then, enter the SLCSP in Column B, using the Tax Tool for your marketplace. Tax software will calculate the PTC amount.

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## Taxpayer has multiple 1095-A forms

- What you'll see: Multiple forms 1095-A with an overlapping month for at least one person in the tax household.
- What to do: This happens when the taxpayer's eligibility or plan changed or when family members enrolled in different plans. See Form 8962 Instructions for Lines 12-23.
  - In Columns A and C, add the monthly premiums and APTC from the Forms 1095-A.
  - In Column B, if individuals in your coverage family enrolled in separate policies in the same state, you will receive a Form 1095-A for each policy. The marketplace should have entered the same SLCSP premium. If the enrollees are in different states, add the SLCSPs. When in doubt, look it up in the Tax Tool for your marketplace.

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## The taxpayer is enrolled in other (non-Marketplace) coverage in the same month

- What you'll see: A Form 1095-B or -C with coverage or eligibility months that overlap with Marketplace coverage on Form 1095-A.
- What to do: In general, PTC is allowed if the Marketplace previously approved APTC.
  - See Form 1095-B or -C instructions, Form 8962 instructions, or Publication 974 for more information.

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## Strategies to minimize repayment

- **Make sure Form 1095-A is correct and complete.**
  - Ask the taxpayer to contact the marketplace if the form doesn't reflect premiums that were paid or if there are other errors.
  - See tips and tricks for complex cases when a taxpayer may be eligible for PTC for a particular month.
- **Consider income adjustments to reduce household income.**
  - If the taxpayer is eligible to claim an IRA deduction, remember that taxpayers can contribute to an IRA until the tax filing deadline.
  - If someone on the taxpayer's return has tuition expenses, consider the Tuition and Fees deduction instead of an education credit.
- **Consider Married Filing Separately.**
  - The taxpayer will technically be ineligible for the PTC, but filing separately may cap repayment at a lower level based on income.

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## Why do PTC overpayments happen?

- Income or household may have changed since the application for subsidies was submitted.
- There was an error in calculating the APTC amount because of an inaccurate income or family size calculation, not keeping the application current when circumstances changed, or a technical error by the marketplace.
- The taxpayer allowed coverage to auto-renew without updating income or household information.

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## How to prevent PTC overpayment going forward

- If the taxpayer is currently enrolled in Marketplace coverage and has a repayment, they should contact the Marketplace to adjust their current APTC now to avoid similar repayment in the next tax year.
- Report income and other household changes to the Marketplace throughout the year.

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## How to help someone with 1095-A issues

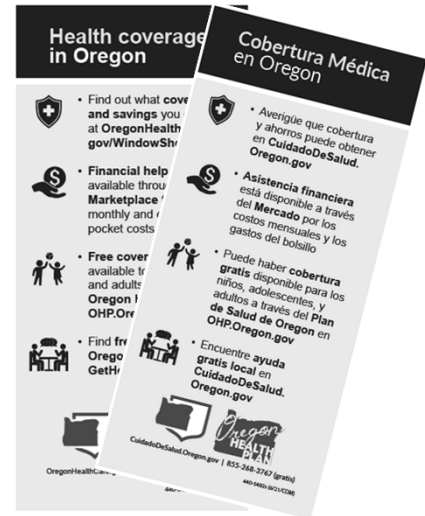
- Error on 1095-A form?
  - Contact HealthCare.gov with the taxpayer and ask for a corrected form
    - Phone: 800-318-2596 (toll-free)
- Still not resolved?
  - Email [customerservice.marketplace@odhsoha.Oregon.gov](mailto:customerservice.marketplace@odhsoha.Oregon.gov)

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# What if someone is uninsured?

- Refer them to the Marketplace to determine what coverage they may qualify for:
  - Window-shopping tool
    - [OregonHealthCare.gov/WindowShop](https://OregonHealthCare.gov/WindowShop)
    - [orhim.info/ObtengaCobertura](https://orhim.info/ObtengaCobertura)
  - Phone: 855-268-3767 (toll-free)
  - Email: [info.marketplace@odhsoha.Oregon.gov](mailto:info.marketplace@odhsoha.Oregon.gov)



