

Corporate Activity Tax First Year Filing Trends and Information

May 21, 2021 Robin Elliott

Agenda

CAT Overview

2020 Filing Trends and Issues

Q&A



CAT Overview

Quick CAT Facts

- CAT applies to businesses that have nexus in Oregon, and commercial activity in excess of \$1 million annually after exclusions and subtractions.
- Commercial activity is defined as the fair market value of all amounts realized in the regular course of trade or business that meet the transactional test in OAR 150-314-0335(5).
- CAT calculation: (Taxable amount) x 0.57% + \$250 = CAT Liability

Exclusions from Commercial Activity

More than 40 items are excluded from the definition of commercial activity for the purposes of the CAT. Some examples are:

- Receipts from the wholesale and retail sales of groceries.
- Farmers' sales to agricultural co-ops described in IRC 1381.
- Receipts from fluid milk sales by dairy farmers who are not members of an agricultural co-op.
- Crop insurance proceeds (except proceeds for loss of commercial activity).
- Amounts received by an agent on behalf of another in excess of the agent's fee or commission.
- Receipts from transactions between members of a unitary group.

Excluded Entities

- IRC 501 Organizations
- Farmers' cooperatives, if under IRC 521
- Governmental entities
- State tuition programs under IRC 529
- Hospitals and long term-care facilities that are Medicare providers
- Businesses with less than \$750,000 in Oregon commercial activity
- Manufactured dwelling park non-profit cooperatives

CAT Subtraction

- ORS 317A.119 allows taxpayers to subtract 35 percent of the greater of cost inputs or labor costs from their commercial activity sourced to Oregon.
 - A subtraction is not allowed for expenses from transactions among members of a unitary group, or cost inputs or labor costs associated with receipts from items excluded from the commercial activity.
 - Subtraction may not exceed 95 percent of the taxpayer's commercial activity.

CAT Labor Costs Subtraction

• Labor costs include most compensation paid to employees such as wages, health insurance benefits, retirement benefits, and other fringe benefits, but does *not* include payroll taxes or compensation in excess of \$500,000 paid to any single employee.

Definition of Employee

For the purposes of the CAT subtraction, "employees" do not include:

- Partners in a partnership who receive guaranteed payments or distributive income.
- Members in a limited liability company (LLC) who receive guaranteed payments or distributive income.
- Statutory employees described in IRC Section 3121(d)(3).
- Independent contractors as defined in ORS 670.600.

The Pandemic and CAT's First Filing Year

- The CAT is an annual calendar year tax with returns due April 15 each year.
- Filing extensions of up to six months may be granted based on good cause as defined in OAR 150-317-1330.
- An extension is for filing only and does not impact quarterly estimated payment due dates.
- The department did not assess penalties to underestimated or missed 2020 quarterly payments if taxpayer made a good faith effort to comply with CAT requirements.



2020 CAT Filing Trends and Issues

Processing Issues

- Extension Requests from Non-Registered Taxpayers
 - Taxpayer or taxpayer agent initially did not believe that taxpayer would meet the CAT threshold and thus did not register, but determined at end of year that minimum threshold was met and payments and return were due.
 - Taxpayers were not aware of the CAT tax.
- Program can't process a filing extension for a non-registered taxpayer.

Basic Return Issues

Confusion regarding line 2, total exclusion from commercial activity

- Input the total amount of Oregon commercial activity after exclusions on line 1.
- Input the total amount of allowable exclusions from commercial activity on line 2.
 - Form OR-EXC-CAT must be included with return when claiming exclusions.

2020 Form OR-CAT

Oregon Department of Reve

 Total commercial activity..... 2. Total exclusions from commercial activity (attach schedule OR-EXC-CAT)....2 3. Cost inputs attributable to commercial activity..... 4. Labor costs attributable to commercial activity (not to exceed \$500,000 for any single employee) 5. Multiply either line 3 or line 4, whichever is greater, by 35 percent and round the product to the nearest whole dollar..... 6. Apportionment percentage of subtraction (see instructions). Include an attachment showing calculations. Check the box if electing the Substitute method (see instructions, enter your commercial activity ratio on line 6). CAT subtraction (see instructions)......

Use UPPERCASE letters.
 Use blue or black ink.
 Print actual size (100%).
 Don't submit photocopies or use staples

Basic Return Issues (cont.)

Taxpayers claiming subcontractor exclusion when not eligible

• The subcontractor exclusion is specific to general contractors who incurred labor costs for single family residential construction located in Oregon.

When calculating amounts for line 17 taxpayers should include all payments made for the year, including the payment made with the return and/or any extension request.

Taxpayers are attempting to file through Revenue Online

• CAT returns may be filed by mail, or through an approved e-file vendor; return filing is not available through Revenue Online.

Substitute Method

- Taxpayers are indicating they are using a substitute method by checking the box, but are not entering the associated apportionment percentage.
- Many taxpayers are not including the required calculation worksheet when using a substitute method.

2020 Form OR-CAT

Oregon Department of Revenue

 Total commercial activity 2. Total exclusions from commercial activity (attach schedule OR-EXC-CAT)....2 3. Cost inputs attributable to commercial activity..... 4. Labor costs attributable to commercial activity (not to exceed \$500,000 for any single employee) 5. Multiply either line 3 or line 4, whichever is greater, by 35 percent and round the product to the nearest whole dollar..... 6. Apportionment percentage of subtraction (see instructions). Include an attachment showing calculations. Check the box if electing the substitute method..... Substitute method (see instructions, enter your commercial activity ratio on line 6). 7. CAT subtraction (see instructions)

Use UPPERCASE letters.
 Use blue or black ink.
 Print actual size (100%).
 Don't submit photocopies or use staples

Substitute Method (cont.)

 Taxpayers checking the substitute method box are not including correct amounts on lines 3 and 4

2020 Form OR-CAT

Oregon Department of Revenue

1.	Total commercial activity1.	, , , , , , ,	
2.	Total exclusions from commercial activity (attach schedule OR-EXC-CAT)2.		. (
3.	Cost inputs attributable to commercial activity		
4.	Labor costs attributable to commercial activity (not to exceed \$500,000 for any single employee)4.		. (
5.	Multiply either line 3 or line 4, whichever is greater, by 35 percent and round the product to the nearest whole dollar		. (
6.	Apportionment percentage of subtraction (see instructions). Include an attachment showing calculations. Check the box if electing the substitute method	%	
	Substitute method (see instructions, enter your commercial activity ratio on line 6).		
7.	CAT subtraction (see instructions)		. (

Use UPPERCASE letters.
 Use blue or black ink.
 Print actual size (100%).
 Don't submit photocopies or use staples.

Substitute Method (cont.)

- Confusion regarding line 7, CAT subtraction, when using the substitute method
 - The substitute method requires a separate calculation
 - Do NOT carry line 5 to line 7 when using the substitute method
 - Follow the directions for calculation for the substitute method found in the Form OR-CAT instructions, and enter the resulting amount on line 7

2020 Form OR-CAT

Oregon Department of Revenue

1.	Total commercial activity	1.		7		7		7			(
2.	Total exclusions from commercial activity (attach schedule OR-EXC-CAT)2	2.		7		7		7			(
3.	Cost inputs attributable to commercial activity	3.		7		7		7		. [(
4.	Labor costs attributable to commercial activity (not to exceed \$500,000 for any single employee)	4.		7		7		7		.[(
5.	Multiply either line 3 or line 4, whichever is greater, by 35 percent and round the product to the nearest whole dollar	5.		7		7		7		. [(
6.	Apportionment percentage of subtraction (see instructions). Include an attachment showing calculations. Check the box if electing the substitute method.	6.					%				
_	Substitute method (see instructions, enter your commercial activity ratio on line 6).	<u></u>)								
7.	CAT subtraction (see instructions)	7.		7		7		7			(

Use UPPERCASE letters.
 Use blue or black ink.
 Print actual size (100%).
 Don't submit photocopies or use staples

Zero Tax Due Returns

- Taxpayers may be required to file a return, but have no CAT liability to pay.
- While the CAT calculation is (Taxable Amount) x 0.57% + \$250, taxpayers may calculate a zero tax due as they progress through the Form OR-CAT.
- Taxpayers are interpreting the CAT calculation to mean there is a \$250 minimum tax due.
- If progression through the Form OR-CAT results in a zero tax due, there is no need to enter \$250 in the amount owed field or to send a payment.

