

Requested by HOUSE COMMITTEE ON REVENUE

**PROPOSED AMENDMENTS TO
HOUSE BILL 4025**

1 On page 1 of the printed bill, line 4, after “314.011,” insert “314.385,
2 314.724.”.

3 On page 14, after line 4, insert:

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

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

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

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

19 “(d) If no return is required to be filed for federal income tax purposes,
20 the due date or extension period for a return shall be the same as the due
21 date, or extension period, would have been if the taxpayer had been required

1 to file a return for federal income tax purposes for the tax year. However,
2 the due date for returns filed for purposes of ORS chapter 317 or 318 shall
3 be on or before the 15th day of the month following what would have been
4 the federal return due date for the tax year.

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

8 “(3) Returns shall be in [*such*] **the** form [*as*] the department may, from
9 time to time, prescribe. The department shall prepare blank forms for the
10 returns and distribute them throughout the state. [*Such*] **The** forms shall be
11 furnished the taxpayer upon request, but failure to receive or secure a form
12 [*shall*] **does** not relieve the taxpayer from the obligation of making any re-
13 turn required by law.

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

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

21 “(c) The policy of the Legislative Assembly in granting the department
22 rulemaking authority under paragraph (b) of this subsection is to have the
23 department prescribe due dates that mirror the due dates that apply to fed-
24 eral returns filed in alternative formats for federal tax purposes.

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

26 “314.724. (1) Every partnership having a resident partner or having any
27 income derived from sources in this state, determined in accordance with the
28 applicable rules as in the case of a nonresident individual, shall make a re-
29 turn for the taxable year setting forth all items of income, gain, loss and
30 deduction, and the names and addresses of the individuals (whether residents

1 or nonresidents) who would be entitled to share in the net income, if dis-
2 tributed, and the amount of the distributive share of each individual, and
3 [*such*] **any** other pertinent information [*as*] the Department of Revenue may
4 prescribe by regulations and instructions. [*Such*] **The** return shall be filed
5 on or before [*the 15th day of the fourth month following the close of each*
6 *taxable year*] **the due date of the corresponding federal return for the**
7 **tax year as prescribed under the Internal Revenue Code and the reg-**
8 **ulations adopted pursuant thereto.** For purposes of this section, ‘taxable
9 year’ means a year or period which would be a taxable year of the partner-
10 ship if it were subject to tax under ORS chapter 316.

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

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

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

30 “(5) The department may waive all or any part of the penalty imposed

1 under this section if the failure was due to reasonable cause.”.

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

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

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

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