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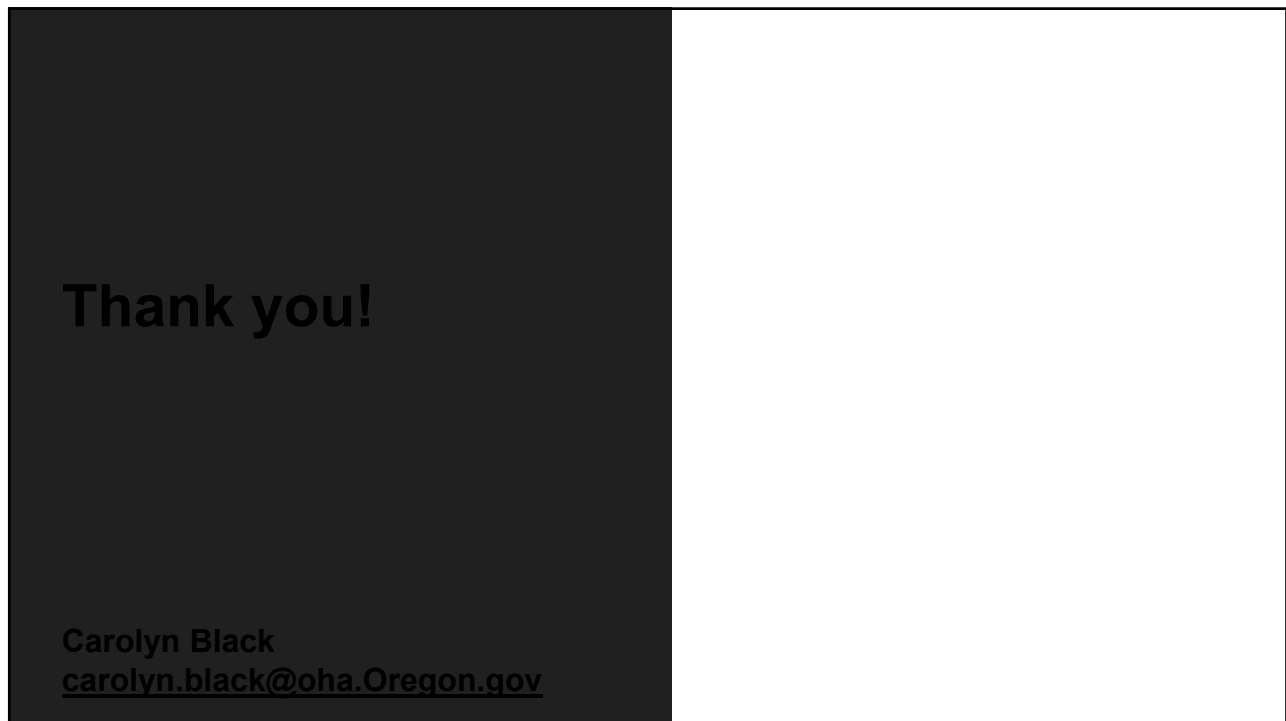
# Refer to a local health coverage expert

[OregonHealthCare.gov/GetHelp](https://OregonHealthCare.gov/GetHelp)

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## Oregon tax program updates

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## What's New for Oregon Tax Programs 2023

- Federal reconnect date: Dec 31, 2022  
(unless related to definition of taxable income)
- Personal income tax updates
- Corporate Activity Tax updates
- Roundup

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## Personal income tax

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### HB 3235 Oregon Kids Credit

- Refundable
- Claimed on return – no schedule
- Up to \$1,000 per dependent child up to age five, 5 child limit
- Modified AGI under \$30,000
- Not available if married filing separately.



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## HB 3235: Oregon Kids Credit

### Income

2023 phaseout threshold: \$25,000

Same for every filing status

No minimum income required

Modified AGI = income after Oregon additions & subtractions,  
with losses in excess of \$20,000 added back

- N/P filers: Greater of modified AGI or AGI

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## HB 3235: Oregon Kids Credit

### Losses

- Federal return
  - Capital, business, NOL, farming, rental, etc.
- Oregon loss subtractions
  - NOL for Oregon [code 321]
  - Loss due to depreciation difference [code 355]
  - Passive activity loss [code 356]
  - Suspended loss [code 357]
- Marijuana or psilocybin business expense subtraction (if creates loss) [code 359 or 385]



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## HB 3235: Oregon Kids Credit

