

STATE OF OREGON

Income Tax Credit for Purchase of Electric Vehicle Purchase by a Business

Short Description: Non-refundable income tax credit of 35% of the cost to purchase an electric vehicle or an electric vehicle charger used in a trade or business.

Beneficiary: Business purchaser of a qualified electric vehicle and charging station

Type of Incentive: Non-refundable income tax credit

Effective Dates: Begins 1/1/2010

Value of Benefit: The amount of the credit 35% of the cost of the alternative fuel device, claimed by the purchaser on Oregon Form 20. The amount is then transferred to Oregon Form 20-I.

Full Description:

Corporations and businesses may claim an income tax credit for the certified cost of certain business-related facilities during the period for which the facility is certified by the Office of Energy as using renewable energy resources (315.354 and 469.185). The amount of the credit allowed is 10% of the certified cost of a facility in each of the first two years that the credit is claimed, and 5% in each of the next three years, except that if the certified cost of the facility does not exceed \$20,000, the total allowable credit amount may be claimed in the first tax year (315.354(1)(a) and (b)). Thus, the total maximum credit allowed for a facility is 35% of its certified cost (315.354(3)).

*Eligible energy conservation facilities include Alternative Fuel Vehicles, which includes an alternative fuel vehicle refueling station (469.185(6)). An alternative fuel vehicle includes an electric vehicle under Oregon statute (469.185(1)). In order for the tax credit to be allowed, the facility must be located in Oregon, the facility must have received final certification from the Director of the State Department of Energy, and the taxpayer must be an eligible applicant.

*If the taxpayer receives a grant from the federal government in connection with a facility that has been certified by the Director of the State Department of Energy, the certified cost of the facility shall be reduced on a dollar for dollar basis. A taxpayer is eligible to participate in both this tax credit program and low interest, government-sponsored loans. A taxpayer who receives a tax credit or property tax relief on a pollution control facility or an alternative energy device is not eligible for a tax credit on the same facility or device (315.356(3)).

*There is an eight year carryforward of unused credit amounts. A taxpayer who receives a tax credit or property tax relief on a pollution control facility or an alternative energy device is not eligible for a tax credit on the same facility or device (315.356(3)).

State Statutory references:

- Oregon Code 315.354 and 315.356 (reproduced below)
 - <http://www.leg.state.or.us/ors/315.html>
- Oregon Code 469.185 (reproduced below)
 - <http://www.leg.state.or.us/ors/469.html>

Other Link(s):

- <http://www.afdc.energy.gov/afdc/laws/law/OR/5315> (AFDC website)

Checkpoint Contents
State & Local Tax Library
State & Local Taxes
States
Oregon
Statutes
Or. Rev. Stat.
Title 29 REVENUE AND TAXATION
Chapter 315 PERSONAL AND CORPORATE INCOME OR EXCISE TAX CREDITS
Environment and Energy
Or. Rev. Stat. § 315.354 Energy conservation facilities.

§ 315.354 -- Energy conservation facilities.

(1) A credit is allowed against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation, under ORS chapter 317 or 318), based upon the certified cost of the facility during the period for which that facility is certified under ORS 469.185 to 469.225 . The credit is allowed as follows:

(a) Except as provided in paragraph (b) or (c) of this subsection, the credit allowed in each of the first two tax years in which the credit is claimed shall be 10 percent of the certified cost of the facility, but may not exceed the tax liability of the taxpayer. The credit allowed in each of the succeeding three years shall be five percent of the certified cost, but may not exceed the tax liability of the taxpayer.

(b) If the certified cost of the facility does not exceed \$20,000, the total amount of the credit allowable under subsection (4) of this section may be claimed in the first tax year for which the credit may be claimed, but may not exceed the tax liability of the taxpayer.

(c) If the facility uses or produces renewable energy resources or is a renewable energy resource equipment manufacturing facility, the credit allowed in each of five succeeding tax years shall be 10 percent of the certified cost of the facility, but may not exceed the tax liability of the taxpayer.