ACH Credit

- Taxpayers must submit a new ACH Credit application to pay the CAT tax via ACH.
 - We are unable to use the Corp tax addenda information.
- Do not submit payments for a subsidiary that is not part of a unitary filing through CAT ACH channels.

ACH Credit (cont.)

- Return and extension payments via ACH must indicate
 Quarter 4 to ensure proper allocation.
- Double check end dates to ensure they match the intended filing period.
 - Payments with inaccurate end dates can not be properly allocated by the system.

Practitioner Feedback

- As we work to streamline CAT filing processes, we'd love your feedback.
- Do you have suggestions to improve your experience utilizing the CAT forms and instructions?

CAT Questions or Feedback?

- There is a wealth of information available on our website, including FAQ, training materials, and informational videos covering some of the most common questions and areas of interest regarding the CAT.
- You may also reach out to the CAT team with general questions about the CAT via email at cat.help.dor@oregon.gov, or by telephone at 503-945-8005.
- For the most up to date information regarding the CAT, we recommend subscribing to our mailing list. A link is available from our website.



Do you have further questions or need help?

www.oregon.gov/dor

503-378-4988 or 800-356-4222

questions.dor@oregon.gov

Contact us for ADA accommodations or assistance in other languages.



Tax Professional Liaison Meeting

Personal Income Tax

May 21, 2021

Jackie Hovey, Tax Policy Analyst

Questions? Email to taxprofessional.meeting@oregon.gov

Agenda

Redesigned forms

Vouchers

Federal tax subtraction

PIT tax rates

Redesigned Forms

Schedule:

2020: Vouchers

2021: Form OR-40 series and

supporting schedules

2022 and beyond: Other

forms

	ome Tax Return for Full-year Residents
Fiscal year ending date (MM/DDYYYY)	letters. • Use blue or black ink. • Print actual size (100%). • Don't submit photocopies or use staples. Space for 2-0 barcode—do not write in box below
Calculated with "as it" federal return	Extension filed
Short-year tax election	Form OR-24
Federal disaster relief	Federal Form 8886
Amended return. NOL ta if amending for an NOL, tax year the NOL was generated:	sx year (****)
First name	Initial Date of birth (MM/DD/YYY)
Last name	
Social Security number (SSN)	
	First time using this SSN (see instructions) Applied for ITIN Deceased
Spouse's first name	Initial Spouse's date of birth (MM/DDYYYY)
Spouse's last name	
Spouse's Social Security number (SSM)	
	First time using this SSN (see instructions) Applied for ITIN Deceased
Address	
City	State ZIP code
Country	Phone
Filing Status (check only one box)	
1. Single 2. Marrie	ed filing jointly 3. Married filing separately (enter spouse's information above)
4. Head of household (with qualify)	ing dependent) 5. Qualifying widow(er) with dependent child

Redesigned Forms Cont.

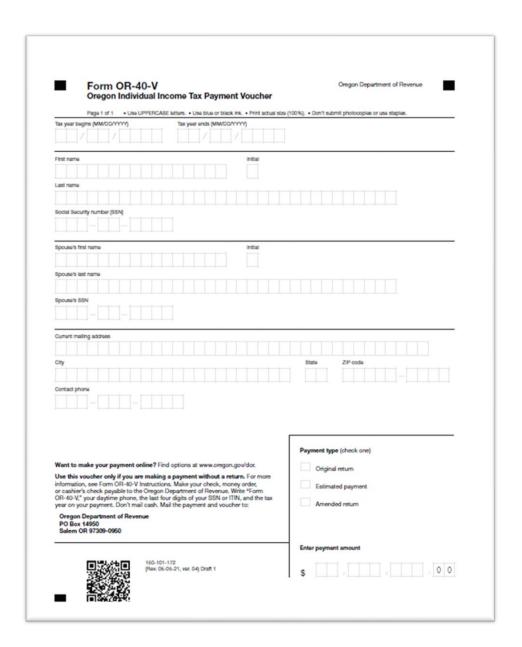
Form OR-10

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If yo	ou're claiming an exception or owe underpayn	ent intere	st, inclu	ude this t	form w	hen y	ou file	your	Oreg	gon ret	turn.	
Last	name											
Socia	al Security number (SSN)											
Ш												
Exc	eption											
1.	if you qualify for an exception to the imposition of un- interest, enter the exception number here and on For			П								
	box 40a; Form OR-40-N, box 66a; or Form OR-40-P,		1.	Ш								
Rea	quired annual payment											
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2.	Enter the amount from line 8 of the Required Annual i Worksheet Inside Form OR-10 Instructions.		2									. 0 0
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Req	quired installment payments											
3.	Enter the amounts for each installment period from lin											
	Underpayment Interest Worksheet Inside Form OR-10	Instructions			1 -							0.0
3A.	Installment payment 1: due April 15, 2021		3A.		/	-	_ ′		ш	/		. 0 0
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38.	Installment payment 2: due June 15, 2021		3B.		7	-	_ ′	ш	Ш	/		, 0 0
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3C.	Installment payment 3: due September 15, 2021		3C.		-/-	-	_ /		ш	/		. 0 0
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3D.	Installment payment 4: due January 18, 2022		3D.	-	1/1	-	′	-	-	/	Ш	. 0 0
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4.	Enter the amount from line 22 of the Underpayment is											
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27

Vouchers

Soon to have mailing addresses! Still really big, though.



Federal Tax Subtraction



Federal tax after all credits except EITC.



Includes Recovery Rebate credit and advance (stimulus) payments.

Federal Tax Subtraction Cont.

Potential legislative changes:

- Retroactively omit stimulus from 2020 calculation?
- Omit stimulus from 2021 calculation?
- Tax credit for 2020 on 2021 return?
- Subtraction for 2020 on 2021 return?
- Other means of distributing revenue?
- None of the above?



Better Late Than Never!

HB 3427 (2019 legislation)

– Decreased first three
personal income tax rates
by 0.25 percent, starting
with tax year 2020.

Marginal tax rates

Single	5%	First \$3,550	4.75%	First \$3,600
Married	7%	\$3,351-\$8,900	6.75%	\$3,601-\$9,050
filing separately	9%	\$8,901-\$125,000	8.75%	\$9,051-\$125,000
separately	9.9%	Over \$125,000		Over \$125,000
Married	5%	First \$7,100	4.75%	First \$7,200
filing jointly	7%	\$7,101-\$17,800	6.75%	\$7,201-\$18,100
Head of household	9%	\$17,801-\$250,000	8.75%	\$18,101-\$250,000
Qualifying widow(er)	9.9%	Over \$250,000		Over \$250,000



Questions?

taxprofessional.meeting@oregon.gov prac.revenue@oregon.gov jackie.hovey@oregon.gov



2020 Adjusted Return Project

Unemployment Exclusion

Tax Practitioner Liaison Meeting
May 21, 2021

David Armstrong, Policy Analyst

- American Rescue Plan Act (ARPA) passed March 11, 2021
- ARPA excluded the first \$10,200 in unemployment benefits
- Many taxpayers had already filed returns
- Filing Due Date Extended to May 17, 2021

Timeline



30 Mar. 2021

18 Mar. 2021

Return Adjustments







150 EMPLOYEES WORKED ON THE PROJECT



36 DAYS TO COMPLETE

Impacts

Audit

Audits on Hold

Return Processing

ReturnProcessingDelays



Utilize ROL (Revenue Online)



Quick resolution in most cases



May need to amend



Questions?