Taxpayer 1 [\$48,000+]		Taxpayer 2 [\$53,000+]		Taxpayer 3 [\$0+]	
<b>Part A (Main worksheet)</b>		<b>Part A</b>		<b>Part A</b>	
Income after subtractions	\$26,000	Income after subtractions	\$ 6,000	Income after subtractions	(\$180,000)
Loss add back ↓	+ 2,000	Loss add back ↓	+ 27,000	Loss add back ↓	+ 160,000
Modified AGI	\$28,000	Modified AGI	\$33,000	Modified AGI	(\$20,000)
<b>Part B (Loss worksheet)</b>		<b>Part B</b>		<b>Part B</b>	
Capital loss	\$ 3,000	Capital loss	\$ 3,000	Business loss	\$180,000
Business loss	19,000	Business loss	44,000	Total losses	\$180,000
Total losses	\$22,000	Total losses	\$47,000	Minus \$20,000	- 20,000
Minus \$20,000	- 20,000	Minus \$20,000	- 20,000	Loss to add back	\$160,000
Loss to add back	\$ 2,000	Loss to add back	\$27,000		

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## HB 3235: Oregon Kids Credit

Modified AGI:	\$ 28,000
Threshold:	<u>- 25,000</u>
Excess amount:	\$ 3,000
\$3,000 ÷ \$5,000:	60%
Multiply by \$2,000:	\$1,200
Maximum credit:	\$ 2,000
Minus reduction:	<u>- 1,200</u>
<b>Credit amount:</b>	<b>\$ 800</b>

Credit reduced for modified AGI above \$25,000 threshold

– Reduced by 100% if \$5,000+ above

- Worksheet Part A has instructions for finding reduced credit amount
- Prorated for nonresident and part-year filers

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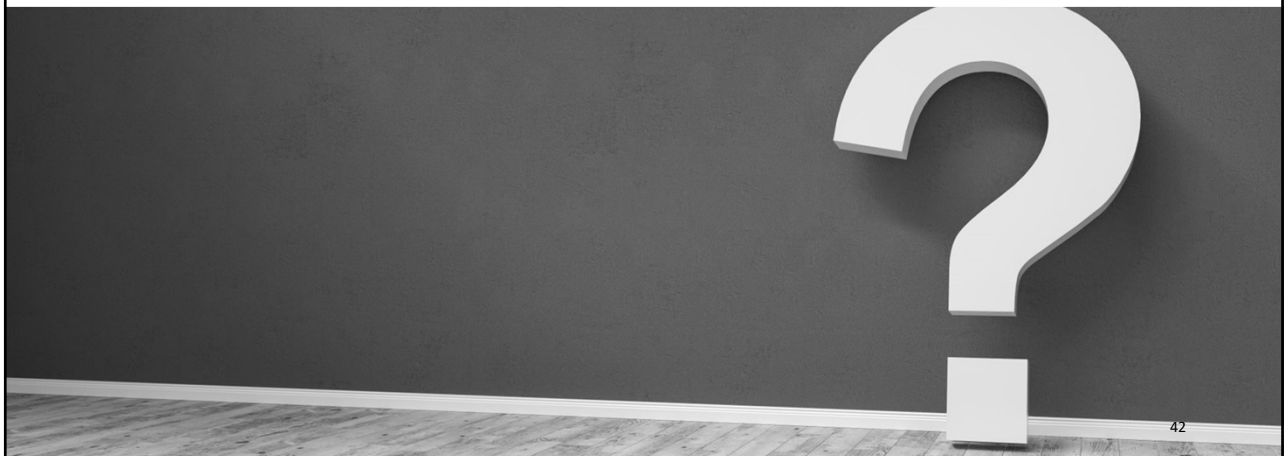
## HB 3235: Oregon Kids Credit

- Must file return to claim credit
- Advance payments:
  - Quarterly
  - Total 50% of credit
  - Need federal waiver to not affect benefits
  - If waiver successful, advance payments begin in 2026

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Questions about the Oregon Kids Credit?

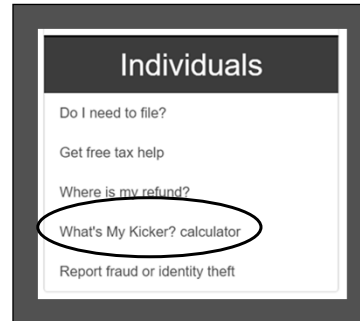


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## Kicker credit for PIT (and Fiduciary)

- **44.28 percent** of 2022 tax before credits (other than credit for taxes paid to another state)
- Worksheets in instructions for change in marital status
- Same State School Fund donation process (irrevocable!)