(2) Notwithstanding subsection (1) of this section:

(a) If the facility is one or more renewable energy resource systems installed in a single-family dwelling, the amount of the credit for each system shall be determined as if the facility was considered a residential alternative energy device under ORS 316.116 , but subject to the maximum credit amount under subsection (4)(b) of this section;

(b) If the facility is a high-performance home, the amount of the credit shall equal the amount determined under paragraph (a) of this subsection plus \$3,000; and

(c) If the facility is a high-performance home or a homebuilder-installed renewable energy system, the total amount of the credit may be claimed in the first tax year for which the credit is claimed, but may not exceed the tax liability of the taxpayer.

(3) In order for a tax credit to be allowable under this section:

(a) The facility must be in located in Oregon;

(b) The facility must have received final certification from the Director of the State Department of Energy under ORS 469.185 to 469.225 ;

(c) The taxpayer must be an eligible applicant under ORS 469.205(1)(c) ; and

(d)

CAUTION: Subsection (3)(d) below is eff. 1-1-2010 and applies to tax years beginning on or after 1-1-2010.

If the alternative fuel vehicle is a gasoline-electric hybrid vehicle not designed for electric plug-in charging, it must be purchased before January 1, 2010.

(4) The total amount of credit allowable to an eligible taxpayer under this section may not exceed:

- (a)** 50 percent of the certified cost of a renewable energy resources facility, a renewable energy resource equipment manufacturing facility or a high-efficiency combined heat and power facility;
- (b)** \$9,000 per single-family dwelling for homebuilder-installed renewable energy systems;
- (c)** \$12,000 per single-family dwelling for homebuilder-installed renewable energy systems, if the dwelling also constitutes a high-performance home; or
- (d)** 35 percent of the certified cost of any other facility.

(5)

(a) Upon any sale, termination of the lease or contract, exchange or other disposition of the facility, notice thereof shall be given to the Administrator of the Office of Energy who shall revoke the certificate covering the facility as of the date of such disposition. The new owner, or upon re-leasing of the facility, the lessor, may apply for a new certificate under ORS 469.215 , but the tax credit available to the new owner shall be limited to the amount of credit not claimed by the former owner or, for a new lessor, the amount of credit not claimed by the lessor under all previous leases.

(b) The Office of Energy may not revoke the certificate covering a facility under paragraph (a) of this subsection if the tax credit associated with the facility has been transferred to a taxpayer who is an eligible applicant under ORS 469.205 (1)(c)(A) .

(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried forward and used in the second succeeding tax years, and likewise, any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise, any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be carried forward and used in the fifth succeeding tax year, and likewise, any credit not used in that fifth succeeding tax year may be carried forward and used in the sixth succeeding tax year, and likewise, any credit not used in that sixth succeeding tax year may be carried forward and used in the seventh succeeding tax year, and likewise, any credit not used in that seventh succeeding tax year may be carried forward and used in the eighth succeeding tax year, but may not be carried forward for any tax year thereafter. Credits may be carried forward to and used in a tax year beyond the years specified in subsection (1) of this section only as provided in this subsection.

(7) The credit provided by this section is not in lieu of any depreciation or amortization deduction for the facility to which the taxpayer otherwise may be entitled for purposes of ORS chapter 316, 317 or 318 for such year.

(8) The taxpayer's adjusted basis for determining gain or loss may not be decreased by any tax credits allowed under this section.

(9) If a homebuilder claims a credit under this section with respect to a homebuilder-installed renewable energy system or a high-performance home:

- (a)** The homebuilder may not claim credits for both a homebuilder-installed renewable energy system and a high-performance home with respect to the same dwelling;
- (b)** The homebuilder must inform the buyer of the dwelling that the homebuilder is claiming a tax credit under this section with respect to the dwelling; and
- (c)** The buyer of the dwelling may not claim a credit under this section that is based on any facility for which the homebuilder has already claimed a credit.

(10) The definitions in ORS 469.185 apply to this section.

(§ 315.354 enacted by L. 1993, c. 730, §34; amended by L. 1995, c. 746, § 15; L. 1997, c. 656, § 4;

L. 1999, c. 365, § 10; L. 2001, c. 583, § 1; c. 660, § 1a; L. 2007, c. 843, § 14; L. 2009, c. 909, § 48 .)

END OF DOCUMENT -

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Checkpoint Contents

State & Local Tax Library

State & Local Taxes

States

Oregon

Statutes

Or. Rev. Stat.

Title 29 REVENUE AND TAXATION

Chapter 315 PERSONAL AND CORPORATE INCOME OR EXCISE TAX CREDITS

Environment and Energy

Or. Rev. Stat. § 315.356 Offset to cost of energy conservation facility.

