

# THE BEST AND WORST OF STATE TAX ADMINISTRATION

## COST SCORECARD ON TAX APPEALS & PROCEDURAL REQUIREMENTS

December 2013

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### EXECUTIVE SUMMARY

The Council On State Taxation (COST) has long monitored and commented on state tax appeals processes and administrative practices. Part of that effort has resulted in the regular publication of a scorecard ranking the states. The focus is on the states' adoption of procedural practices which impact the fairness of the states' laws and regulations for state tax administration and appeal of state tax matters. Why are these issues so important? Although compliance with state tax statutes and regulations is subject to audit scrutiny, the percentage of taxpayers actually audited is small. As a result, our federal and state tax systems are premised, to a great degree, on voluntary compliance. It is a common truth

that taxpayers will more fully and willingly comply with a tax system they perceive to be balanced, fair, and effective. Taxpayers operating in a system they perceive as oppressive, unfair, or otherwise biased are less likely to voluntarily comply. The clear message to state legislatures is that they must be sensitive to the compliance implications and competitiveness concerns created by poor tax administrative rules and ineffective tax appeal systems.

The COST Scorecard on Tax Appeals & Procedural Requirements seeks to objectively evaluate state statutes and rules that govern the degree of taxpayer access to an independent appeals process and state treatment of selected procedural elements that impact taxpayers' perceptions of fairness and efficiency. For these purposes, the essential elements of an effective and independent state tax appeals process are as follows:

- The appeals forum must be truly independent;
- Taxpayers must not be forced to pay or post a bond prior to an independent hearing and resolution of a dispute;
- The record for further appeals must be established before an independent body; and
- The arbiter at the hearing must be well-versed in the intricacies of state tax laws and concepts.

The procedural elements evaluated in this Scorecard consider whether the state has adopted:

- Even-handed statutes of limitations for refunds and assessments;
- Equalized interest rates on refunds and assessments;
- Due dates for corporate income tax returns at least 30 days beyond the federal due date, with an automatic extension of the state return due date based on the federal extension;
- Adequate time to file a protest before an independent dispute forum;
- Reasonable and clearly defined procedures for filing amended state income/franchise tax returns following

an adjustment to a taxpayer's federal corporate tax liability; and

- Transparency in the form of published letter rulings (redacted) and administrative/tax tribunal decisions (both new for this Scorecard).

Further, the Scorecard identifies certain ineffective, burdensome or inequitable practices not otherwise reflected in the Scorecard categories.

### 2013 Top-Ranked States

Maine	A
Ohio	A
Alaska	A-
Arizona	A-
Kansas	A-
Montana	A-
Pennsylvania	A-

### 2013 Bottom-Ranked States

California	D-
Lousiana	D-
Alabama	D
Colorado	D
Arkansas	C-
Nevada	C-

### Awards & Demerits

While many states adopted notable improvements since the 2010 Scorecard (for example, Kansas, Maine, Ohio, and North Carolina posted solid gains), certain states deserve special recognition for adopting multiple changes in accordance with COST's recommendations for fair and efficient tax administration. Unfortunately, a few states missed opportunities to make bold reforms or, worse, exacerbated already unfair and punitive practices. Below are COST's awards and demerits, respectively, for some of these "notable" states.

#### Most Improved

- **Pennsylvania** leapt from a D and a "bottom states" ranking to an A- and a "top states" ranking, mainly through legislation adopted in 2012 (H.B. 761) and 2013 (H.B. 465). In particular, Pennsylvania's ranking was helped by adopting reforms to provide independence in tax appeals heard by the Board of Finance and Revenue. Like other states embracing independent tax appeals tribunals, Pennsylvania received a boost in the Scorecard's

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new "transparency" category due to the statutory requirement that the Board issue written decisions.

#### Honorable Mention

- **Georgia** rose from a C- to a B, largely based on its adoption and implementation of the Georgia Tax Tribunal, which issued its first published opinion on October 1, 2013. Georgia also shed a point by not requiring prepayment or bond to appeal to the Tribunal.
- **Illinois** improved from a D to a B-, in large part due to the laudable adoption of the Illinois Independent Tax Tribunal. Enacting independent tax tribunal legislation in Illinois was a multiyear effort that ultimately was successful due to strong, bipartisan champions in the Illinois General Assembly, the tireless efforts of the Taxpayers' Federation of Illinois and the Illinois Chamber of Commerce, and assistance from a dedicated group of Illinois SALT professionals. Unfortunately, however, implementation of the tribunal has not met expectations (see Demerits, below).
- **New Mexico** rose from a D to a B by adopting several reforms, including, importantly, extending the time period to protest an assessment from 30 to 90 days. New Mexico also adopted several of COST's recommendations regarding the State's requirements to report federal tax changes and the ability to claim a refund resulting from such changes.
- **Oklahoma** improved from a C- to a B+, based primarily on providing a *de novo* review of appeals at the district court and, critically, removing prepayment requirements for appeals.

