

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

FILED
10-13-16 11:09 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Revenue
Agency and Division

150
Administrative Rules Chapter Number

Personal Tax: Penalty Waivers, 1099/W2 Deduction, Conference, Working Family Dependent Care and Taxes Paid Credits

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

In the Matter of:

ADOPT: 150-315-0121, 150-315-0125

AMEND: 150-305-0068, 150-305-0130, 150-305-0202, 150-316-0086

Statutory Authority:

ORS 305.100, 305.145; 316.082; 315.264

Other Authority:

Statutes Implemented:

ORS 305.145; 305.217; 305.265; 316.082; 315.264

Need for the Rule(s):

150-305-0068--- the Working Family Household and Dependent Care credit penalty will not be waived under the department's discretionary waiver process.

150-305-0130--- clarify the filing requirements which allow expenses in the form of wages or compensation paid to be deducted.

150-305-0202---expand the types of methods allowed to file appeals beyond regular mail.

150-316-0086--- specify that a taxpayer must keep the "proof" listed in the rule in their tax records and provide to the department on request and not attach it to their return.

150-315-0121 --- clearly identify the differences between the Oregon and federal credits and provide guidance for taxpayers to appropriately claim the new Working Family Household and Dependent Care credit.

150-315-0125 --- under ORS 315.264(6), the Director is able to assess a new penalty under the new Working Family Household and Dependent Care credit. The details of this new penalty are described for taxpayers and practitioners.

Documents Relied Upon, and where they are available:

Internal Revenue Code, Treasury Regulations, Oregon Revised Statutes, HB 2171, available online or from Agency upon request.

<https://www.irs.gov/Tax-Professionals/Tax-Code,-Regulations-and-Official-Guidance>

<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 or 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 rule changes may apply to all 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