§ 315.356 -- Offset to cost of energy conservation facility.

(1) If a taxpayer obtains a grant from the federal government in connection with a facility that has been certified by the Director of the State Department of Energy, the certified cost of the facility shall be reduced on a dollar for dollar basis. Any income or excise tax credits that the taxpayer would be entitled to under ORS 315.354 and 469.185 to 469.225 after any reduction described in this subsection may not be reduced by the federal grant. A taxpayer applying for a federal grant shall notify the Department of Revenue by certified mail within 30 days after each application, and after the receipt of any grant.

(2) A taxpayer is eligible to participate in both this tax credit program and low interest, government-sponsored loans.

(3) A taxpayer who receives a tax credit or property tax relief on a pollution control facility or an alternative energy device under ORS 307.405 , 315.304 or 316.116 is not eligible for a tax credit on the same facility or device under ORS 315.354 and 469.185 to 469.225 .

(4) A credit may not be allowed under ORS 315.354 if the taxpayer has received a tax credit on the same facility or device under ORS 315.324 .

(§ 315.356 enacted by L. 1993, c. 730, § 36; amended by L. 1995, c. 556, § 35; L. 1999, c. 623, § 3; L. 2001, c. 583, § 2; L. 2007, c. 843, § 15.)

END OF DOCUMENT -

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Checkpoint Contents
State & Local Tax Library
State & Local Taxes
States
Oregon
Statutes
Or. Rev. Stat.
Title 36 PUBLIC HEALTH AND SAFETY
Chapter 469 ENERGY CONSERVATION
Renewable Energy Resources
Or. Rev. Stat. § 469.185 Definitions.

§ 469.185 -- Definitions.

As used in ORS 469.185 to 469.225 and 469.878 :

(1) "Alternative fuel vehicle" means a vehicle as defined by the Director of the State Department of Energy by rule that is used primarily in connection with the conduct of a trade or business and that is manufactured or modified to use an alternative fuel, including but not limited to electricity, ethanol, methanol, gasohol and propane or natural gas, regardless of energy consumption savings.

(2) "Car sharing facility" means the expenses of operating a car sharing program, including but not limited to the fair market value of parking spaces used to store the fleet of cars available for a car sharing program, but does not include the costs of the fleet of cars.

(3) "Car sharing program" means a program in which drivers pay to become members in order to have joint access to a fleet of cars from a common parking area on an hourly basis. "Car sharing program" does not include operations conducted by car rental agencies.

(4) "Cost" means the capital costs and expenses necessarily incurred in the acquisition, erection, construction and installation of a facility, including site development costs and expenses for a sustainable building practices facility.

(5) "Energy facility" means any capital investment for which the first year energy savings yields a simple payback period of greater than one year. An energy facility includes:

(a) Any land, structure, building, installation, excavation, machinery, equipment or device, or any addition to, reconstruction of or improvement of, land or an existing structure, building, installation, excavation, machinery, equipment or device necessarily acquired, erected, constructed or installed by any person in connection with the conduct of a trade or business and actually used in the processing or utilization of renewable energy resources to:

(A) Replace a substantial part or all of an existing use of electricity, petroleum or natural gas;

(B) Provide the initial use of energy where electricity, petroleum or natural gas would have been used;

(C) Generate electricity to replace an existing source of electricity or to provide a new source of electricity for sale by or use in the trade or business;

(D) Perform a process that obtains energy resources from material that would otherwise be solid waste as defined in ORS 459.005 ; or

(E) Manufacture or distribute alternative fuels, including but not limited to electricity, ethanol, methanol, gasohol or biodiesel.

(b) Any acquisition of, addition to, reconstruction of or improvement of land or an existing structure, building, installation, excavation, machinery, equipment or device necessarily acquired, erected, constructed or installed by any person in connection with the conduct of

- a trade or business in order to substantially reduce the consumption of purchased energy.
- (c) A necessary feature of a new commercial building or multiple unit dwelling, as dwelling is defined by ORS 469.160 , that causes that building or dwelling to exceed an energy performance standard in the state building code.
 - (d) The replacement of an electric motor with another electric motor that substantially reduces the consumption of electricity.

