

HB 3373 A STAFF MEASURE SUMMARY

House Committee On Revenue

Action Date: 05/27/21

Action: Do pass with amendments and be referred to Ways and Means by prior reference.
(Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Levy, Marsh, Nathanson, Pham, Reschke, Smith G, Valderrama

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 4/5, 4/22, 5/25, 5/27

WHAT THE MEASURE DOES:

Establishes the Office of Taxpayer Advocate (OTA) in the Department of Revenue (DOR). Requires the office to help taxpayers understand the policies and procedures available to them when resolving problems with the department. Subjects the OTA to all confidentiality and disclosure provisions also applicable to DOR. Provides the Taxpayer Advocate (TA) authority to issue orders related to taxpayers experiencing significant hardship due to action by the DOR, only in cases where the TA determines that DOR is not following applicable administrative rules or guidance related to DOR procedures. Orders issued by the TA may require DOR to cease action or refrain from additional action based on the TA's determination of significant hardship. Limits orders to only providing relief related to DOR policies and procedures. Provides DOR Director or Deputy Director with reviewing authority and authority to rescind the TA's order. Modifications to orders from the Directors require a written explanation to be provided to the TA. Defines orders as considered particulars of a return, thus subjecting orders to disclosure requirements currently in place. Requires report from TA to Legislature include recommendations related to Oregon tax law and recommendations on the effectiveness of the OTA. Requires the office to submit a report by February 15th of each odd-numbered year to a Legislative Revenue Committee regarding its operations. The bill also directs the magistrate division of Oregon Tax Court to order attorney fees if an opposing party disobeys a court order or makes an assertion without objectively reasonable basis. Allows attorney fees in cases involving transit self-employment taxes. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Role of taxpayer advocate in existing settings
- IRS use of taxpayer advocates

EFFECT OF AMENDMENT:

Subjects the OTA to all confidentiality and disclosure provisions also applicable to DOR. Provides the Taxpayer Advocate (TA) authority to issue orders related to taxpayers experiencing significant hardship due to action by the DOR, only in cases where the TA determines that DOR is not following applicable administrative rules or guidance related to DOR procedures. Orders issued by the TA may require DOR to cease action or refrain from additional action based on the TA's determination of significant hardship. Limits orders to only providing relief related to DOR policies and procedures. Provides DOR Director or Deputy Director with reviewing authority and authority to rescind the TA's order. Modifications to orders from the Directors require a written explanation to be provided to the TA. Defines orders as considered particulars of a return, thus subjecting orders to disclosure requirements currently in place. Requires report from TA to Legislature include recommendations related to Oregon tax law and recommendations on the effectiveness of the OTA.

BACKGROUND:

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The Internal Revenue Service (IRS) provides a Taxpayer Advocate Service (TAS) to taxpayers. The TAS is an independent organization within the IRS and serves as the taxpayer's voice within the IRS. The TAS helps taxpayers with problems that may not have been resolved through normal IRS channels or in cases where the taxpayer believes the IRS procedure is not working as designed. This bill establishes a similar office for taxpayer resources within Oregon.