#### Demerits

- **Alabama** lamentably failed to establish an Alabama Tax Appeals Commission ("ATAC") again this year, missing multiple opportunities to improve its tax administration and business climate. The legislation, containing the ABA Model Act for

independence in the tax appeals system alongside other reforms, was amended to address concerns raised by Governor Bentley after his “pocket veto” last year, but still failed to pass. We hope that 2014 is the year the legislature will finally push this legislation over the top; there is no reason why Alabama can’t join Pennsylvania in its leap from worst to first.

- **Illinois** unfortunately receives a demerit in our Scorecard for failing to appoint tribunal judges according to the tribunal’s own statutory requirements. While the former Associate Chief, Criminal Division for the U.S. Attorney’s Office in Chicago has an impressive resume, his resume does not reflect the “substantial knowledge of State tax laws” required by statute for an administrative law judge in the tax tribunal. Thus, the Governor’s appointment of a career prosecutor of white-collar crimes as Chief ALJ is a significant concern for taxpayers looking to the tribunal for impartiality and tax expertise. In addition, implementation of the tribunal was delayed at the last minute, producing substantial uncertainty at the time as to its future.
- **Mississippi** took an unfortunate tumble, from a B+ to a C+, despite fixing its open-ended statute of limitations last year. We assessed two points related to the decision in *Equifax, Inc. v. State Tax Commission* (No. 2010-CT-01857-SCT, June 20, 2013), one regarding the failure to apply the statutory requirements for a trial *de novo*, the other for throwing the burden of refuting the Department of Revenue’s alternative apportionment on the taxpayer (with penalties!). The decision stacks the deck in the favor of the Department, and is the antithesis of consistency and fairness in state tax administration.
- **The District of Columbia and Wisconsin** brought home an award of sorts: highest interest rate disparity between assessments and refunds among any of the states. They both also took dishonorable mention for increasing a preexisting interest rate

disparity: the District of Columbia went from 10% (compounded daily) for underpayments and 6% (simple interest) for overpayments, to 2% interest for overpayments beginning in 2013; and Wisconsin went from 12% for underpayments and 9% for overpayments to 3% interest for overpayments, beginning with refunds paid on or after July 2, 2013.

## ABOUT THE SCORECARD

This Scorecard is the fifth published effort by the Council On State Taxation (COST) to objectively analyze state treatment of significant procedural and appeal issues that reflect whether states provide fair, efficient, and customer-focused tax administration. This Scorecard expands on and updates the 2001, 2004, 2007, and 2010 versions<sup>2</sup> and serves as a tool for policymakers seeking to improve tax administration and the business climate in their states. As with previous versions, this year’s Scorecard is designed to provide objective criteria and research by which to judge state tax administration.

The Scorecard’s standards for the “best” in state tax administration remain consistent, but in this version COST undertook to decrease the emphasis on corporate taxes and better reflect overall tax administration in the states. As a result, two previous categories specifically applicable to corporate income-based return filing—filing deadlines and reporting federal adjustments—were combined into one category, with the weight for these items adjusted accordingly. COST will continue to seek ways to expand the scope of the Scorecard to better reflect the breadth of state tax administrative practices. This Scorecard also includes a new category on transparency in state tax administration, focused on publication of redacted letter rulings and administrative and/or tax tribunal decisions.

### Objectivity of Scorecard

A note on objectivity: the Scorecard is a counterpart to the periodic subjective surveys presented by *CFO Magazine* in April, 2011 and prior years.<sup>3</sup> While the Scorecard evaluates each state’s statutory and regulatory scheme against objective criteria, *CFO Magazine* asked corporate tax executives questions regarding their subjective views of the states’ tax environments.

To properly gauge taxpayer responses to specific state administrative systems, the approach taken by COST (assessing objective criteria) and the approach taken by *CFO Magazine* (compiling subjective taxpayer responses) should be viewed in conjunction. Taken separately, each approach may be fairly criticized. Analyzing a set of objective criteria creates a useful benchmark for comparison of administrative practices from state to state, but fails to recognize burdensome or unfair administrative practices applied within a sound

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statutory framework. Conversely, an evaluation of taxpayer responses to subjective questions might mask a deficient statutory framework by recognizing only the goodwill engendered by fair and competent tax administration.

