

## HOUSE AMENDMENTS TO HOUSE BILL 2550

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 6

1 On page 1 of the printed bill, line 3, after “debts;” insert “amending ORS 305.612 and  
2 314.840;”.

3 Delete lines 5 through 29 and insert:

4 “**SECTION 1.** ORS 305.612 is amended to read:

5 “305.612. (1) The Director of the Department of Revenue may enter into an intergovernmental  
6 **reciprocal** agreement with the United States Financial Management Service and the Internal Re-  
7 venue Service for the purpose of engaging in the [*reciprocal*] offset of federal tax refunds **or other**  
8 **federal payments** in payment of liquidated state [*tax obligations*] **debt** and the offset of state tax  
9 refunds **or other state payments** in payment of liquidated federal [*tax obligations*] **debt**.

10 “(2) The director may pay a fee charged by the federal government for the processing of an  
11 offset request. The fee may be deducted from amounts remitted to the state by the federal govern-  
12 ment pursuant to an intergovernmental **reciprocal** agreement. The amount of the fee charged by  
13 the federal government shall be added to the [*taxes*] **debt**, interest and penalties owed by the [*tax-*  
14 *payer*] **debtor** to the state.

15 “(3) The Department of Revenue may by rule establish a fee to be charged to the federal gov-  
16 ernment for the provision of state offset services.

17 “(4) All moneys received by the department in payment of charges made pursuant to subsection  
18 (3) of this section shall be deposited in a department miscellaneous receipts account established  
19 under ORS 279A.290.

20 “**SECTION 2.** ORS 314.840 is amended to read:

21 “314.840. (1) The Department of Revenue may:

22 “(a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS  
23 305.230 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer,  
24 representative or designee, with a copy of the taxpayer’s income tax return filed with the depart-  
25 ment for any year, or with a copy of any report filed by the taxpayer in connection with the return,  
26 or with any other information the department considers necessary.

27 “(b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

28 “(c) Publish statistics so classified as to prevent the identification of income or any particulars  
29 contained in any report or return.

30 “(d) Disclose a taxpayer’s name, address, telephone number, refund amount, amount due, Social  
31 Security number, employer identification number or other taxpayer identification number to the ex-  
32 tent necessary in connection with collection activities or the processing and mailing of correspond-  
33 ence or of forms for any report, return or claim required in the administration of ORS 310.630 to  
34 310.706, any local tax under ORS 305.620, or any law imposing a tax upon or measured by net in-  
35 come.

1 “(2) The department also may disclose and give access to information described in ORS 314.835  
2 to:

3 “(a) The Governor of the State of Oregon or the authorized representative of the Governor:

4 “(A) With respect to an individual who is designated as being under consideration for appoint-  
5 ment or reappointment to an office or for employment in the office of the Governor. The information  
6 disclosed shall be confined to whether the individual:

7 “(i) Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of not  
8 more than the three immediately preceding years for which the individual was required to file an  
9 Oregon individual income tax return.

10 “(ii) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or  
11 otherwise respond to a deficiency notice within 30 days of its mailing.

12 “(iii) Has been assessed any penalty under the Oregon personal income tax laws and the nature  
13 of the penalty.

14 “(iv) Has been or is under investigation for possible criminal offenses under the Oregon personal  
15 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the pur-  
16 pose of making the appointment, reappointment or decision to employ or not to employ the individ-  
17 ual in the office of the Governor.

18 “(B) For use by an officer or employee of the Oregon Department of Administrative Services  
19 duly authorized or employed to prepare revenue estimates, or a person contracting with the Oregon  
20 Department of Administrative Services to prepare revenue estimates, in the preparation of revenue  
21 estimates required for the Governor’s budget under ORS 291.201 to 291.226, or required for sub-  
22 mission to the Emergency Board, or if the Legislative Assembly is in session, to the Joint Committee  
23 on Ways and Means, and to the Legislative Revenue Officer under ORS 291.342, 291.348 and 291.445.  
24 The Department of Revenue shall disclose and give access to the information described in ORS  
25 314.835 for the purposes of this subparagraph only if:

26 “(i) The request for information is made in writing, specifies the purposes for which the request  
27 is made and is signed by an authorized representative of the Oregon Department of Administrative  
28 Services. The form for request for information shall be prescribed by the Oregon Department of  
29 Administrative Services and approved by the Director of the Department of Revenue.

