

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
SENATE BILL 156**

1 On page 1 of the printed bill, line 2, after “ORS” insert “314.840,”.

2 Delete lines 6 through 12 and insert:

3 **“SECTION 2. (1) As used in this section:**

4 **“(a) ‘Motor vehicle fuel or any other product used for the propul-**
5 **sion of motor vehicles’ means:**

6 **“(A) Motor vehicle fuel as defined in ORS 319.010; and**

7 **“(B) Fuel the use of which in a motor vehicle is subject to taxation**
8 **under ORS 319.530.**

9 **“(b) ‘Motor vehicle fuel or any other product used for the propul-**
10 **sion of motor vehicles’ does not mean:**

11 **“(A) Electricity; or**

12 **“(B) Electric batteries or any other mechanical or physical compo-**
13 **nent or accessory of a motor vehicle.**

14 **“(c) ‘Oregon sales’ has the meaning given that term in ORS 317.090.**

15 **“(d) ‘Subject sales’ means Oregon sales of motor vehicle fuel or any**
16 **other product used for the propulsion of motor vehicles.**

17 **“(e) ‘Taxpayer’ means a corporation or affiliated group of corpo-**
18 **rations.**

19 **“(2) Each taxpayer filing a return under ORS 317.710 that, for any**
20 **tax year, has subject sales shall separately report the amount of the**
21 **subject sales on the return.**

1 **“(3)(a) This subsection applies to a taxpayer that, for any tax year:**
2 **“(A) Reports subject sales under subsection (2) of this section; and**
3 **“(B) Is required to pay the minimum tax imposed under ORS**
4 **317.090.**

5 **“(b) As soon as practicable after the end of each fiscal quarter, the**
6 **Department of Revenue shall:**

7 **“(A) Multiply the amount of minimum tax paid by a taxpayer for**
8 **the tax year by a percentage equal to the subject sales as reported on**
9 **the return of the taxpayer under subsection (2) of this section for the**
10 **tax year divided by all Oregon sales reported on the return; and**

11 **“(B) Pay over to the State Treasurer the amount of minimum tax**
12 **as determined under subparagraph (A) of this paragraph for deposit in**
13 **the State Highway Fund established under ORS 366.505.**

14 **“(4)(a) If a taxpayer’s liability for any amount of minimum tax paid**
15 **over to the State Treasurer under subsection (3)(b)(B) of this section**
16 **is later changed, because the taxpayer is owed a refund of any portion**
17 **of the amount of minimum tax paid over or is liable instead for the**
18 **tax imposed under ORS 317.061, the Department of Revenue shall no-**
19 **tify the Department of Transportation of the amount of the change in**
20 **liability.**

21 **“(b) The Department of Transportation shall transfer the amount**
22 **stated in the notice under paragraph (a) of this subsection from the**
23 **State Highway Fund to the General Fund and the transferred amount**
24 **shall be, as applicable:**

25 **“(A) Appropriated to the Department of Revenue for payment of**
26 **any refund of the minimum tax owed to the taxpayer;**

27 **“(B) Credited by the Department of Revenue against the taxpayer’s**
28 **liability under ORS 317.061; or**

29 **“(C) Held in the General Fund as described in ORS 317.850.**

30 **“(5) The Department of Revenue may consult with the Department**

1 **of Transportation for any purpose related to the duties of the Depart-**
2 **ment of Revenue under this section.**

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

4 “314.840. (1) The Department of Revenue may:

5 “(a) Furnish any taxpayer, representative authorized to represent the
6 taxpayer under ORS 305.230 or person designated by the taxpayer under ORS
7 305.193, upon request of the taxpayer, representative or designee, with a copy
8 of the taxpayer’s income tax return filed with the department for any year,
9 or with a copy of any report filed by the taxpayer in connection with the
10 return, or with any other information the department considers necessary.

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

12 “(c) Publish statistics so classified as to prevent the identification of in-
13 come or any particulars contained in any report or return.

14 “(d) Disclose a taxpayer’s name, address, telephone number, refund
15 amount, amount due, Social Security number, employer identification number
16 or other taxpayer identification number to the extent necessary in con-
17 nection with collection activities or the processing and mailing of corre-
18 spondence or of forms for any report or return required in the administration
19 of any local tax under ORS 305.620 or any law imposing a tax upon or
20 measured by net income.

21 “(2) The department also may disclose and give access to information de-
22 scribed in ORS 314.835 to:

23 “(a) The Governor of the State of Oregon or the authorized representative
24 of the Governor with respect to an individual who is designated as being
25 under consideration for appointment or reappointment to an office or for
26 employment in the office of the Governor. The information disclosed shall
27 be confined to whether the individual:

28 “(A) Has filed returns with respect to the taxes imposed by ORS chapter
29 316 for those of not more than the three immediately preceding years for
30 which the individual was required to file an Oregon individual income tax

1 return.

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

5 “(C) Has been assessed any penalty under the Oregon personal income tax
6 laws and the nature of the penalty.

7 “(D) Has been or is under investigation for possible criminal offenses
8 under the Oregon personal income tax laws. Information disclosed pursuant
9 to this paragraph shall be used only for the purpose of making the appoint-
10 ment, reappointment or decision to employ or not to employ the individual
11 in the office of the Governor.

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

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

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

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

3 “(d) For tax administration and compliance purposes, the proper officer
4 or authorized representative of any of the following entities that has or is
5 governed by a provision of law that meets the requirements of any applicable
6 provision of the Internal Revenue Code as to confidentiality:

7 “(A) A state;

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

9 “(C) The District of Columbia; or

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

12 “(e) The Multistate Tax Commission or its authorized representatives, for
13 tax administration and compliance purposes only. The Multistate Tax Com-
14 mission may make the information available to the Commissioner of Internal
15 Revenue or the proper officer or authorized representative of any govern-
16 mental entity described in and meeting the qualifications of paragraph (d)
17 of this subsection.