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## Kicker credit for PIT (and Fiduciary)

Wilma and Fred were married and filed a joint 2022 return. Their tax before credits was \$10,000.

- AGI \$140,000
- Fred's share of AGI: \$35,000
- Wilma's share of AGI: \$105,000
- Kicker: \$4,428 (\$10,000 x 0.4428)

Wilma's kicker share  
 $105,000 \div 140,000 = 75\%$   
 Wilma's kicker: \$3,321  
 (\$4,428 x 0.75).

ID Type	Social Security Number
SSN	***-**-0000
Taxpayer Last Name	FLINTSTONE
2022 Filing Status	2 - Married filing jointly
Expected 2023 Filing Status	1 - Single
Notice: when you click "Find My Kicker", you agree to get information from	
<b>Find My Kicker</b>	

Fred's kicker share  
 $35,000 \div 140,000 = 25\%$   
 Fred's kicker: \$1,107  
 (\$4,428 x 0.25).

OAR 150-291-0300

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## Kicker credit for PIT (and Fiduciary)

### Deceased taxpayer

- Joint return filed in 2022, one spouse died in 2022 or 2023: Surviving spouse may claim entire kicker amount.
- Taxpayer died in 2022: PR may file 2023 return to claim kicker.

### Taxpayer owes

Kicker is subject to offset for unpaid tax or other debt.

### 2022 return amended later

Kicker automatically adjusted.

### Form 1099-G

Issued for 2024 if taxpayer itemized deductions on 2023 federal return **and** received kicker (even if offset, donated, or no refund issued).

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## Form 1099-G

### Electronic only beginning with tax year 2023

**Important Form 1099-G Information**  
This is not a bill or notice of an additional refund.

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Oregon Department of Revenue is no longer sending out Form 1099-G postcards to report state income tax refunds. You can find your Form 1099-G state tax refund information on Revenue Online at [www.oregon.gov/dor](http://www.oregon.gov/dor)

You can either login or go directly to "View my 1099-G" under "Individuals".

We also now offer **FREE Oregon tax return filing** at [www.oregon.gov/dor](http://www.oregon.gov/dor).

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**Do you have questions or need help?**  
[www.oregon.gov/dor](http://www.oregon.gov/dor)  
503-378-4988 or 800-356-4222  
[questions.dor@dor.oregon.gov](mailto:questions.dor@dor.oregon.gov)  
Contact us for ADA accommodations or assistance in other languages.



OREGON  
DEPARTMENT  
OF REVENUE

150-101-078 (Rev. 10-16-23)

Postcards will notify taxpayers that they can download the form using Revenue Online.

**No login required**

Only taxpayer name and mailing address on postcard.

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## Questions about kicker or Form 1099-G?



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## HB 2812: New subtraction

### Casualty loss from state-declared emergency

- Loss would have qualified for federal deduction except emergency wasn't declared by president.
- Retroactive to tax year 2020
  - Calculate amount using federal rules for itemized deduction.
  - Amend returns within three years of due date or filing date, whichever is later.
- Subtraction code 388 on OR-ASC, modification code 654 on OR-ASC-NP

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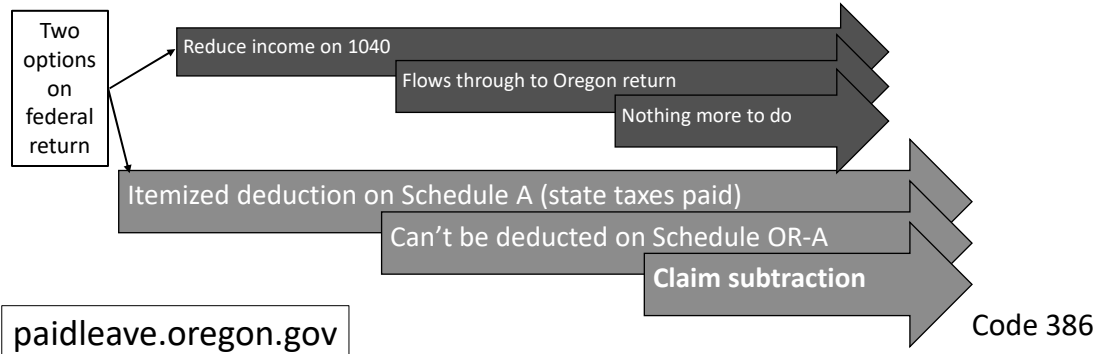
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## Another new subtraction

### Paid Leave Oregon benefits deducted on federal Schedule A

- Family leave or safe leave benefits are taxable except for return of contributions.



