

A-Engrossed
Senate Bill 498

Ordered by the Senate April 30
Including Senate Amendments dated April 30

Sponsored by COMMITTEE ON FINANCE AND REVENUE (at the request of Oregon Bankers Association, Oregon Business Association, Portland Business Alliance, Associated Oregon Industries, Technology Association of America, Smart Growth Coalition, Motion Picture Association of America, Oregon Financial Services Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits Department of Revenue from applying [*or interpreting any law retroactively unless expressly provided by statute, if retroactive application would impose additional liability, interest or penalties on taxpayer. Allows department to apply law retroactively to achieve result favorable to taxpayer*] **administrative rule to report or return retroactively if taxpayer filed report or return by date it was due.**

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to retroactivity of laws applied by Department of Revenue; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 305.**

6 **SECTION 2. The Department of Revenue may not apply an administrative rule in a
7 manner that requires a change in the treatment of an item of income or expense, a de-
8 duction, exclusion, credit or other particular on a report or return filed by a taxpayer if:**

9 **(1) The taxpayer filed the report or return by the date it was due; and**

10 **(2) The treatment of the item on the report or return was consistent with an adminis-
11 trative rule adopted and in effect at the time that the report or return was filed.**

12 **SECTION 3. Section 2 of this 2009 Act applies to administrative rules adopted or amended
13 by the Department of Revenue on or after the effective date of this 2009 Act.**

14 **SECTION 4. This 2009 Act takes effect on the 91st day after the date on which the reg-
15 ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

16

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.