18 “(f) The Attorney General, assistants and employees in the Department
19 of Justice, or other legal representative of the State of Oregon, to the extent
20 the department deems disclosure or access necessary for the performance of
21 the duties of advising or representing the department pursuant to ORS
22 180.010 to 180.240 and the tax laws of this state.

23 “(g) Employees of the State of Oregon, other than of the Department of
24 Revenue or Department of Justice, to the extent the department deems dis-
25 closure or access necessary for such employees to perform their duties under
26 contracts or agreements between the department and any other department,
27 agency or subdivision of the State of Oregon, in the department’s adminis-
28 tration of the tax laws.

29 “(h) Other persons, partnerships, corporations and other legal entities,
30 and their employees, to the extent the department deems disclosure or access

1 necessary for the performance of such others' duties under contracts or
2 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
5 compliance with ORS 173.850. Such officer or representative shall not remove
6 from the premises of the department any materials that would reveal the
7 identity of any taxpayer or any other person.

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

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

23 “(L) The Director of the Department of Consumer and Business Services
24 to determine that a person complies with ORS chapter 656 and the Director
25 of the Employment Department to determine that a person complies with
26 ORS chapter 657, the following employer information:

27 “(A) Identification numbers.

28 “(B) Names and addresses.

29 “(C) Inception date as employer.

30 “(D) Nature of business.

1 “(E) Entity changes.

2 “(F) Date of last payroll.

3 “(m) The Director of the Oregon Health Authority to determine that a
4 person has the ability to pay for care that includes services provided by the
5 Oregon State Hospital, or the Oregon Health Authority to collect any unpaid
6 cost of care as provided by ORS chapter 179.

7 “(n) Employees of the Employment Department to the extent the Depart-
8 ment of Revenue deems disclosure or access to information on a combined
9 tax report filed under ORS 316.168 is necessary to performance of their duties
10 in administering the tax imposed by ORS chapter 657.

11 “(o) The State Fire Marshal to assist the State Fire Marshal in carrying
12 out duties, functions and powers under ORS 453.307 to 453.414, the employer
13 or agent name, address, telephone number and standard industrial classi-
14 fication, if available.

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

20 “(q) In addition to the disclosure allowed under ORS 305.225, state or lo-
21 cal law enforcement agencies to assist in the investigation or prosecution
22 of the following criminal activities:

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

27 “(B) The counterfeiting, forging or altering of a check submitted by a
28 taxpayer to the Department of Revenue or issued by the Department of
29 Revenue to a taxpayer, in which case the information that may be disclosed
30 shall be limited to the counterfeit, forged or altered document, the name,

1 address and taxpayer identification number of the payee, the amount of the
2 check, the date printed on the check and the altered name and address.

3 “(r) The United States Postal Inspection Service or a federal law
4 enforcement agency, including but not limited to the United States Depart-
5 ment of Justice, to assist in the investigation of the following criminal ac-
6 tivities:

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

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

17 “(s) The United States Financial Management Service, for purposes of
18 facilitating the offsets described in ORS 305.612.

19 “(t) A municipal corporation of this state for purposes of assisting the
20 municipal corporation in the administration of a tax of the municipal cor-
21 poration that is imposed on or measured by income, wages or net earnings
22 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
24 municipal corporation that ensures the confidentiality of the information
25 disclosed.

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

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

1 237.637 (2).

2 “(w) **Employees of the Department of Transportation, to the extent**
3 **necessary to carry out the purposes of section 2 (5) of this 2017 Act.**

4 “(3)(a) Each officer or employee of the department and each person de-
5 scribed or referred to in subsection (2)(a), (b), (f) to (L), [or] (n) to (q) **or (w)**
6 of this section to whom disclosure or access to the tax information is given
7 under subsection (2) of this section or any other provision of state law, prior
8 to beginning employment or the performance of duties involving such dis-
9 closure or access, shall be advised in writing of the provisions of ORS 314.835
10 and 314.991, relating to penalties for the violation of ORS 314.835, and shall
11 as a condition of employment or performance of duties execute a certificate
12 for the department, in a form prescribed by the department, stating in sub-
13 stance that the person has read these provisions of law, that the person has
14 had them explained and that the person is aware of the penalties for the
15 violation of ORS 314.835.

16 “(b) The disclosure authorized in subsection (2)(r) of this section shall be
17 made only after a written agreement has been entered into between the De-
18 partment of Revenue and the person described in subsection (2)(r) of this
19 section to whom disclosure or access to the tax information is given, pro-
20 viding that:

21 “(A) Any information described in ORS 314.835 that is received by the
22 person pursuant to subsection (2)(r) of this section is confidential informa-
23 tion that may not be disclosed, except to the extent necessary to investigate
24 or prosecute the criminal activities described in subsection (2)(r) of this
25 section;

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

28 “(C) The United States Postal Inspection Service or the federal law
29 enforcement agency shall give notice to the Department of Revenue of any
30 request received under the federal Freedom of Information Act, 5 U.S.C. 552,

1 or other federal law relating to the disclosure of information.

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

5 In line 13, delete “3” and insert “4”.

6 In line 21, delete “4” and insert “5”.

7 On page 2, delete lines 14 and 15 and insert:

8 **“SECTION 6. Section 2 of this 2017 Act and the amendments to ORS
9 314.840, 317.850 and 366.505 by sections 3 to 5 of this 2017 Act apply to
10 tax years beginning on or after January 1, 2018.**

11 **“SECTION 7. This 2017 Act takes effect on the 91st day after the
12 date on which the 2017 regular session of the Seventy-ninth Legislative
13 Assembly adjourns sine die.”.**

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