

HOUSE AMENDMENTS TO HOUSE BILL 4025

By COMMITTEE ON REVENUE

February 8

1 On page 1 of the printed bill, line 4, after “314.011,” insert “314.385, 314.724.”

2 On page 14, after line 4, insert:

3 “**SECTION 17a.** ORS 314.385 is amended to read:

4 “314.385. (1)(a) For purposes of ORS chapter 316, returns shall be filed with the Department of
5 Revenue on or before the due date of the corresponding federal return for the tax year as prescribed
6 under the Internal Revenue Code and the regulations adopted pursuant thereto[, *except that the final*
7 *return of a decedent shall be filed at any time following the death of the decedent, to and including the*
8 *15th day of the fourth month after expiration of the regular tax year of the decedent*].

9 “(b) For purposes of ORS chapters 317 and 318, returns shall be filed with the department on
10 or before the 15th day of the month following the due date of the corresponding federal return for
11 the tax year, as prescribed under the Internal Revenue Code and the regulations adopted pursuant
12 thereto.

13 “(c) The department may allow further time for filing returns equal in length to the extension
14 periods allowed under the Internal Revenue Code and its regulations.

15 “(d) If no return is required to be filed for federal income tax purposes, the due date or exten-
16 sion period for a return shall be the same as the due date, or extension period, would have been if
17 the taxpayer had been required to file a return for federal income tax purposes for the tax year.
18 However, the due date for returns filed for purposes of ORS chapter 317 or 318 shall be on or before
19 the 15th day of the month following what would have been the federal return due date for the tax
20 year.

21 “(2) There shall be annexed to the return a statement verified as provided under ORS 305.810
22 by a declaration of the taxpayer making the return to the effect that the statements contained
23 therein are true.

24 “(3) Returns shall be in [*such*] **the** form [*as*] the department may, from time to time, prescribe.
25 The department shall prepare blank forms for the returns and distribute them throughout the state.
26 [*Such*] **The** forms shall be furnished the taxpayer upon request, but failure to receive or secure a
27 form [*shall*] **does** not relieve the taxpayer from the obligation of making any return required by law.

28 “(4)(a) The department may by rule authorize the filing of a return in alternative formats to
29 those described in subsection (3) of this section and may prescribe the conditions, requirements and
30 technical standards for a filing under this subsection.

31 “(b) Notwithstanding subsections (1) to (3) of this section, the department may by rule prescribe
32 a different due date for a return filed in an alternative format.

33 “(c) The policy of the Legislative Assembly in granting the department rulemaking authority
34 under paragraph (b) of this subsection is to have the department prescribe due dates that mirror the
35 due dates that apply to federal returns filed in alternative formats for federal tax purposes.

1 “**SECTION 17b.** ORS 314.724 is amended to read:

2 “314.724. (1) Every partnership having a resident partner or having any income derived from
3 sources in this state, determined in accordance with the applicable rules as in the case of a non-
4 resident individual, shall make a return for the taxable year setting forth all items of income, gain,
5 loss and deduction, and the names and addresses of the individuals (whether residents or nonresi-
6 dents) who would be entitled to share in the net income, if distributed, and the amount of the dis-
7 tributive share of each individual, and [*such*] **any** other pertinent information [*as*] the Department
8 of Revenue may prescribe by regulations and instructions. [*Such*] **The** return shall be filed on or
9 before [*the 15th day of the fourth month following the close of each taxable year*] **the due date of the**
10 **corresponding federal return for the tax year as prescribed under the Internal Revenue Code**
11 **and the regulations adopted pursuant thereto.** For purposes of this section, ‘taxable year’ means
12 a year or period which would be a taxable year of the partnership if it were subject to tax under
13 ORS chapter 316.

14 “(2) If a partnership transacting business in this state is required to make a return under sub-
15 section (1) of this section and fails to file the return or files a return which fails to show the in-
16 formation required under subsection (1) of this section, the Department of Revenue shall assess a
17 penalty against the partnership in the amount specified in subsection (3) of this section for each
18 month or part of a month during which the failure continues.

19 “(3) The amount of the penalty imposed under subsection (2) of this section shall be determined
20 by the department by rule. However, the amount of the penalty imposed for each month [*shall*] **may**
21 not exceed the product of \$50 multiplied by the number of persons who were partners in the part-
22 nership during any part of the taxable year, and the total amount of the penalty [*shall*] **may** not
23 exceed five times the monthly penalty.

24 “(4) The penalty imposed under this section is in addition to any other penalty provided by law.
25 Any partnership against which a penalty is assessed under this section may appeal to the tax court
26 as provided in ORS 305.404 to 305.560. If the penalty is not paid within 10 days after the order of
27 the tax court becomes final, the department may record the order and collect the amount assessed
28 in the same manner as income tax deficiencies are recorded and collected under ORS 314.430.

29 “(5) The department may waive all or any part of the penalty imposed under this section if the
30 failure was due to reasonable cause.”.

31 On page 25, line 41, after “314.011,” insert “314.385, 314.724.”.

32 On page 26, line 1, after “314.011,” insert “314.385, 314.724.”.

33 In line 6, after “314.011,” insert “314.385, 314.724.”.