

House Bill 3541

Sponsored by Representatives HAYDEN, KENY-GUYER, PARRISH, READ; Representatives DAVIS, KENNEMER, SMITH WARNER, VEGA PEDERSON

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 **as introduced**.

Directs Department of Revenue, in collaboration with Department of Human Services, to establish pilot program for disbursement of installment payments to personal income taxpayers of amounts equal to personal income tax dependent care credits.

Applies to dependent care expenses paid during tax years beginning on or after January 1, 2015, and before January 1, 2021, and to disbursements made in calendar years beginning on or after January 1, 2016, and before January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to payment of child care credits in installments; creating new provisions; amending ORS
3 314.840; and prescribing an effective date.

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

5 **SECTION 1. (1) The Department of Revenue, in collaboration with the Department of**
6 **Human Services, shall develop and implement a pilot program to provide an alternate method**
7 **of distributing proceeds of the tax credits available for dependent care under ORS 315.262 and**
8 **ORS 316.078.**

9 (2) Not later than November 30 of each year, the Department of Revenue shall provide
10 to the Department of Human Services a list of taxpayers who, for the tax year beginning on
11 or after January 1 of the preceding year and ending before January 1 of the current year,
12 have claimed a credit under ORS 315.262, 316.078 or both.

13 (3) The list required under subsection (2) of this section shall include, for each taxpayer:

14 (a) The amount of credit allowed to the taxpayer; and

15 (b) The taxpayer's address.

16 (4) Not later than December 15, the Department of Human Services shall:

17 (a) Determine which taxpayers that are included on the list provided by the Department
18 of Revenue are also individuals that at any point during the previous 12 months received
19 benefits under the Supplemental Nutrition Assistance Program under ORS 411.806 to 411.845;
20 and

21 (b) Provide notice to the individuals described in paragraph (a) of this subsection that
22 they are eligible to participate in the pilot program established under this section. The notice
23 shall include an explanation that the payments shall be in compensation for expenses made
24 in the current year and that participation shall require the taxpayer to claim the credits on
25 the corresponding tax return and provide supporting documentation if requested by the De-
26 partment of Revenue.

27 (5) The Department of Human Services shall provide an opportunity for taxpayers to opt
28 out of participation in the pilot program.

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.

1 (6) Beginning in January of the following year, not later than the tenth day of each
 2 month, the Department of Human Services shall provide one of 12 equal monthly payments
 3 to the taxpayer.

4 (7) Not later than January 30 of each year, the Department of Human Services shall no-
 5 tify the Department of Revenue of the names of all taxpayers participating during the year
 6 in the pilot program.

7 (8) On or before November 30 of each year, any taxpayer who is participating in the pilot
 8 program may notify the Department of Human Services that the taxpayer no longer wishes
 9 to participate in the pilot program. The Department of Human Services shall remove all
 10 taxpayers who provide this notice from the pilot program, effective January 1 of the next
 11 year.

12 **SECTION 2.** (1) The Department of Revenue, in reviewing the personal income tax re-
 13 turns of all participants in the pilot program established under section 1 of this 2015 Act
 14 shall:

15 (a) Confirm that, for tax years beginning during the year that disbursements have been
 16 made under section 1 of this 2015 Act, the taxpayer has claimed a credit under ORS 315.262,
 17 316.078 or both;

18 (b) Reconcile the amounts claimed under paragraph (a) of this subsection against the
 19 amounts disbursed under section 1 of this 2015 Act; and

20 (c) Determine whether there is a difference in amount claimed versus amount disbursed
 21 and assess a deficiency against the taxpayer or provide a refund.

22 (2) If a taxpayer who has participated in the pilot program established under section 1
 23 of this 2015 Act does not claim a credit under ORS 315.262, 316.078 or both, or does not pro-
 24 vide sufficient substantiation of eligibility for the claimed amount, the Department of Re-
 25 venue shall notify the taxpayer of the additional tax liability attributable to the credit.

26 (3) The provisions of ORS 305.220 regarding interest shall apply to this section.