David Armstrong

503-586-9368

david.w.armstrong@oregon.gov



Revenue Online Overview

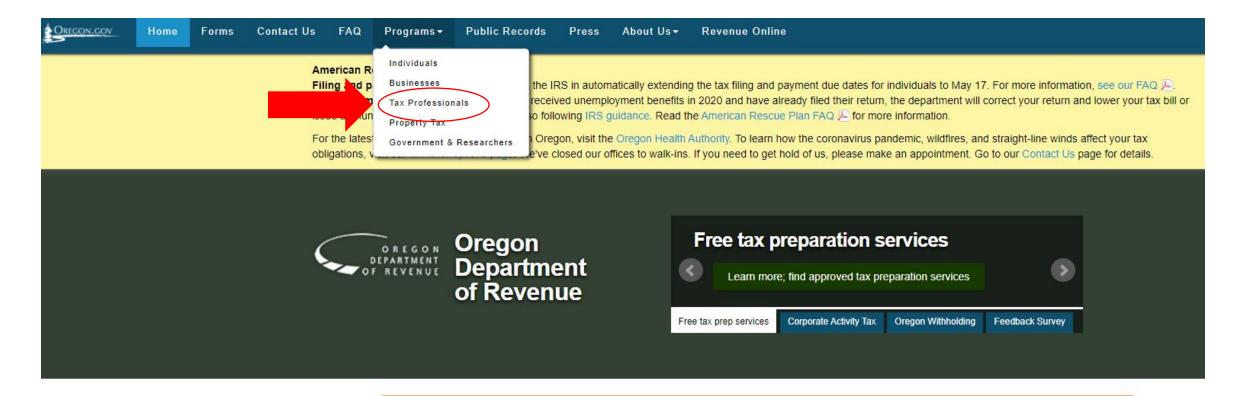
Practitioner's Meeting

May 21, 2021

Shannon Richards and Daniel Melzer

Agenda

01	Tax Professional's Web page
02	Registering as a Tax Professional
03	Adding Access to Client Accounts
04	Submitting Requests and Documents
05	Canceling Access to Client Accounts



Wildfire Resources

FEMA assistance site for Oregonians affected by the wildfires | Wildfire and straight-line wind tax relief FAQ 🔑









Tax professionals



- · W2 and 1099 reporting
- Payment options
- Appeal procedures
- Business and corporation taxes
- Cigarette and tobacco taxes
- · Estate and transfer taxes
- OAA (Other Agency Accounts)
- · Payroll withholding and transit taxes
- Personal income taxes
- Property taxes
- Timber taxes
- Transient lodging tax
- Statewide transit tax
- · Other taxes and fees



- Protect clients from scammers
- FAQ
- · Forms and publications center
- E-filing
- Form OR-EF
- Electronic Funds Transfer (EFT)
- Oregon Publication OR-17
- Oregon tax laws
- Power of Attorney form
- IRS resources for tax professionals
- IRS Publication 17
- Voluntary disclosure program
- Administrative rules and rulemaking



Benefits of Revenue Online:

- · View your clients' accounts.
- · Make payments online.
- · File some returns electronically.
- · Check refund status.
- File appeals.
- Submit and view correspondence.
- · Send audit documents.

Learn how to set up access to your clients' accounts ...

Go To Revenue Online

Contact us

Tax professionals survey

Take The Survey

Licensed tax professionals only

To reach our dedicated practitioner specialist:

Email:

prac.revenue@oregon.gov ☑.

Phone: 503-947-3541.

Liaison meetings

Tax professional liaison meeting information

Stay up-to-date

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Tax professionals



- · W2 and 1099 reporting
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- Protect clients from scammers
- FAQ
- · Forms and publications center
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Tax professionals survey

Take The Survey

Licensed tax professionals only

To reach our dedicated practitioner specialist:

Email:

prac.revenue@oregon.gov ☑.

Phone: 503-947-3541.

Liaison meetings

Tax professional liaison meeting information

Stay up-to-date

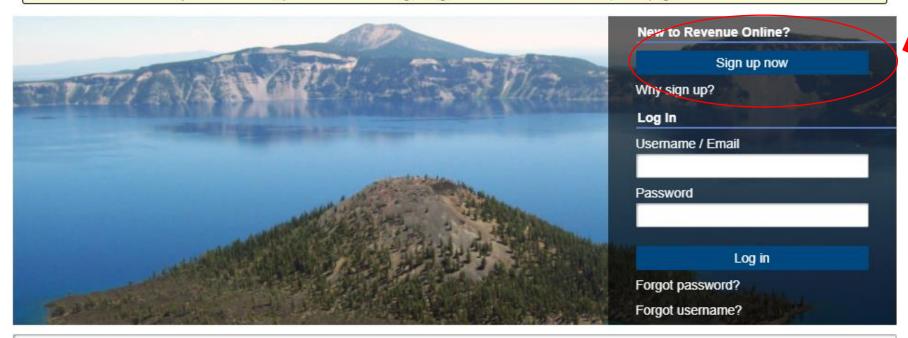
Subscribe to Revenews now.

≡ Revenue Online



Filing and payment due dates: Oregon has extended the tax filing and payment due dates for individuals to May 17.

Unemployment benefits: For taxpayers who received unemployment benefits in 2020 and already filed, DOR will correct your return and lower your tax bill or issue a refund. If you haven't filed, please do so following IRS guidance. Visit our tax relief options page for more information.



Type in a keyword to narrow your choices



■ Revenue Online Sign Up



Home > Revenue Online Sign Up

1. Instructions

Instructions

Who can use Revenue Online

You must have previously filed a return with the Oregon Department of Revenue for:

- Personal income taxes.
- · Corporation excise and income taxes.
- · Partnership taxes.
- · Transit self-employment taxes.
- Cigarette/tobacco taxes.
- · 911 emergency communications taxes.
- · Payroll withholding and transit taxes.
- State lodging taxes.
- Marijuana taxes.
- Timber taxes.
- Composite return filing.

There will be new functionality and additional tax programs in the future, so check back for updates.

Note for tax professionals and third parties - Register with your own information. You can add access to your customers' accounts later.