30 “(ii) The officer, employee or person receiving the information does not remove from the prem-  
31 ises of the Department of Revenue any materials that would reveal the identity of a personal or  
32 corporate taxpayer.

33 “(b) The Commissioner of Internal Revenue or authorized representative, for tax administration  
34 and compliance purposes only.

35 “(c) For tax administration and compliance purposes, the proper officer or authorized represen-  
36 tative of any of the following entities that has or is governed by a provision of law that meets the  
37 requirements of any applicable provision of the Internal Revenue Code as to confidentiality:

38 “(A) A state;

39 “(B) A city, county or other political subdivision of a state;

40 “(C) The District of Columbia; or

41 “(D) An association established exclusively to provide services to federal, state or local taxing  
42 authorities.

43 “(d) The Multistate Tax Commission or its authorized representatives, for tax administration and  
44 compliance purposes only. The Multistate Tax Commission may make the information available to  
45 the Commissioner of Internal Revenue or the proper officer or authorized representative of any

1 governmental entity described in and meeting the qualifications of paragraph (c) of this subsection.

2 “(e) The Attorney General, assistants and employees in the Department of Justice, or other legal  
3 representative of the State of Oregon, to the extent the department deems disclosure or access  
4 necessary for the performance of the duties of advising or representing the department pursuant to  
5 ORS 180.010 to 180.240 and the tax laws of this state.

6 “(f) Employees of the State of Oregon, other than of the Department of Revenue or Department  
7 of Justice, to the extent the department deems disclosure or access necessary for such employees  
8 to perform their duties under contracts or agreements between the department and any other de-  
9 partment, agency or subdivision of the State of Oregon, in the department’s administration of the  
10 tax laws.

11 “(g) Other persons, partnerships, corporations and other legal entities, and their employees, to  
12 the extent the department deems disclosure or access necessary for the performance of such others’  
13 duties under contracts or agreements between the department and such legal entities, in the  
14 department’s administration of the tax laws.

15 “(h) The Legislative Revenue Officer or authorized representatives upon compliance with ORS  
16 173.850. Such officer or representative shall not remove from the premises of the department any  
17 materials that would reveal the identity of any taxpayer or any other person.

18 “(i) The Department of Consumer and Business Services, to the extent the department requires  
19 such information to determine whether it is appropriate to adjust those workers’ compensation  
20 benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or  
21 earned income received by an individual.

22 “(j) Any agency of the State of Oregon, or any person, or any officer or employee of such agency  
23 or person to whom disclosure or access is given by state law and not otherwise referred to in this  
24 section, including but not limited to the Secretary of State as Auditor of Public Accounts under  
25 section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant to  
26 ORS 314.860 and 412.094; the Division of Child Support of the Department of Justice and district  
27 attorney regarding cases for which they are providing support enforcement services under ORS  
28 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of  
29 Accountancy, pursuant to ORS 673.415.

30 “(k) The Director of the Department of Consumer and Business Services to determine that a  
31 person complies with ORS chapter 656 and the Director of the Employment Department to determine  
32 that a person complies with ORS chapter 657, the following employer information:

33 “(A) Identification numbers.

34 “(B) Names and addresses.

35 “(C) Inception date as employer.

36 “(D) Nature of business.

37 “(E) Entity changes.

38 “(F) Date of last payroll.

39 “(L) The Director of Human Services to determine that a person has the ability to pay for care  
40 that includes services provided by the Eastern Oregon Training Center or the Department of Human  
41 Services to collect any unpaid cost of care as provided by ORS chapter 179.

42 “(m) The Director of the Oregon Health Authority to determine that a person has the ability to  
43 pay for care that includes services provided by the Blue Mountain Recovery Center or the Oregon  
44 State Hospital or the Oregon Health Authority to collect any unpaid cost of care as provided by  
45 ORS chapter 179.