27 **SECTION 3.** ORS 314.840 is amended to read:

28 314.840. (1) The Department of Revenue may:

29 (a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.230
 30 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, represen-
 31 tative or designee, with a copy of the taxpayer's income tax return filed with the department for
 32 any year, or with a copy of any report filed by the taxpayer in connection with the return, or with
 33 any other information the department considers necessary.

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

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

37 (d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social
 38 Security number, employer identification number or other taxpayer identification number to the ex-
 39 tent necessary in connection with collection activities or the processing and mailing of correspond-
 40 ence or of forms for any report, return or claim required in the administration of ORS 310.630 to
 41 310.706, any local tax under ORS 305.620, or any law imposing a tax upon or measured by net in-
 42 come.

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

45 (a) The Governor of the State of Oregon or the authorized representative of the Governor with

1 respect to an individual who is designated as being under consideration for appointment or reap-
2 pointment to an office or for employment in the office of the Governor. The information disclosed
3 shall be confined to whether the individual:

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

7 (B) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or
8 otherwise respond to a deficiency notice within 30 days of its mailing.

9 (C) Has been assessed any penalty under the Oregon personal income tax laws and the nature
10 of the penalty.

11 (D) Has been or is under investigation for possible criminal offenses under the Oregon personal
12 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose
13 of making the appointment, reappointment or decision to employ or not to employ the individual in
14 the office of the Governor.

15 (b) An officer or employee of the Oregon Department of Administrative Services duly authorized
16 or employed to prepare revenue estimates, or a person contracting with the Oregon Department of
17 Administrative Services to prepare revenue estimates, in the preparation of revenue estimates re-
18 quired for the Governor's budget under ORS 291.201 to 291.226, or required for submission to the
19 Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative As-
20 sembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue
21 Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of
22 Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes
23 of this paragraph only if:

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

28 (B) The officer, employee or person receiving the information does not remove from the premises
29 of the Department of Revenue any materials that would reveal the identity of a personal or corpo-
30 rate taxpayer.

31 (c) The Commissioner of Internal Revenue or authorized representative, for tax administration
32 and compliance purposes only.

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

36 (A) A state;

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

38 (C) The District of Columbia; or

39 (D) An association established exclusively to provide services to federal, state or local taxing
40 authorities.

41 (e) The Multistate Tax Commission or its authorized representatives, for tax administration and
42 compliance purposes only. The Multistate Tax Commission may make the information available to
43 the Commissioner of Internal Revenue or the proper officer or authorized representative of any
44 governmental entity described in and meeting the qualifications of paragraph (d) of this subsection.

45 (f) The Attorney General, assistants and employees in the Department of Justice, or other legal

1 representative of the State of Oregon, to the extent the department deems disclosure or access
 2 necessary for the performance of the duties of advising or representing the department pursuant to
 3 ORS 180.010 to 180.240 and the tax laws of this state.

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

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

13 (i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS
 14 173.850. Such officer or representative shall not remove from the premises of the department any
 15 materials that would reveal the identity of any taxpayer or any other person.

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

20 (k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency
 21 or person to whom disclosure or access is given by state law and not otherwise referred to in this
 22 section, including but not limited to the Secretary of State as Auditor of Public Accounts under
 23 section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant to
 24 ORS 314.860 and 412.094 **and section 1 of this 2015 Act**; the Division of Child Support of the De-
 25 partment of Justice and district attorney regarding cases for which they are providing support
 26 enforcement services under ORS 25.080; the State Board of Tax Practitioners, pursuant to ORS
 27 673.710; and the Oregon Board of Accountancy, pursuant to ORS 673.415.

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

- 31 (A) Identification numbers.
- 32 (B) Names and addresses.
- 33 (C) Inception date as employer.
- 34 (D) Nature of business.
- 35 (E) Entity changes.
- 36 (F) Date of last payroll.

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

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

44 (o) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and
 45 powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number and

1 standard industrial classification, if available.

2 (p) Employees of the Department of State Lands for the purposes of identifying, locating and
 3 publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of chapter
 4 694, Oregon Laws 1993. The information shall be limited to the taxpayer's name, address and the
 5 refund amount.

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

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

11 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
 12 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
 13 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
 14 dress and taxpayer identification number of the payee, the amount of the check, the date printed
 15 on the check and the altered name and address.