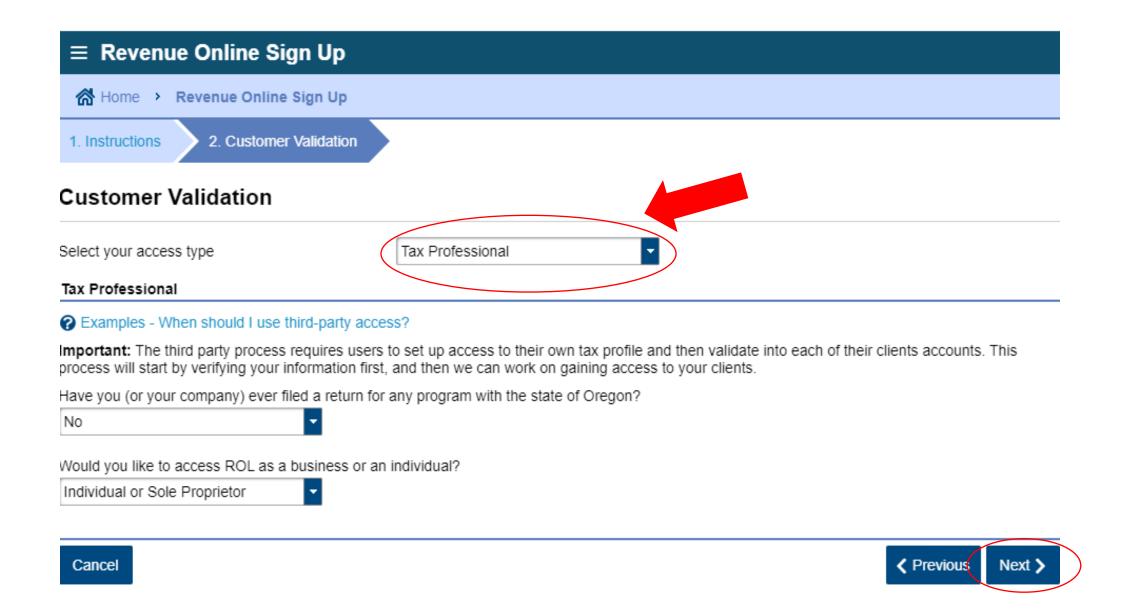
What you need to continue

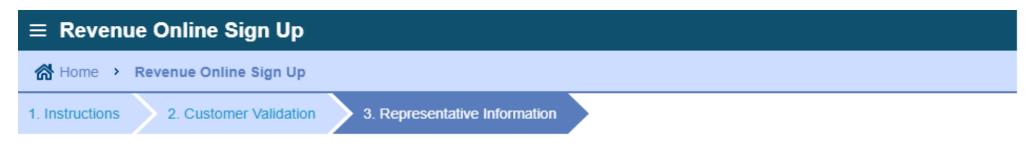
To complete the registration process you'll need:

- Email address.
- SSN or FEIN.
- ZIP code.
- · Business identification number (BIN) or account ID.
- · One of the following from the account you're trying to validate:
- Letter ID Located on any recent letter from the department.
- . Return amount A line from one of your three recent returns.
- · Payment amount One of your three most recent payments.

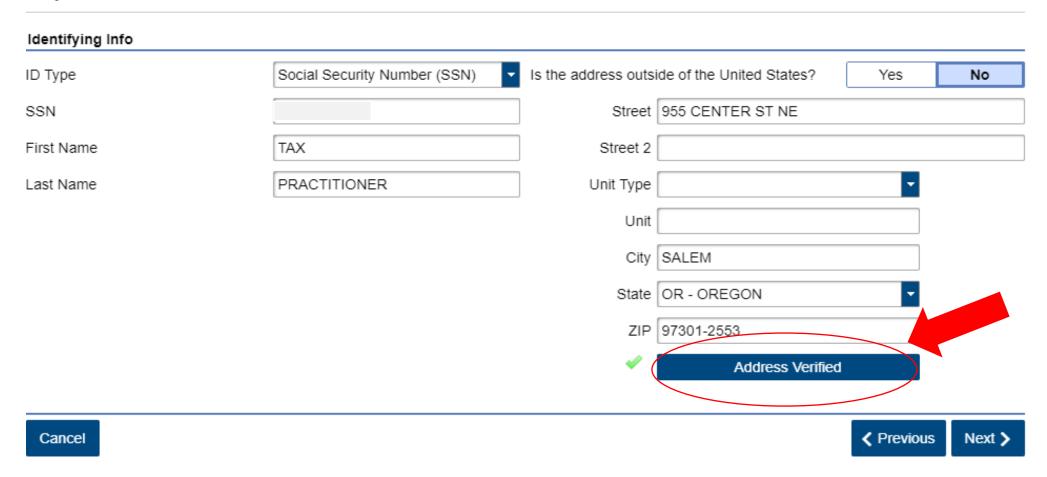


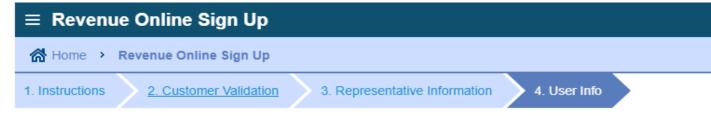
Cancel





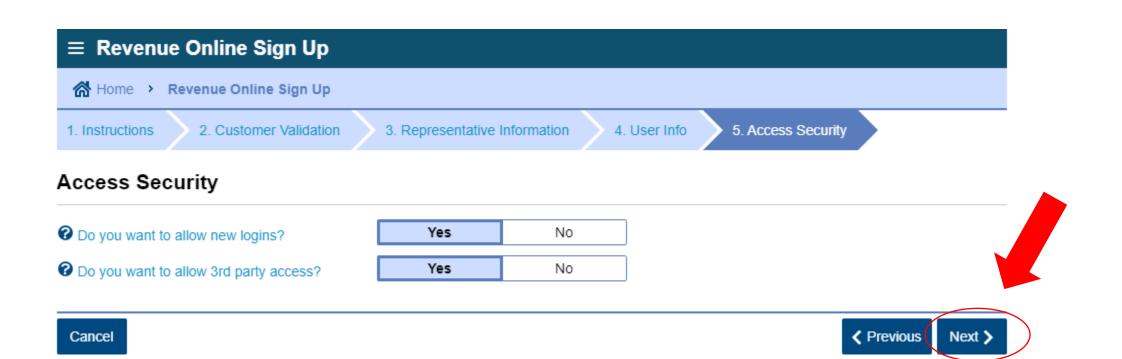
Representative Information





User Info

Contact Information	Password & Security Question	Authentication	
Email - This will be your username.	Password	By providing your phone or email here, we can	
		validate your password along with an authentication code sent to either of these options. This will be used when accessing you	
Verify Email	Verify Password	tax information from a new device for the first	
		time. You must provide at least one option to continue.	
First Name	Secret Question	Email Authentication	
TAX	What was the name of the company	Use my login email	
ast Name	Secret Answer	Email	
PRACTITIONER	····		
Thomas Country		Text Message Authentication	
Phone Country	Confirm Answer	Wireless Carrier	
USA		▼	
Phone Type		Wireless Country	
Business Phone		USA	
Phone Number			
(000) 000-0000		Wireless Phone Number	
(555) 555 5555		(000) 000-0000	



■ Confirmation



Home > Revenue Online Sign Up > Confirmation



Confirmation

Your request has been submitted and your confirmation number is *****

Thank you for registering your tax accounts with Revenue Online.

With Revenue Online you can:

- · Look up your tax account balance.
- · Review your account transactions.
- Make payments.
- · Submit forms and documents.
- · Change personal information such as address, email, and phone numbers.

Don't share your username, password, or authentication code with anyone.