1 “(n) Employees of the Employment Department to the extent the Department of Revenue deems  
2 disclosure or access to information on a combined tax report filed under ORS 316.168 is necessary  
3 to performance of their duties in administering the tax imposed by ORS chapter 657.

4 “(o) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions  
5 and powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number  
6 and standard industrial classification, if available.

7 “(p) Employees of the Department of State Lands for the purposes of identifying, locating and  
8 publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of chapter  
9 694, Oregon Laws 1993. The information shall be limited to the taxpayer’s name, address and the  
10 refund amount.

11 “(q) In addition to the disclosure allowed under ORS 305.225, state or local law enforcement  
12 agencies to assist in the investigation or prosecution of the following criminal activities:

13 “(A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
14 to the stolen document, the name, address and taxpayer identification number of the payee, the  
15 amount of the check and the date printed on the check.

16 “(B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Depart-  
17 ment of Revenue or issued by the Department of Revenue to a taxpayer, in which case the infor-  
18 mation that may be disclosed shall be limited to the counterfeit, forged or altered document, the  
19 name, address and taxpayer identification number of the payee, the amount of the check, the date  
20 printed on the check and the altered name and address.

21 “(r) The United States Postal Inspection Service or a federal law enforcement agency, including  
22 but not limited to the United States Department of Justice, to assist in the investigation of the fol-  
23 lowing criminal activities:

24 “(A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
25 to the stolen document, the name, address and taxpayer identification number of the payee, the  
26 amount of the check and the date printed on the check.

27 “(B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Depart-  
28 ment of Revenue or issued by the Department of Revenue to a taxpayer, in which case the infor-  
29 mation that may be disclosed shall be limited to the counterfeit, forged or altered document, the  
30 name, address and taxpayer identification number of the payee, the amount of the check, the date  
31 printed on the check and the altered name and address.

32 “(s) The United States Financial Management Service, for purposes of facilitating the  
33 [*reciprocal*] offsets described in ORS 305.612.

34 “(t) A municipal corporation of this state for purposes of assisting the municipal corporation in  
35 the administration of a tax of the municipal corporation that is imposed on or measured by income,  
36 wages or net earnings from self-employment. Any disclosure under this paragraph may be made only  
37 pursuant to a written agreement between the Department of Revenue and the municipal corporation  
38 that ensures the confidentiality of the information disclosed.

39 “(u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS  
40 314.843.

41 “(3)(a) Each officer or employee of the department and each person described or referred to in  
42 subsection (2)(a), (e) to (k) or (n) to (q) of this section to whom disclosure or access to the tax in-  
43 formation is given under subsection (2) of this section or any other provision of state law, prior to  
44 beginning employment or the performance of duties involving such disclosure or access, shall be  
45 advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the vio-

1 lation of ORS 314.835, and shall as a condition of employment or performance of duties execute a  
2 certificate for the department, in a form prescribed by the department, stating in substance that the  
3 person has read these provisions of law, that the person has had them explained and that the person  
4 is aware of the penalties for the violation of ORS 314.835.

5 “(b) The disclosure authorized in subsection (2)(r) of this section shall be made only after a  
6 written agreement has been entered into between the Department of Revenue and the person de-  
7 scribed in subsection (2)(r) of this section to whom disclosure or access to the tax information is  
8 given, providing that:

9 “(A) Any information described in ORS 314.835 that is received by the person pursuant to sub-  
10 section (2)(r) of this section is confidential information that may not be disclosed, except to the ex-  
11 tent necessary to investigate or prosecute the criminal activities described in subsection (2)(r) of  
12 this section;

13 “(B) The information shall be protected as confidential under applicable federal and state laws;  
14 and

15 “(C) The United States Postal Inspection Service or the federal law enforcement agency shall  
16 give notice to the Department of Revenue of any request received under the federal Freedom of In-  
17 formation Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

18 “(4) The Department of Revenue may recover the costs of furnishing the information described  
19 in subsection (2)(k) to (m) and (o) to (q) of this section from the respective agencies.”.

20 On page 2, delete lines 1 through 31.

21 In line 33, before “session” insert “regular”.

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