

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
10-13-16 11:07 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Revenue
Agency and Division
Lois Williams
Rules Coordinator
Department of Revenue, 955 Center St. NE, Salem, OR 97301
Address

150
Administrative Rules Chapter Number
(503) 945-8029
Telephone

RULE CAPTION

Personal Tax: Split Joint Liability, Information Returns, Composite Return, Agriculture Workforce Housing, Childcare tax credits.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
11-22-16	10:00 a.m.	Revenue Bldg; 955 Center St NE; Salem OR 97301; Fishbowl	Joshua Lawson

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

150-316-0435, 150-314-0485, ~~150-314-0515~~, 150-315-0070

REPEAL:

150-315-0080, 150-315-0082, 150-315-0084, 150-315-0120

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 305.100; 315.169

Other Authority:

Statutes Implemented:

ORS 316.368; 314.724, ~~314.776~~, 315.164; 315.169; 315.204; 315.262

RULE SUMMARY

150-316-0435--- references a publication number that no longer exist. Delete reference.

150-314-0485--- remove the references to ORS 314.760 and "multiple nonresident income tax returns" (i.e. delete section 4) and remove the term "attach" and replace with "include."

150-314-0515--- eliminate the verbiage that indicates the due date and extension periods for S corporation and partnership returns are different than the composite return.

150-315-0070--- require the transfer statement for the Agricultural Workforce Housing credit to be submitted within 30 days of the transfer; specify that the transferor and transferee retain a copy of the transfer notice for their records; and eliminate the reference to the "BIN."

150-315-0080--- Dependent Care Credit sunset. No carry forward. Repeal rule.

150-315-0082--- Dependent Care Credit sunset. No carry forward. Repeal rule.

150-315-0084--- Dependent Care Credit sunset. No carry forward. Repeal rule.

150-315-0120--- Working Family Child-Care Credit sunset. No carry forward. Repeal rule.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

11-22-2016 5:00 p.m.	Lois Williams	lois.j.williams@oregon.gov
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

AMEND: 150-316-0435, 150-314-0485, ~~150-314-0515~~, 150-315-0070

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ORS 305.100; 315.169

Other Authority:

Statutes Implemented:

ORS 316.368; 314.724, ~~314.776~~, 315.164; 315.169; 315.204; 315.262

Need for the Rule(s):

150-316-0435— references a publication number that no longer exist. Delete reference.

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Documents Relied Upon, and where they are available:

Oregon Revised Statutes available on line at <https://www.oregonlegislature.gov/>

Fiscal and Economic Impact:

There is no fiscal or economic impact due to these rule changes.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no impact to state agencies and a de minimis affect on the counties and the public. These changes tend to be clarifying or interpretive in nature and do not affect the cost to comply.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Oregon has approximately 123,000 small businesses with fewer than 250 employees that employ 81% of the state's workforce . Oregon has approximately 105,646 small businesses with fewer than 100 employees . Based on this information and information from tax returns reporting number of employees, we estimate Oregon has approximately 91,848 number of small businesses with fewer than 50 employees who are subject to these rules. The specific types of business affected by the rule changes are anticipated to be farmers by the Agricultural Workforce Housing rule change and S corporations and partnerships by the information returns and composite returns rule changes. The other rule changes may apply to all other types of businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There is a de minimis affect on those subject to the rules as these changes tend to be clarifying or interpretive in nature and does not affect projected reporting, recordkeeping or other administrative activities or costs.

c. Equipment, supplies, labor and increased administration required for compliance:

None known.

How were small businesses involved in the development of this rule?

We communicated and worked with small business liaison groups such as the Oregon State Bar Tax Section and the Oregon Society of Certified Public Accountants to obtain their input into how this rule will impact their clients some of whom are small businesses.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The Department of Revenue did not use a formal Advisory Committee for these rules, however we did seek and receive input from industry representatives as well as from the counties and other taxpayer groups on these rule changes. No Administrative Rule Advisory Committee was consulted because the above groups were contacted and they have the interest and expertise necessary to provide adequate feedback on the proposed rule; therefore a committee is unlikely to provide further benefit.

<u>11-22-2016 5:00 p.m.</u>	<u>Lois Williams</u>	<u>lois.j.williams@oregon.gov</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address