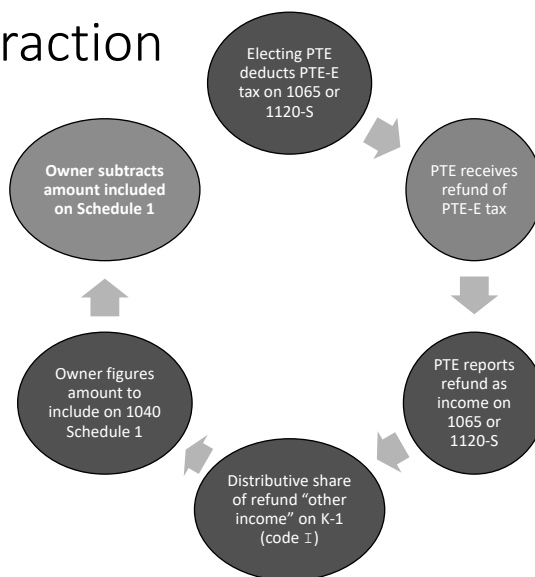
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## Another new subtraction

### PTE-E tax refund included on entity-level federal return

Code 387



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## Military changes

### Residency for state tax purposes

Veterans Auto and Education Improvement Act of 2022, Public Law 117-333

Servicemember or spouse may elect:

- Domicile of member or spouse.
- State where member is stationed.



### Oregon National Guard pay exemption



HB 2071: National Guard called to duty by Oregon governor

- No longer limited to duty away from home for at least 21 days
- Retroactive to tax year 2021
- Code 319

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## Another new credit

### SB 1502 (2022): Forest conservation

Code 873

- Certified by ODF ([www.oregon.gov/odf](http://www.oregon.gov/odf))
- Amount based on stumpage value of unharvested timber
  - Amended by HB 2161 (2023) for some individual owners
- Nontransferable (by sale), cannot be passed to new landowner
- Indefinite carryforward of unused credit
  - May pass to deceased owner's heirs or estate – use Form OR-TFR



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## HB 2071: Credit sunset extensions

### January 1, **2028**:

- Oregon Cultural Trust contributions
- Political contributions
- Rural emergency medical service providers

### January 1, **2030**:

- Fish screening devices
- Employer scholarship
- Higher ed (529)/ABLE accounts
- Short line railroad rehabilitation
- Reservation enterprise zone
- University venture development fund contributions
- Oregon IDA Initiative Fund donations

### January 1, **2032**:

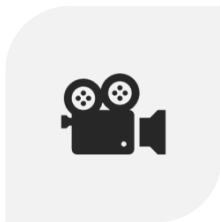
- Agriculture workforce housing

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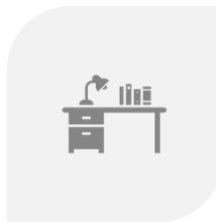
## Other credit changes

**HB 2093**



Oregon Film auction sunset date alignment

**SB 129**



Opportunity Grant Fund final auction Feb 2023

**HB 2093**



Short line RR rehab costs, credit amount (24-25)

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## Form changes

### Schedule OR-ASC, OR-ASC-NP

- Tax recapture section relocated before Standard credit section.

### Schedule OR-DONATE

- Charities reordered every odd-numbered year.
- Susan G. Komen removed in 2021 – no longer qualified.
- Girl Scouts of Oregon & SW Washington added.
- Charity name changes – ALS Northwest, Planned Parenthood Columbia Willamette/Southwestern Oregon.



### Farm Income Averaging (FIA) schedules

- Consolidated instructions for all FIA schedules
- Most line instructions moved from forms to new Publication OR-FIA.

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## Direct file

### Oregon

- File through Revenue Online
- No account needed
- Full-year filers only, for 2023

### IRS

- Oregon **not** participating for tax year 2023
- Possible participation for tax year 2024

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Questions about other PIT topics?