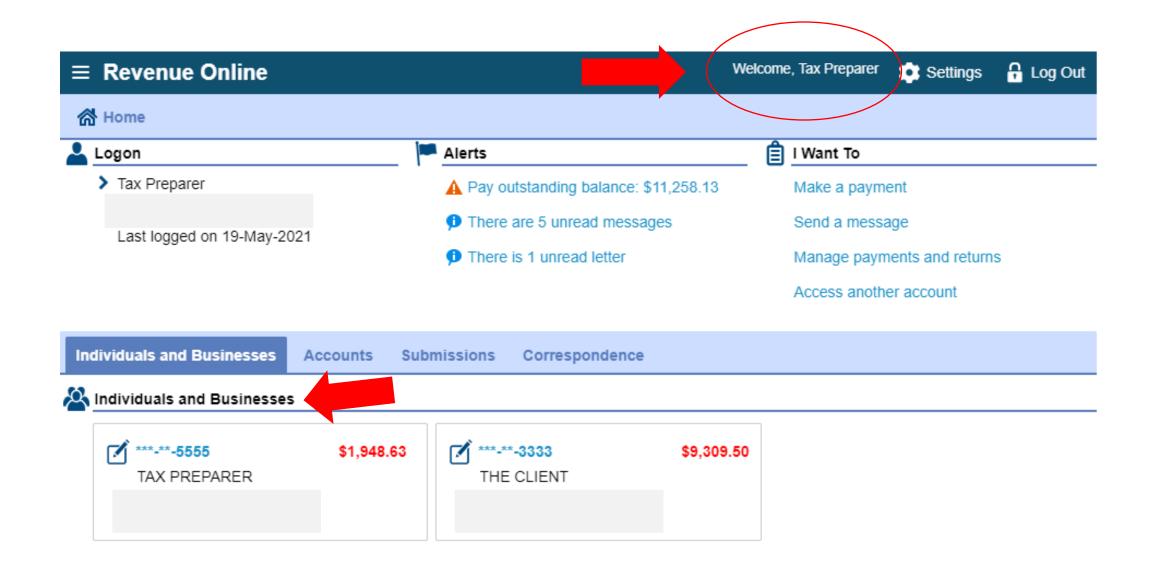
Need help? Contact us.

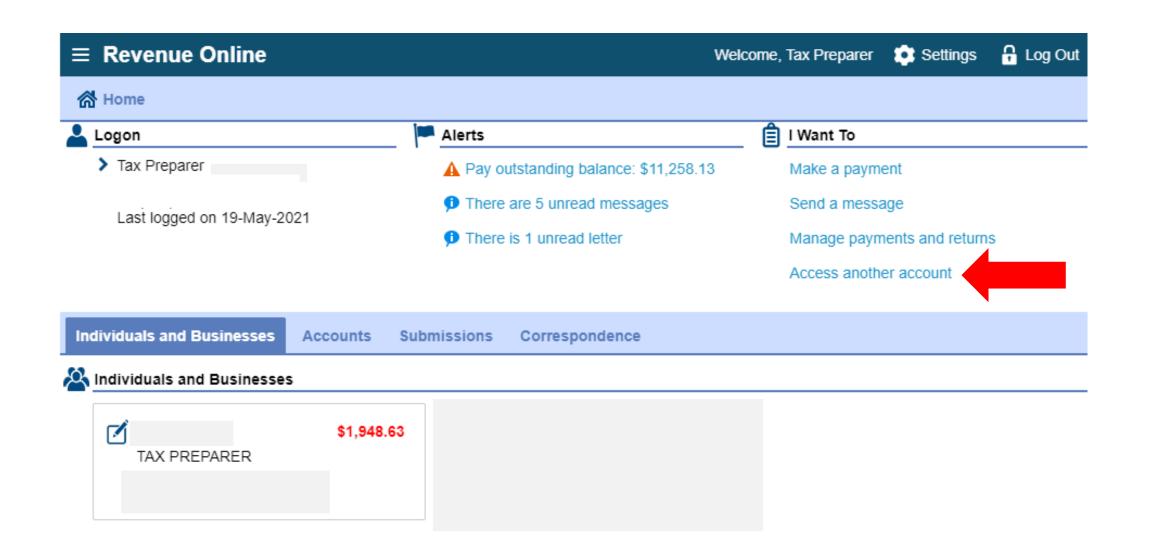
Select Ok to return to the homepage and log in.





We value your feedback! Please take a moment to fill out our brief survey on your experience. Typically, the survey will take 2-3 minutes to complete. We actively use feedback to constantly improve our delivery and provide you with the best possible service.





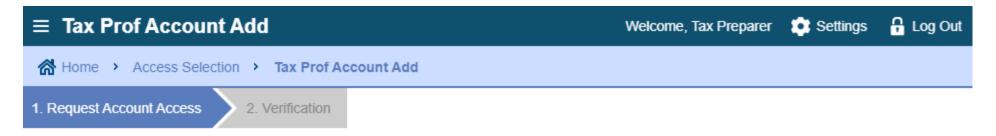


Home > Access Selection

Account Access

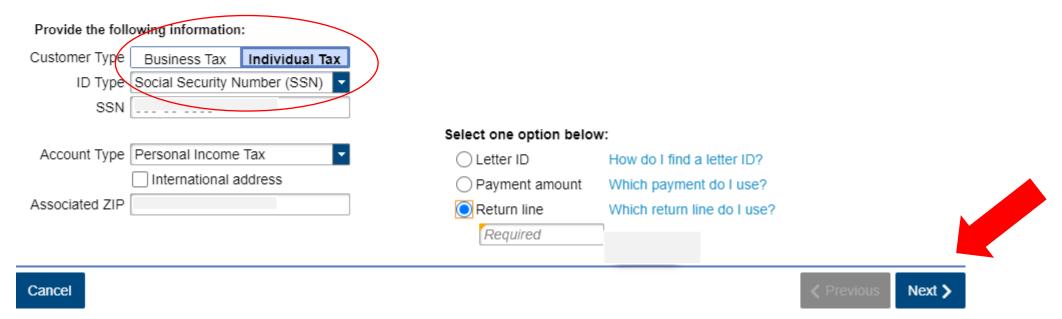
Add third-party access

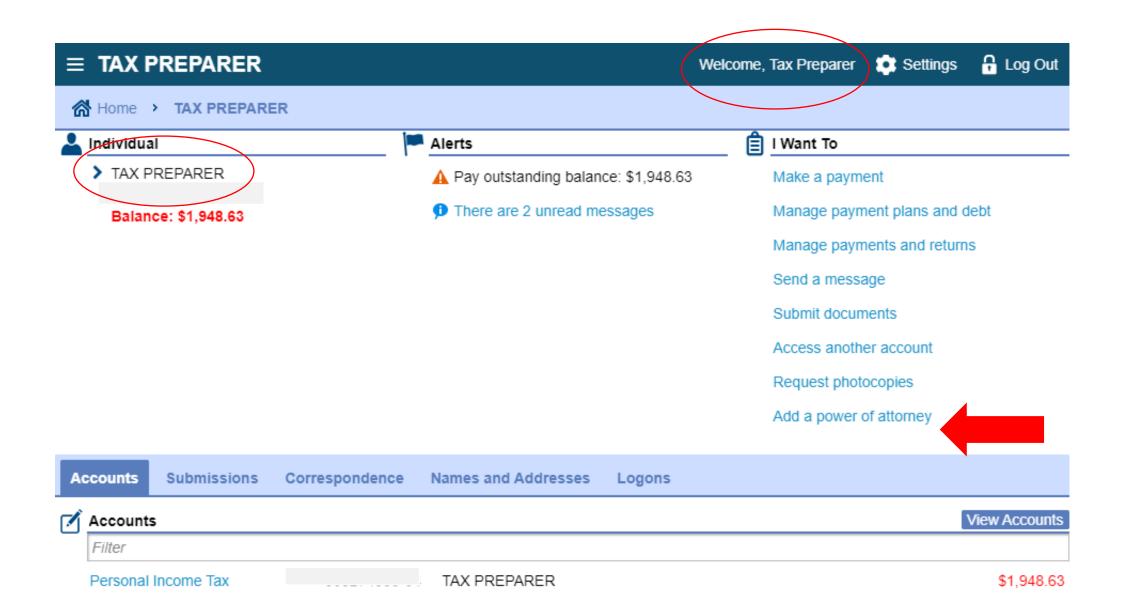
Complete this process to request access to another customers account information as a third party representative. Once successfully validated, you will be able to submit requests on behalf of the entity or review their account information.