(6) "Facility" means an energy facility, recycling facility, transportation facility, car sharing facility, sustainable building practices facility, alternative fuel vehicle or facilities necessary to operate alternative fuel vehicles, including but not limited to an alternative fuel vehicle refueling station, a high-efficiency combined heat and power facility, a high-performance home, a homebuilder-installed renewable energy system, or a renewable energy resource equipment manufacturing facility.

(7) "High-efficiency combined heat and power facility" means a device or equipment that simultaneously produces heat and electricity from a single source of fuel and that meets the criteria established for a high-efficiency combined heat and power facility under ORS 469.197 .

(8) "High-performance home" means a new single-family dwelling that:

- (a) Is designed and constructed to reduce net purchased energy through use of both energy efficiency and on-site renewable energy resources; and
- (b) Meets the criteria established for a high-performance home under ORS 469.197 .

(9) "Homebuilder-installed renewable energy system" means a renewable energy resource system that:

- (a) Meets the criteria established for a renewable energy resource system under ORS 469.197 ; and
- (b) Is installed in a new single-family dwelling by, or at the direction of, the homebuilder constructing the dwelling.

(10) "Qualified transit pass contract" means a purchase agreement entered into between a transportation provider and a person, the terms of which obligate the person to purchase transit passes on behalf or for the benefit of employees, students, patients or other individuals over a specified period of time.

(11) "Recycling facility" means equipment used by a trade or business solely for recycling:

- (a) Including:
 - (A) Equipment used solely for hauling and refining used oil;
 - (B) New vehicles or modifications to existing vehicles used solely to transport used recyclable materials that cannot be used further in their present form or location such as glass, metal, paper, aluminum, rubber and plastic;
 - (C) Trailers, racks or bins that are used for hauling used recyclable materials and are added to or attached to existing waste collection vehicles; and
 - (D) Any equipment used solely for processing recyclable materials such as bailers, flatteners, crushers, separators and scales.
- (b) But not including equipment used for transporting or processing scrap materials that are recycled as a part of the normal operation of a trade or business as defined by the director.

(12)

- (a) "Renewable energy resource" includes, but is not limited to:
 - (A) Straw, forest slash, wood waste or other wastes from farm or forest land, non-petroleum plant or animal based biomass, ocean wave energy, solar energy, wind power, water power or geothermal energy; or
 - (B) A hydroelectric generating facility that obtains all applicable permits and complies with all state and federal statutory requirements for the protection of fish and wildlife and:

- (i) That does not exceed 10 megawatts of installed capacity; or
 - (ii) Qualifies as a research, development or demonstration facility.
- (b) "Renewable energy resource" does not include a hydroelectric generating facility that is not described in paragraph (a) of this subsection.

(13) "Renewable energy resource equipment manufacturing facility" means any structure, building, installation, excavation, machinery, equipment or device, or an addition, reconstruction or improvement to land or an existing structure, building, installation, excavation, machinery, equipment or device, that is necessarily acquired, constructed or installed by a person in connection with the conduct of a trade or business, that is used primarily to manufacture equipment, machinery or other products designed to use a renewable energy resource and that meets the criteria established under ORS 469.197 .

(14) "Sustainable building practices facility" means a commercial building in which building practices that reduce the amount of energy, water or other resources needed for construction and operation of the building are used. "Sustainable building practices facility" may be further defined by the State Department of Energy by rule, including rules that establish traditional building practice baselines in energy, water or other resource usage for comparative purposes for use in determining whether a facility is a sustainable building practices facility.

(15) "Transportation facility" means a transportation project that reduces energy use during commuting to and from work or school, during work-related travel, or during travel to obtain medical or other services, and may be further defined by the department by rule. "Transportation facility" includes, but is not limited to, a qualified transit pass contract or a transportation services contract.

(16) "Transportation provider" means a public, private or nonprofit entity that provides transportation services to members of the public.

(17) "Transportation services contract" means a contract that is related to a transportation facility, and may be further defined by the department by rule.

(§ 469.185 enacted by L. 1979, c. 512, § 3; amended by L. 1981, c. 894, § 17; L. 1985, c. 745, § 1; L. 1991, c. 711, § 1; L. 1997, c. 534, § 11; L. 1997, c. 656, § 5; L. 1999, c. 365, § 1; c. 623, § 4; c. 765, § 4; L. 2001, c. 583, § 4; L. 2007, c. 591, § 1; c. 843, § 16.)

