

SB 1556 A -A3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/23, 2/25

WHAT THE MEASURE DOES:

The measure consolidates and modifies requirements regarding representation of individuals in the Magistrate Division of the Oregon Tax Court. The measure takes effect on the 91st day following adjournment sine die.

Detailed Summary:

- Modifies the laws regarding the qualifications for individuals who represent taxpayers in the Magistrate Division and specifies procedures for designating a representative, and repeals ORS 305.245 (Representation before tax court magistrate by officer or employee of local government or department) and 305.494 (When shareholder may represent corporation in tax court proceedings)
- Changes the language before the list of types of professionals that may represent someone in Magistrate Court from “may include” to “including but not limited to”
- Clarifies that a professional representing a taxpayer in Magistrate Court does not need to be licensed or registered in Oregon, and specifies that a person representing a taxpayer may be a real estate broker or principal real estate broker, an appraiser, a tax preparer, or a tax consultant, in addition to other listed professions or any other natural person
- Requires that a representative recognized by the Magistrate Court must also be recognized by the Department of Revenue for the same case, and removes duplicative language
- Applies to proceedings that start on or after January 1, 2027

REVENUE: No revenue impact

FISCAL: No fiscal impact

Senate Vote: Ayes, 28; Excused, 2

ISSUES DISCUSSED:

- Mission of the Magistrate Division to simplify tax matters

EFFECT OF AMENDMENT:

-A3 This is a conflict amendment. SB 1507 modifies a date in ORS 305.494, and SB 1556 A repeals ORS 305.494. The amendment states that if SB 1507 becomes law ORS 305.494 is repealed.

BACKGROUND:

The Oregon Tax Court is part of the Oregon Judicial Branch. It is a statewide court with exclusive jurisdiction for appeals under state and local tax laws. Appeals come to the court from actions taken by the Department of Revenue, a county assessor, a county Property Value Appeals Board (PVAB), or the Portland Revenue Division.

The Tax Court has two divisions: the Magistrate Division and the Regular Division. Most appeals to the Tax Court are first filed in and heard by the Magistrate Division. Magistrate Division decisions can be appealed to the Regular Division. Regular Division decisions may be appealed directly to the Oregon Supreme Court.

In the Magistrate Division, cases are heard by a magistrate. Magistrates encourage cooperation between the parties and offer mediation services. The magistrate will listen to what the parties present and issue a written decision resolving the dispute. The decision is based only on the written and oral evidence the parties provide. There is no official transcript or recording of the proceeding.