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

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

22 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
 23 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
 24 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
 25 dress and taxpayer identification number of the payee, the amount of the check, the date printed
 26 on the check and the altered name and address.

27 (s) The United States Financial Management Service, for purposes of facilitating the offsets de-
 28 scribed in ORS 305.612.

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

34 (u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS
 35 314.843.

36 (v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes
 37 of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the
 38 purposes of ORS 237.635 (3) and 237.637 (2).

39 (3)(a) Each officer or employee of the department and each person described or referred to in
 40 subsection (2)(a), (b), (f) to (L) or (n) to (q) of this section to whom disclosure or access to the tax
 41 information is given under subsection (2) of this section or any other provision of state law, prior
 42 to beginning employment or the performance of duties involving such disclosure or access, shall be
 43 advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the vio-
 44 lation of ORS 314.835, and shall as a condition of employment or performance of duties execute a
 45 certificate for the department, in a form prescribed by the department, stating in substance that the

1 person has read these provisions of law, that the person has had them explained and that the person
 2 is aware of the penalties for the violation of ORS 314.835.

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

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

11 (B) The information shall be protected as confidential under applicable federal and state laws;
 12 and

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

16 (4) The Department of Revenue may recover the costs of furnishing the information described
 17 in subsection (2)(L), (m) and (o) to (q) of this section from the respective agencies.

18 **SECTION 4.** ORS 314.840, as amended by section 3 of this 2015 Act, is amended to read:

19 314.840. (1) The Department of Revenue may:

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

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

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

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

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

36 (a) The Governor of the State of Oregon or the authorized representative of the Governor with
 37 respect to an individual who is designated as being under consideration for appointment or reap-
 38 pointment to an office or for employment in the office of the Governor. The information disclosed
 39 shall be confined to whether the individual:

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

43 (B) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or
 44 otherwise respond to a deficiency notice within 30 days of its mailing.

45 (C) Has been assessed any penalty under the Oregon personal income tax laws and the nature

1 of the penalty.

2 (D) Has been or is under investigation for possible criminal offenses under the Oregon personal
3 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose
4 of making the appointment, reappointment or decision to employ or not to employ the individual in
5 the office of the Governor.

6 (b) An officer or employee of the Oregon Department of Administrative Services duly authorized
7 or employed to prepare revenue estimates, or a person contracting with the Oregon Department of
8 Administrative Services to prepare revenue estimates, in the preparation of revenue estimates re-
9 quired for the Governor's budget under ORS 291.201 to 291.226, or required for submission to the
10 Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative As-
11 sembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue
12 Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of
13 Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes
14 of this paragraph only if:

15 (A) The request for information is made in writing, specifies the purposes for which the request
16 is made and is signed by an authorized representative of the Oregon Department of Administrative
17 Services. The form for request for information shall be prescribed by the Oregon Department of
18 Administrative Services and approved by the Director of the Department of Revenue.

19 (B) The officer, employee or person receiving the information does not remove from the premises
20 of the Department of Revenue any materials that would reveal the identity of a personal or corpo-
21 rate taxpayer.

22 (c) The Commissioner of Internal Revenue or authorized representative, for tax administration
23 and compliance purposes only.

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

27 (A) A state;

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

29 (C) The District of Columbia; or

30 (D) An association established exclusively to provide services to federal, state or local taxing
31 authorities.

32 (e) The Multistate Tax Commission or its authorized representatives, for tax administration and
33 compliance purposes only. The Multistate Tax Commission may make the information available to
34 the Commissioner of Internal Revenue or the proper officer or authorized representative of any
35 governmental entity described in and meeting the qualifications of paragraph (d) of this subsection.

36 (f) The Attorney General, assistants and employees in the Department of Justice, or other legal
37 representative of the State of Oregon, to the extent the department deems disclosure or access
38 necessary for the performance of the duties of advising or representing the department pursuant to
39 ORS 180.010 to 180.240 and the tax laws of this state.

40 (g) Employees of the State of Oregon, other than of the Department of Revenue or Department
41 of Justice, to the extent the department deems disclosure or access necessary for such employees
42 to perform their duties under contracts or agreements between the department and any other de-
43 partment, agency or subdivision of the State of Oregon, in the department's administration of the
44 tax laws.

