

Fiscal: Has minimal fiscal impact
Revenue: Has minimal revenue impact

Action Date: 04/14/15

Action: Do Pass.

Meeting Dates: 04/14

Vote:

Yeas: 5 - Baertschiger Jr, Boquist, Edwards, Hass, Riley

Prepared By: Christine Broniak, Economist

WHAT THE MEASURE DOES:

Allows payment of taxes, penalties, and interest found to be deficient to be made within 30 days after an order to specially designate a complaint to the Regular Division of the Tax Court from the Magistrate. Allows the taxpayer to file an affidavit alleging undue hardship within 30 days after receiving notice of a lack of this affidavit from the court.

ISSUES DISCUSSED:

- Deadlines for the filing of the affidavit of undue hardship
- The general requirement that a taxpayer pay before filing a complaint to the Regular Division of the Tax Court

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

If the Department of Revenue finds a deficiency in taxes imposed upon or measured by net income, the tax, along with interest and penalties, shall be paid to the department on or before filing a complaint with the regular division of the Oregon Tax Court. In cases where a complaint is specially designated to the Regular Division of the Tax Court from the Magistrate Division, the measure would give the taxpayer 30 days to pay any amounts due. The complaint is considered a claim for a refund of this money.

Currently, a taxpayer may file an affidavit alleging undue hardship to the Regular Division of the Tax Court with the complaint. The measure would also allow 30 days for the filing of this affidavit after the receipt of a notice of a lack of an affidavit. If the court finds undue hardship, the tax court judge can stay all or part of the payment of tax, penalty, and interest.