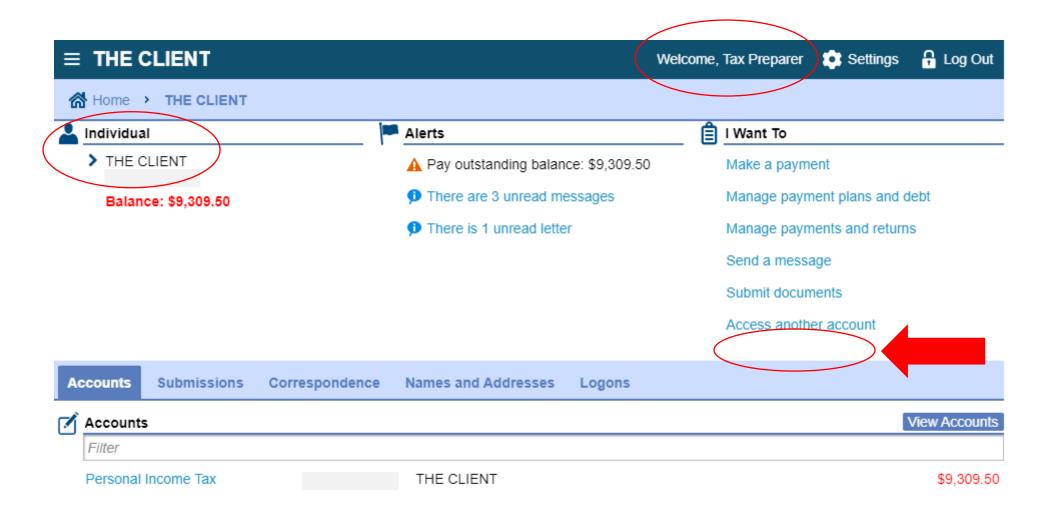


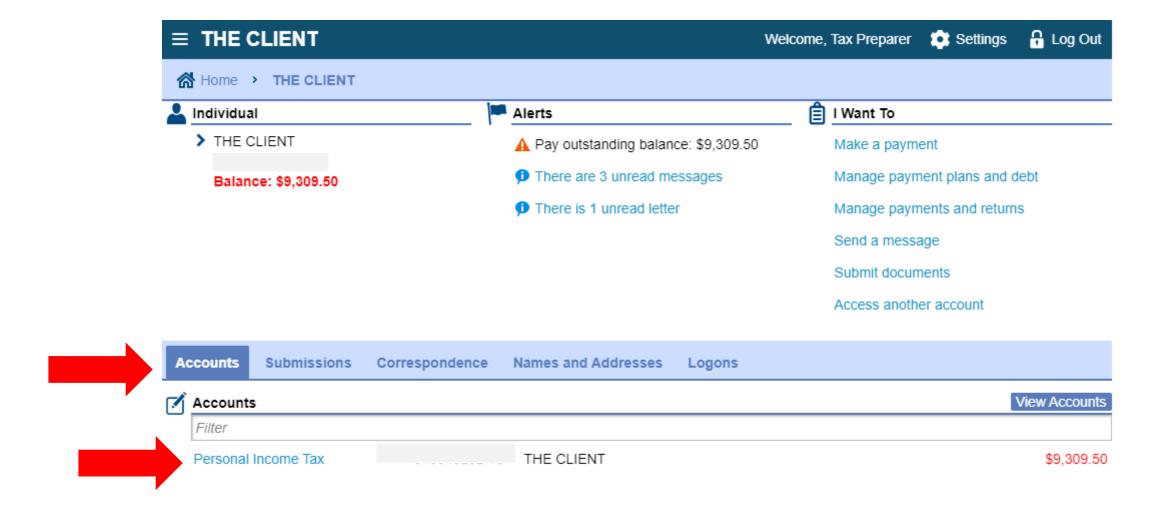
Request Account Access

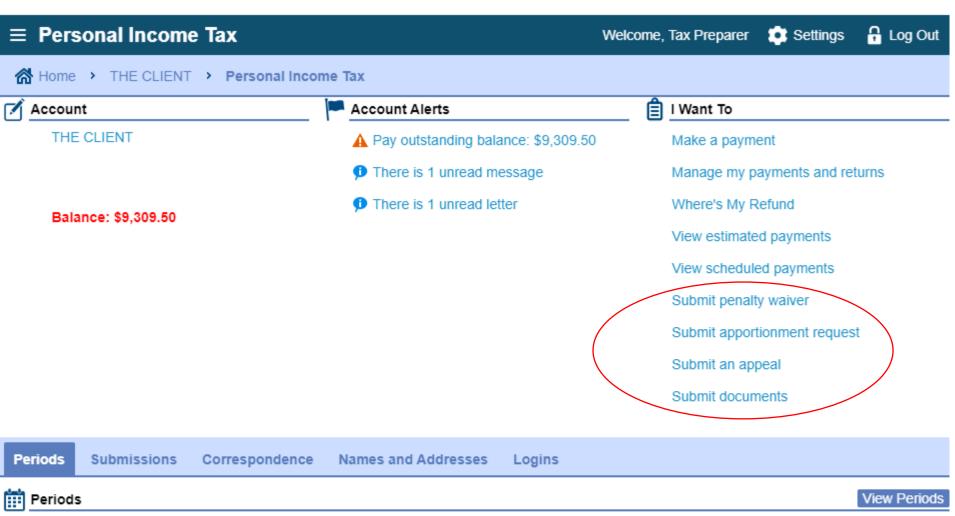
Please fill out the information below to request access to your clients' account(s). This one-time validation is necessary to gain access to the account information on Revenue Online. Once validated, an email or letter will be sent to the client(s) stating you established access to their account through Revenue Online. Adding access to more accounts will not remove the access for accounts you already have.











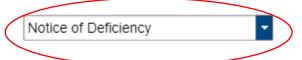
renous	Submissions	Correspondence	Names and Addresses	Logins
Period	is			View Periods
31-De	c-2021	\$0.00		
31-De	c-2020	\$0.00		
31-De	c-2019	\$0.00		
31-De	c-2015	\$0.00	Late-Processed	
31-De	c-2014	\$9,309.50	Estimated	Make Payment



Appeal Legal

Appeal Request

Select the notice you wish to appeal



If you disagree with a Notice of Deficiency or Notice of Proposed Refund Adjustment, you have the right to appeal to the department within 30 days of the date of the notice. You may submit your appeal here.

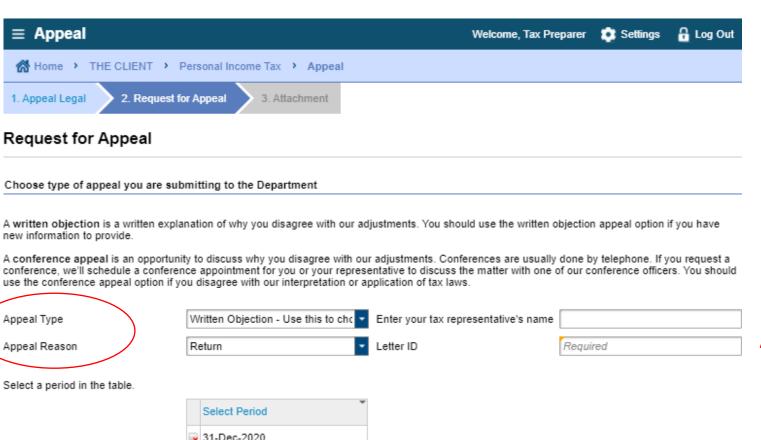
If you disagree with a Notice of Assessment or wish to appeal a refund adjustment notice **after the 30th day**, you must file a complaint with the Magistrate Division of the Oregon Tax Court. Refer to the appeal rights on the notice you received from us.