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2009 Form 20
Oregon Corporation
Excise Tax Return



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<input type="radio"/> Fiscal year beginning / /	<input type="radio"/> Fiscal year ending / /
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<input type="radio"/> Name: <input type="radio"/> Address: <input type="radio"/> City: <input type="radio"/> St: <input type="radio"/> ZIP code: <input type="checkbox"/> New name <input type="checkbox"/> New address <input type="radio"/> Phone: <input type="checkbox"/> Extension <input type="checkbox"/> Form 37 <input type="checkbox"/> Amended <input type="checkbox"/> Form 24 <input type="checkbox"/> FCG-20 <input type="checkbox"/> Federal Form 8886 <input type="checkbox"/> REIT/RIC <input type="checkbox"/> Accounting period change Contact: Web:	<input type="radio"/> FEIN: <input type="radio"/> BIN:	<table border="1"> <tr> <th colspan="3">For office use only</th> </tr> <tr> <td colspan="3"> <input type="radio"/> </td> </tr> <tr> <td colspan="3"> Payment <input type="radio"/> </td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> </table>	For office use only			<input type="radio"/>			Payment <input type="radio"/>			1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Questions: Complete A through D only if this is your first return or the answer changed during 2009.

<input type="radio"/> A. Incorporated in (state);	<input type="radio"/> Incorporated on (date)	<input type="radio"/> B. State of commercial domicile	<input type="radio"/> C. Date business activity began in Oregon	<input type="radio"/> D. Business Activity Code
<input type="radio"/> E. (1) <input type="checkbox"/> Consolidated federal return; <input type="radio"/> (2) <input type="checkbox"/> Consolidated Oregon return; <input type="radio"/> (3) <input type="checkbox"/> Corporations included in consolidated federal return, but not in Oregon return				
<input type="radio"/> F. <input type="checkbox"/> Low-income taxpayer	<input type="radio"/> G. Enter name of parent corporation, if applicable		<input type="radio"/> Enter FEIN of parent corporation, if applicable	
<input type="radio"/> H. Number of Oregon corporations	<input type="radio"/> I. List the tax years for which federal waivers of the statute of limitations are in effect and dates on which waivers expire			
<input type="radio"/> J. List the tax years for which your federal taxable income was changed by an IRS audit or by an amended federal return filed during this tax year				
<input type="radio"/> K. If first return, indicate	Name of previous business	FEIN	BIN	
<input type="checkbox"/> New business, or <input type="checkbox"/> Successor to previous business				
<input type="radio"/> L. If final return, indicate	Name of merged or reorganized corporation	FEIN	BIN	
<input type="checkbox"/> Withdrawn, <input type="checkbox"/> Dissolved, or <input type="checkbox"/> Merged or reorganized				
<input type="radio"/> M. Utility, telecommunications, or timber companies: see instructions..... <input type="checkbox"/> M				
<input type="radio"/> N. If you did not complete Schedule AP, fill in the amount of your Oregon sales <input type="checkbox"/> N				

	1. Taxable income from U.S. corporation income tax return	<input type="radio"/> 1	
Additions	2. State, municipal, and other interest income not included in line 1	<input type="radio"/> 2	
	3. Oregon excise tax and other state or foreign taxes on or measured by net income or profits ...	<input type="radio"/> 3	
	4. Income of related FSC or DISC.....	<input type="radio"/> 4	
	5. Other additions (attach schedule and explanation).....	<input type="radio"/> 5	
	6. Total additions (add lines 2 through 5).....	<input type="radio"/> 6	
	7. Income after additions (line 1 plus line 6)	<input type="radio"/> 7	
Subtractions	8. Work opportunity credit wages not deducted on federal Form 1120... ..	<input type="radio"/> 8	
	9. Dividend deduction (attach schedule and explanation).....	<input type="radio"/> 9	
	10. Income of non-unitary corporations (attach schedule and explanation)	<input type="radio"/> 10	
	11. Other subtractions (attach schedule and explanation)	<input type="radio"/> 11	
	12. Total subtractions (add lines 8 through 11).....	<input type="radio"/> 12	
	13. Income before net loss deduction (line 7 minus line 12). If income is derived from sources	<input type="radio"/> 13	

both in Oregon and other states, carry amount from line 13 to Schedule AP-2, line 1.