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Agricultural Employer Overtime Tax Credit

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## HB 4002 (2022): Mandatory overtime for ag employees

- Phased in over six years – hours worked over 55 per week in 2023
- Tax credit to offset costs
- Farm NOL 3-year carryback (SB 1524 - 2022)
- HB 2058: repayable award for qualifying ag employer (must qualify/apply for credit) – [www.oregon4biz.com](http://www.oregon4biz.com)

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## Agricultural employer overtime tax credit

- NAICS code 111 or 112
- Percentage of OT wages paid to qualifying employees
- Decreases over six-year phase-in period
- \$55 million total credit per year
- Apply through Revenue Online **in January only**
  - Set up account early (if don't already have one)

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## Agricultural employer overtime tax credit

DOR's YouTube channel @ORRevenue

- Video tutorials for Revenue Online, other topics
- 2023 County Fair Tour video – Ag OT



DOR's County Fair Tour



How to Log on for Third Party Access

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## Agricultural employer overtime tax credit

- Automatic filing extension for all applicants
  - Allows time to process applications.
  - If more than \$55 million claimed, all credits must be reduced.
  - Letter of Acknowledgment will be mailed out by June 1.

Credit **percentage** based on industry sector and number of full-time equivalent (FTE) employees



Credit **amount** based on OT portion of wages paid for hours worked beyond threshold by qualified employees

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## Agricultural employer overtime tax credit

### Workers who don't qualify:

- Employer's parent, spouse, child, other immediate family
- Office, retail, other administrative employees
- Individuals described in ORS 653.020(1) (workers who aren't subject to state minimum wage standards)

### Employers who don't qualify:

- Farm labor contractors (FLC) who don't have their own farming operation
- No OT wages paid in NAICS codes 111 or 112

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## Agricultural Employer Overtime Tax Credit

Year	Tax credit as a percentage of overtime paid				
	Overtime threshold	More than 50 FTE*	26 to 50 FTE* & dairies with more than 25 FTE*	Not more than 25 FTE*	Dairies with not more than 25 FTE*
2023	55 hours	60%	75%	90%	100%
2024	55 hours	60%	60%	80%	100%
2025	48 hours	45%	60%	80%	100%
2026	48 hours	30%	50%	60%	100%
2027	40 hours	15%	50%	60%	100%
2028	40 hours	15%	50%	60%	100%

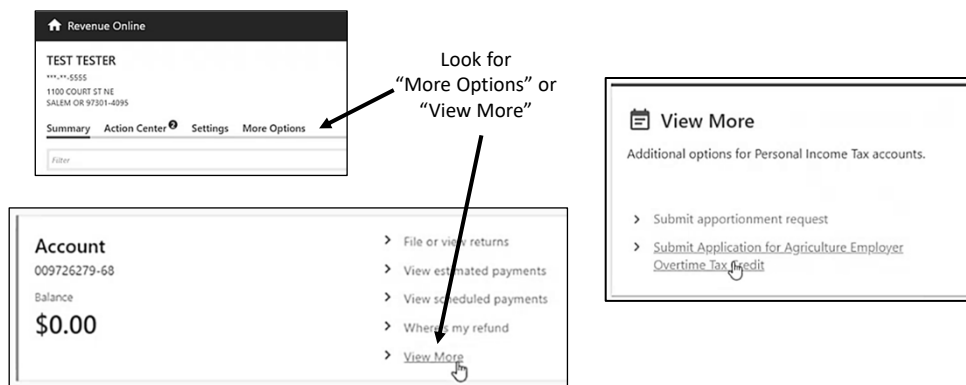
\*FTE is full-time equivalent

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## Tax credit application

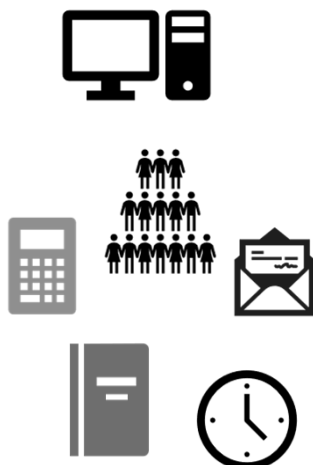
Revenue Online – link available January 1 under **View More**



The screenshot shows the Revenue Online interface. At the top, the user is identified as 'TEST TESTER' with a tax ID '\*\*\*-\*\*-5555' and address '1100 COURT ST NE SALEM OR 97301-4095'. Below this are navigation tabs: 'Summary', 'Action Center', 'Settings', and 'More Options'. A 'Filter' input field is present. Below the navigation is an 'Account' section showing '009726279-68' and a balance of '\$0.00'. A menu of options is displayed to the right of the account information, including 'File or view returns', 'View estimated payments', 'View scheduled payments', 'Where's my refund', and 'View More'. An arrow points from the text 'Look for "More Options" or "View More"' to the 'More Options' tab and the 'View More' link in the menu. A separate box titled 'View More' shows 'Additional options for Personal Income Tax accounts.' with two options: 'Submit apportionment request' and 'Submit Application for Agriculture Employer Overtime Tax Credit', with a mouse cursor hovering over the second option.