45 (h) Other persons, partnerships, corporations and other legal entities, and their employees, to

1 the extent the department deems disclosure or access necessary for the performance of such others'
2 duties under contracts or agreements between the department and such legal entities, in the
3 department's administration of the tax laws.

4 (i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS
5 173.850. Such officer or representative shall not remove from the premises of the department any
6 materials that would reveal the identity of any taxpayer or any other person.

7 (j) The Department of Consumer and Business Services, to the extent the department requires
8 such information to determine whether it is appropriate to adjust those workers' compensation
9 benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or
10 earned income received by an individual.

11 (k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency
12 or person to whom disclosure or access is given by state law and not otherwise referred to in this
13 section, including but not limited to the Secretary of State as Auditor of Public Accounts under
14 section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant to
15 ORS 314.860 and 412.094 [*and section 1 of this 2015 Act*]; the Division of Child Support of the De-
16 partment of Justice and district attorney regarding cases for which they are providing support
17 enforcement services under ORS 25.080; the State Board of Tax Practitioners, pursuant to ORS
18 673.710; and the Oregon Board of Accountancy, pursuant to ORS 673.415.

19 (L) The Director of the Department of Consumer and Business Services to determine that a
20 person complies with ORS chapter 656 and the Director of the Employment Department to determine
21 that a person complies with ORS chapter 657, the following employer information:

22 (A) Identification numbers.

23 (B) Names and addresses.

24 (C) Inception date as employer.

25 (D) Nature of business.

26 (E) Entity changes.

27 (F) Date of last payroll.

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

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

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

38 (p) Employees of the Department of State Lands for the purposes of identifying, locating and
39 publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of chapter
40 694, Oregon Laws 1993. The information shall be limited to the taxpayer's name, address and the
41 refund amount.

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

44 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited
45 to the stolen document, the name, address and taxpayer identification number of the payee, the

1 amount of the check and the date printed on the check.

2 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
3 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
4 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
5 dress and taxpayer identification number of the payee, the amount of the check, the date printed
6 on the check and the altered name and address.

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

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

13 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
14 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
15 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
16 dress and taxpayer identification number of the payee, the amount of the check, the date printed
17 on the check and the altered name and address.

18 (s) The United States Financial Management Service, for purposes of facilitating the offsets de-
19 scribed in ORS 305.612.

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

25 (u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS
26 314.843.

27 (v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes
28 of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the
29 purposes of ORS 237.635 (3) and 237.637 (2).

30 (3)(a) Each officer or employee of the department and each person described or referred to in
31 subsection (2)(a), (b), (f) to (L) or (n) to (q) of this section to whom disclosure or access to the tax
32 information is given under subsection (2) of this section or any other provision of state law, prior
33 to beginning employment or the performance of duties involving such disclosure or access, shall be
34 advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the vio-
35 lation of ORS 314.835, and shall as a condition of employment or performance of duties execute a
36 certificate for the department, in a form prescribed by the department, stating in substance that the
37 person has read these provisions of law, that the person has had them explained and that the person
38 is aware of the penalties for the violation of ORS 314.835.

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

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

1 this section;

2 (B) The information shall be protected as confidential under applicable federal and state laws;
3 and

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

7 (4) The Department of Revenue may recover the costs of furnishing the information described
8 in subsection (2)(L), (m) and (o) to (q) of this section from the respective agencies.

9 **SECTION 5. (1) Sections 1 and 2 of this 2015 Act apply to dependent care expenses made**
10 **in tax years beginning on or after January 1, 2015, and before January 1, 2021, and to dis-**
11 **bursements made in calendar years beginning on or after January 1, 2016, and before January**
12 **1, 2022.**

13 **(2) The amendments to ORS 314.840 by section 3 of this 2015 Act apply to tax years be-**
14 **ginning on or after January 1, 2015, and before January 1, 2021.**

15 **(3) The amendments to ORS 314.840 by section 4 of this 2015 Act apply to tax years be-**
16 **ginning on or after January 1, 2021.**

17 **SECTION 6. This 2015 Act takes effect on the 91st day after the date on which the 2015**
18 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

19