* 0 2 5 8 0 9 0 1 0 2 0 0 0 0 *

	14. Net loss deduction and net capital loss deduction if not apportioned (attach schedule)..... ● 14	
	15. Oregon taxable income (line 13 minus line 14 or amount from Schedule AP-2 , line 11) ● 15	
	16. Excise tax (not less than minimum tax)..... 16	
	17. Tax adjustments (attach schedule)..... ● 17	
	18. Total tax (line 16 plus line 17)..... ● 18	
Credits	19. Pollution control facilities credit..... ● 19	
	20. Lender's credit: energy conservation loans (form 150-102-125) .. ● 20	
	21. Lender's credit: affordable housing loans (form 150-102-125)..... ● 21	
	22. Lender's credit: farmworker housing loans (form 150-102-125)... ● 22	
	23. Business energy credit..... ● 23	
	24. Farmworker housing project investment credit (form 150-101-163)... ● 24	
	25. Dependent care credits (form 150-102-032)..... ● 25	
	26. Qualified research activities credit (form 150-102-128)..... ● 26	
	27. Other credits (attach schedule and explanation) ● 27	
	28. Total credits (add lines 19 through 27)..... ● 28	
Excise Tax	29. Excise tax after credits (line 18 minus line 28) (not less than minimum tax)..... 29	
	30. LIFO benefit recapture subtraction ● 30	
	31. Net excise tax (line 29 minus line 30) (not less than the minimum tax) ● 31	
	32. 2009 estimated tax payments from Schedule ES below. Include payments made with extension..... ● 32	
	33. Withholding payments made on your behalf from pass-through entity or real estate income..... ● 33	
	34. Tax due . Is line 31 more than line 32 plus line 33? If so, line 31 minus lines 32 and 33..... Tax due ● 34	
	35. Overpayment . Is line 31 less than line 32 plus line 33? If so, line 32 plus line 33, minus line 31... Overpayment ● 35	
	36. Penalty due with this return 36	
	37. Interest due with this return 37	
	38. Interest on underpayment of estimated tax (attach Form 37)..... ● 38	
	39. Total penalty and interest (add lines 36, 37, and 38) 39	
	40. Total due (line 34 plus line 39) Total due 40	
	41. Refund available (line 35 minus line 39) Refund 41	
	42. Amount of refund to be credited to 2010 estimated tax..... 2010 Credit ● 42	
	43. Net refund (line 41 minus line 42)..... Net refund 43	

Schedule ES—Estimated Tax Payments or Other Prepayments

	Name of payer	Payer FEIN	Date of payment	Amount paid
1.	Voucher 1			1
2.	Voucher 2			2
3.	Voucher 3			3
4.	Voucher 4			4
5.	Overpayment of last year's tax elected as a credit against this year's tax			5
6.	Payments made with extension or other prepayments for this tax year and date paid.....			6
7.	Claim of right credit (attach computation and explanation)			7
8.	Total prepayments (carry to line 32 above)			8

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Sign Here	Signature of officer	Signature of preparer other than taxpayer	License number of preparer
	X	X	●
	Date	Date	Telephone number ()
	Print name of officer	Print name of preparer	
	Title of officer	Address of preparer	

Please attach a complete copy of your federal Form 1120 and schedules

Mail refund returns and no tax due returns to:
Refund, PO Box 14777, Salem OR 97309-0960

Mail tax-to-pay returns with payment and payment voucher to:
Oregon Department of Revenue, PO Box 14790, Salem OR 97309-0470



* 0 2 5 8 0 9 0 1 0 3 0 0 0 0 *

Schedule AF: Schedule of Affiliates for Form 20

A Schedule of Affiliates **must** be filed every year with each consolidated tax return. List those affiliates doing business in Oregon, or with Oregon source income, that are part of the unitary group included in this tax return.

Do not include in this list the corporation filing this tax return. You may copy this form if you have more than 10 affiliates to include on this list.

FEIN and BIN	Name and Address	If new affiliate during this year, enter date affiliate became part of unitary group	If affiliate ceased to be part of the unitary group during the year, indicate date affiliate left group
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●
● FEIN _____ ● BIN _____	● Name _____ Address _____	●	●

Attach additional schedules if needed