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## What to have on hand

- Tax information
- Information about farming business
  - FEIN, NAICS code, license number
- Employee information
  - Number of employees
  - Regular and overtime hours worked
  - Wages paid for overtime worked
    - Between 40 and 55 hours per week
    - Over 55 hours per week

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## For more information

- Webpage
- Email updates
- Social media
- Conferences, county fairs, Oregon State Fair



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## Communicating with Ag OT Team

Tax credit questions can be sent to: [Ag.Overtime@dor.oregon.gov](mailto:Ag.Overtime@dor.oregon.gov)

Project managers:

**Daron Prara**, PTAC Operations and Policy Unit

**Favi Morales**, PTAC Operations and Policy Unit

External Webpage: [www.oregon.gov/dor/programs/businesses/Pages/ag-overtime](http://www.oregon.gov/dor/programs/businesses/Pages/ag-overtime)

(From our main page, click the Businesses section and follow the link under Resources)

Subscribe to Agricultural Overtime Update emails: [www.oregon.gov/dor](http://www.oregon.gov/dor)

(Under Contact and Follow Us at the bottom of the page)

Wage and hour questions can be sent to: [Ag.Overtime@boli.oregon.gov](mailto:Ag.Overtime@boli.oregon.gov)

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Questions about the Ag OT tax credit?



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Pass-through Entity Elective Tax

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## PTE-E tax – overview

- Allows state income tax to be paid at entity level
- Owners avoid \$10,000 cap on state and local tax deduction
- Available for tax years beginning on or after January 1, 2022, and ending before January 1, 2026  
(extended by HB 2083)

S corporations and partnerships only  
(and LLCs taxed as either one)

Owners must be **individuals**  
or other PTEs  
whose owners are individuals

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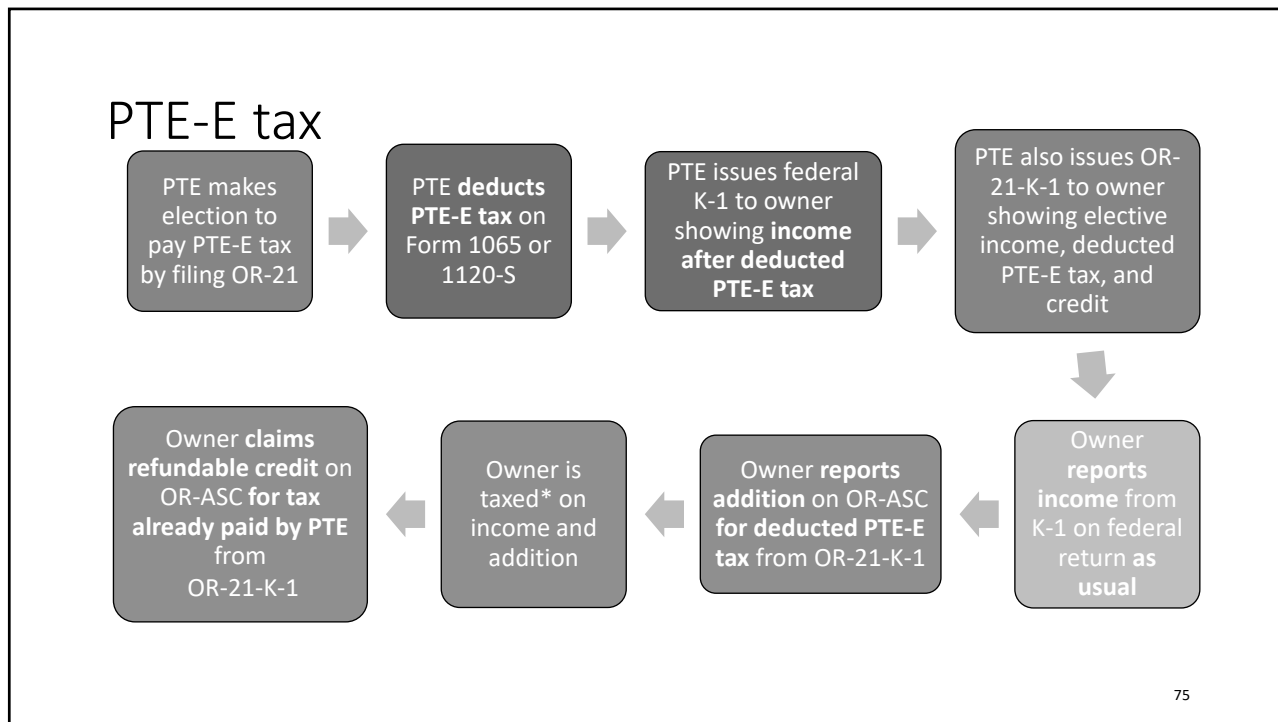
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## PTE-E tax – overview