For more information about submitting an appeal, see our appeal procedures.

Complaint forms for appealing to the Magistrate Division are available from the Tax Court:

Oregon Tax Court
Magistrate Division
1163 State Street
Salem OR 97301-2563
(503) 986-5650
www.courts.oregon.gov/tax



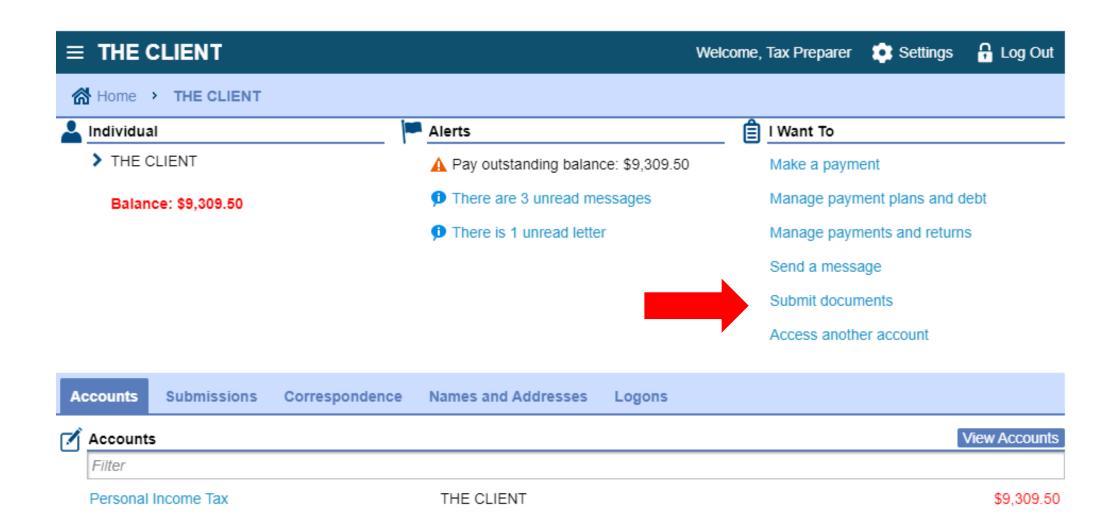


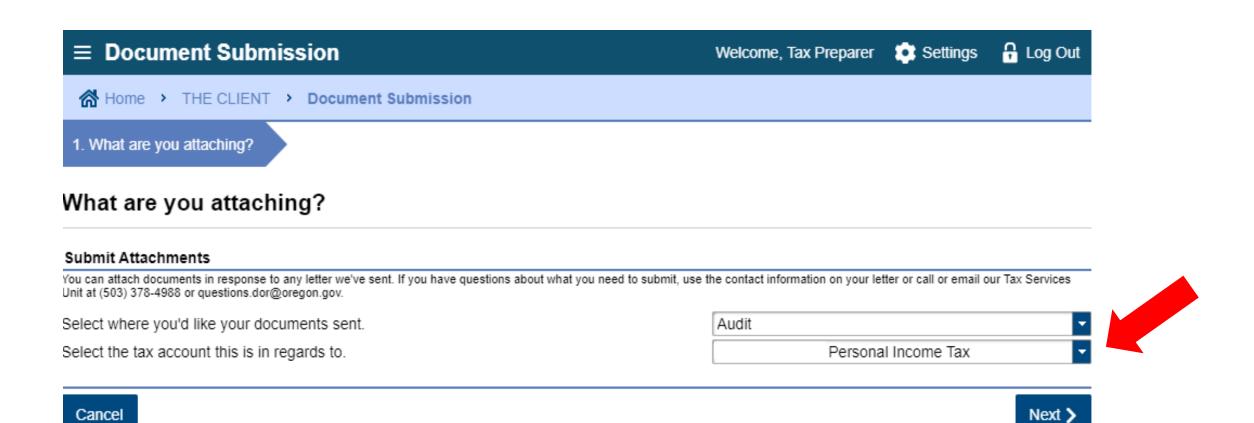


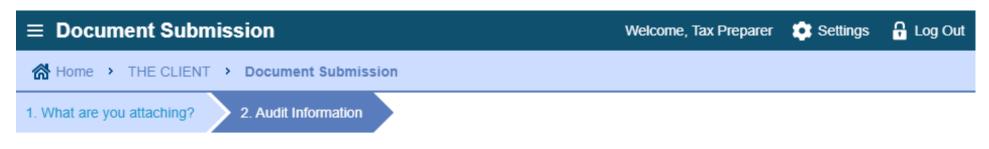
Reason for appeal to the department - Explain why you are appealing our determination and any new information you want us to consider. You may attach files or images pertaining to this request on the following page.



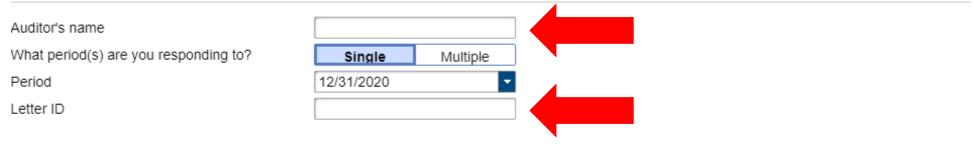
Next)





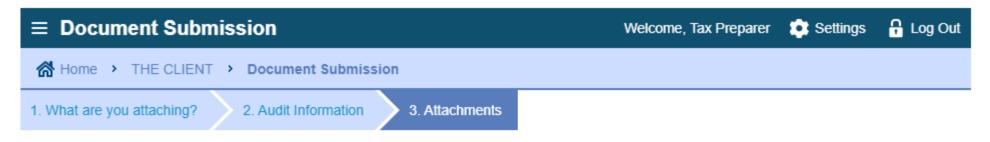


Audit Information



Provide a brief description of your attachment(s).

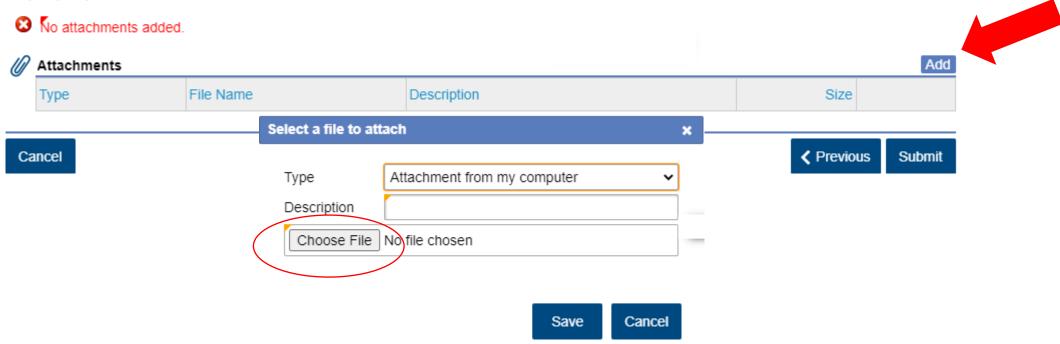
Provide a brief description of your attachment(s).



Attachments

Click the 'Add' button to attach your files. We accept up to 5 files, up to 100 mbs each.

