

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	7 - 1 - 0
Yeas:	Cameron, Clem, Conger, Matthews, Smith J., Holvey, Whisnant
Nays:	Sheehan
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	2/15, 3/24, 4/12, 4/14

WHAT THE MEASURE DOES: Creates the Office of Taxpayer Ombudsman within the Department of Revenue. Directs the department director to select employees for the office. Establishes the functions, powers, and duties of the office. Sunsets the office on January 1, 2016.

ISSUES DISCUSSED:

- Ombudsman would serve pro se clients and clients with a CPA
- Independence of ombudsman
- Ombudsman role not a replacement or substitute for the appeals process
- Attempt to increase voluntary compliance

EFFECT OF COMMITTEE AMENDMENT: Deletes provision allowing Governor to appoint the ombudsman. Specifies Department of Revenue director will select employees for the office. Sunsets office on January 1, 2016.

BACKGROUND: New York created its Office of Taxpayer Rights Advocate in 2009 to assist taxpayers with problem resolution, identify systemic problems and potential legislative solutions, and to work with the tax department to improve its processes. The New York State Society of Certified Public Accountants asked the Governor of New York on February 7, 2011, to make the Office of Taxpayers Rights Advocate a permanent resource within the state's Department of Taxation and Finance.

The U.S. Internal Revenue Service Office of Taxpayer Advocate has been serving the public for over 30 years. Twenty-eight states have a created a taxpayer advocate position, 15 of which are codified in statute.