- Election made on timely-filed Form OR-21
- Calendar-year basis
  - File electronically or through Revenue Online only
  - Election made each year
- Estimated payments required
  - Calendar-year due dates
  - One-time registration on Revenue Online required

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### PTE-E tax issues

- Estimated payments seem to be missing
- Owners file returns before election is made
- PTE with loss or no tax-to-pay
- Returns filed on paper
- Member credit – no estimated payments by PTE
- Member denied credit on individual return
- Action item alert appears while logged into Revenue Online

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## Communicating with PTE-E Team

Questions can be sent to: [BusinessAlternative.IncomeTax@dor.oregon.gov](mailto:BusinessAlternative.IncomeTax@dor.oregon.gov)

External Webpage:

[www.oregon.gov/dor/programs/businesses/Pages/Pass-Through-Entity-Elective-Tax.aspx](http://www.oregon.gov/dor/programs/businesses/Pages/Pass-Through-Entity-Elective-Tax.aspx)  
(From our main page, click the Businesses section and follow the link under Resources)

Subscribe to Pass-Through Entity Elective Tax Updates emails: [www.oregon.gov/dor](http://www.oregon.gov/dor)  
(Under Contact and Follow Us at the bottom of the page)

Revenue Online: [revenueonline.dor.oregon.gov](http://revenueonline.dor.oregon.gov)

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## Questions about the PTE-E tax?



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## Corporate Activity Tax

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### House Bill 2073

- Passed by the Oregon legislature during the 2023 session.
- Repealed requirement to have good cause for an extension to file the CAT return.
- Created new exclusion for costs a dealer pays for items of precious metal.

HB 2073 (2023)



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## CAT Filing Extension – Tax Years 2023+



No requirement to have good cause to obtain a filing extension.



Automatic extension to file CAT return if the taxpayer has extension for federal income tax.



For tax years through 2023, the extension will remain six months.



Beginning with tax year **2024**, the extension will be seven months.

[HB 2073 \(2023\)](#) and [OAR 150-317-1330: Extension of time to file](#)

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## Precious Metal Exclusion

- New exclusion for costs paid by a dealer for items of precious metal.
- Applies to tax years beginning on or after January 1, 2024.
- Intended to provide consistent tax treatment of investments.

An **item of precious metal** is... “an item of gold, silver, platinum, rhodium, or palladium that has been put through a process of smelting or refining and that is in a state or condition that its value depends on its contents and not its form.”

[HB 2073 \(2023\)](#)



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## Precious Metal Exclusion – Rulemaking

Rule Advisory Committee (RAC) created to inform development of rules related to the precious metal exclusion.

- First RAC meeting held November 08, 2023.
- Potential new administrative rule defining a “precious metal dealer.”
- Potential amendments to current rules to incorporate the new exclusion:
  - OAR 150-317-1200: Cost Input or Labor Costs; and
  - OAR 150-317-1020: Unitary Business Factors, Common Ownership and Filing Requirements for Unitary Groups.



Sign up for the Revenue Rules mailing list to stay up to date on all DOR rulemaking activities.

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## Looking ahead

- 2024 short legislative session  
February – March
- Implementation of SB 1: Voluntary Self-Identification (VSI) program
  - Race and ethnicity data collection
  - Research tax program inequities
  - Schedule filed with 2024 personal income tax return
- Chatbot on website

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**Do you have questions or need help?**  
[www.oregon.gov/dor](http://www.oregon.gov/dor)  
503-378-4988 or 800-356-4222  
[questions.dor@oregon.gov](mailto:questions.dor@oregon.gov)  
Contact us for ADA accommodations or  
assistance in other languages.

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