If you need to attach something larger than this, please contact the person listed on your letter. You may attach the following file types: DOC, DOCX, PNG, XLS, XLSX, JPEG, JPG, TXT, PDF, and ZIP.

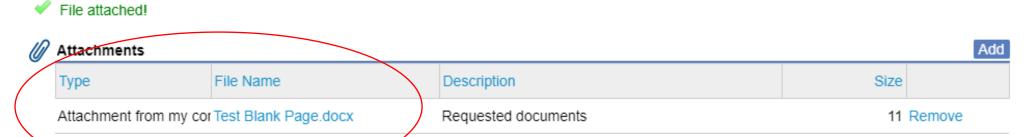




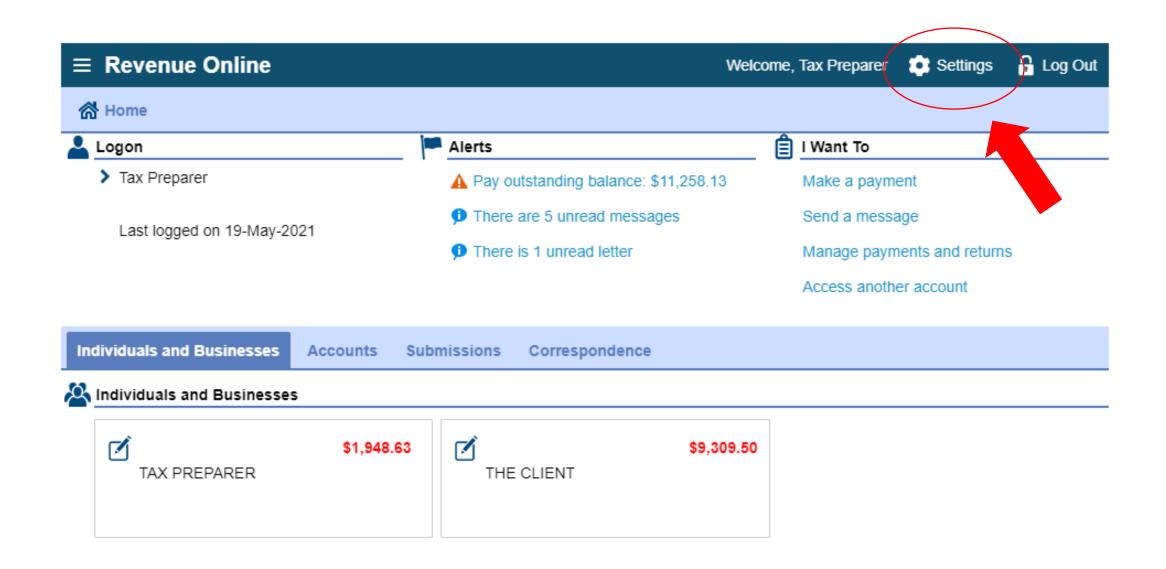
Attachments

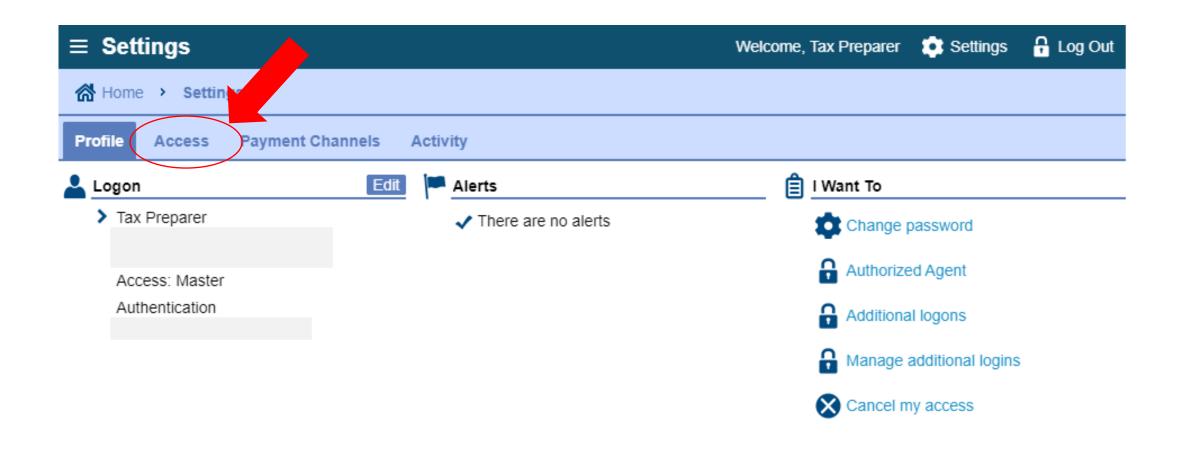
Click the 'Add' button to attach your files. We accept up to 5 files, up to 100 mbs each.

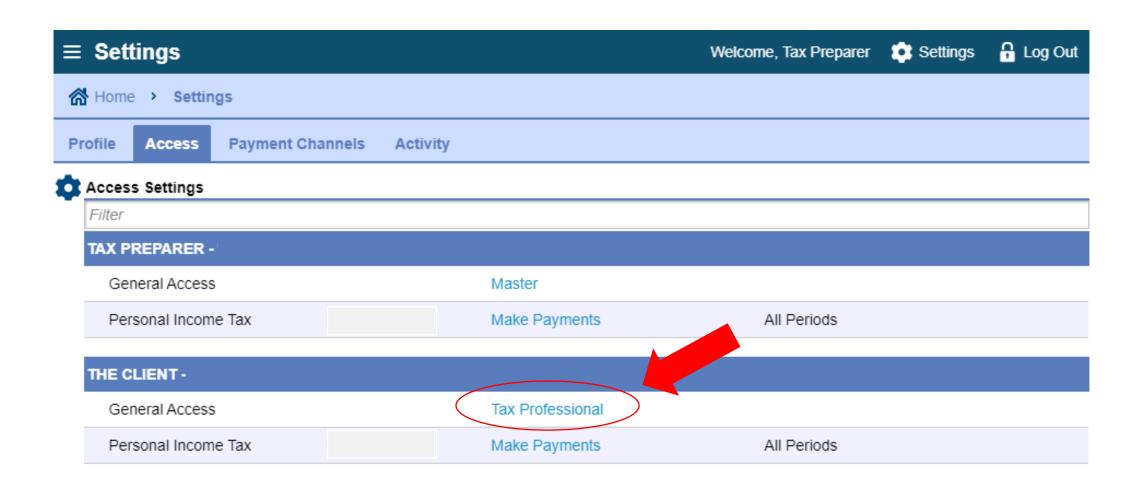
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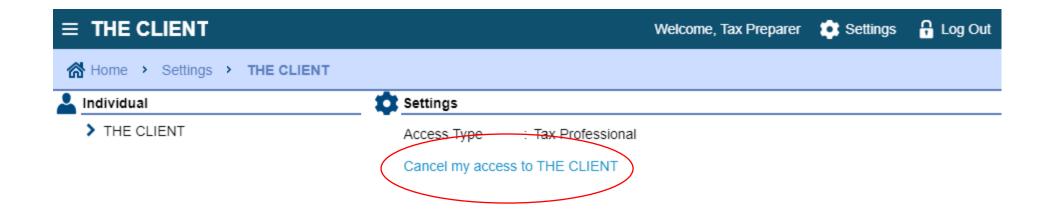


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Do you have questions or need help?



To reach our dedicated practitioner specialist:

Email: <u>prac.revenue@oregon.gov</u>

Phone: 503-947-3541

Contact us for ADA accommodations or assistance in other languages.