## GRADING THE STATES

The first part of the Scorecard evaluates state tax appeals processes by asking two questions: 1) whether the appeals system is truly independent, and 2) whether a taxpayer must prepay the disputed tax or assessment prior to an opportunity for an independent hearing. Two other considerations are also paramount, however, in evaluating appeals systems, and are addressed in these two columns of the Scorecard: 3) whether the tribunal's judges are required to have experience in evaluating the complexities of state tax law, and 4) whether the taxpayer has the opportunity for a "hearing of record" (i.e., trial *de novo*) at an independent tribunal that would form the basis of further appeals. Together, these requirements mirror the essential components of the *Model State Administrative Tax Tribunal Act* developed by the State and Local Tax Committee of the American Bar Association which has been proposed, with COST support, in a number of states. It is COST's view that these elements, at a minimum, should be a part of any state's tax appeals process to achieve fairness, efficiency and a customer-focused tax environment.

The procedural elements evaluated in this Scorecard consider whether the state has adopted:

- Even-handed statutes of limitations for refunds and assessments;
- Equalized interest rates on refunds and assessments;
- Due dates for corporate income tax returns at least 30 days beyond the federal due date with an automatic extension of the state return due date based on the federal extension;
- Adequate time to file a protest before an independent dispute forum;
- Reasonable and clearly defined procedures for filing amended state income/franchise tax returns following an adjustment to a taxpayer's federal corporate tax liability; and

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- Transparency in the form of published letter rulings (redacted) and administrative/tax tribunal decisions.

The Scorecard also identifies and evaluates any additional ineffective, burdensome or inequitable practices, such as contingent fee audits, duplicative local revenue departments, use of outside counsel to litigate cases, retroactive penalties and interest, or application of False Claims Acts/*Qui Tam* actions to state tax disputes.

By focusing on objective criteria, the 2013 Scorecard gives states the opportunity to enact corrective legislation as a means of improving business climates. Indeed, since the publication of the 2010 COST Scorecard, many states have taken steps to improve their administrative and appeals processes. Some of the more significant improvements are noted in our "awards" section of the Scorecard, above. It is our hope that publication of this Scorecard will spur policymakers towards additional improvements in the rules for tax administration and the independent appeal of tax matters in all states.

## Scoring System

Point totals for the Scorecard are determined by assessing states 0 to 3 points for the two categories that evaluate state appeals systems, and 0 to 2 points for each procedural practice. Point totals for each category are increased based on the severity of the state's deviation from COST's recommendations for achieving a balanced, fair and effective tax system. Specific scores are based on COST's determination of the relative importance of specific issues to business taxpayers, and the presence or absence of mitigating and/or aggravating circumstances. In general, one point was assigned to the "Other Issues" category for each issue found to impact a state's fair and efficient tax administration. The final grades are based on the following scale:

### Overall Score

- A = 0 to 3 points
- B = 4 to 7 points
- C = 8 to 10 points
- D = 11 to 13 points
- F = More than 13 points

## Summary Results

The Summary Table on Page 5 ranks each state's statutes and rules in the areas described above. Although much progress has been made since the inaugural COST Scorecard, numerous states are significantly behind the curve in providing fair and efficient tax administration and appeals procedures. Detailed survey data for each state is provided beginning in the table on page 11.

	Independent Dispute Forum	Pay- to- Play	Even-handed Statute of Limitations	Equal Interest Rates	Ample Protest Period	Corporate Return Filing Burden	Transparency in Guidance & Rulings	Other Issues	Total Points	Overall Grade
AL	2	2	0	0	2	2	1	2	11	D
AK	0	1	0	0	0	1	1	0	3	A-
AZ	0	0	0	0	1	1	1	0	3	A-
AR	3	2	1	0	0	2	2	0	10	C-
CA	3	2	1	2	1	1	1	2	13	D-
CO	3	2	0	1	1	1	1	2	11	D
CT	1	0	0	2	0	2	1	0	6	B
DE	1	0	0	0	0	1	2	2	6	B
DC	1	1	0	2	1	1	2	1	9	C
FL	3	2	0	1	0	2	0	1	9	C
GA	0	1	0	0	1	1	1	2	6	B
HI	1	1	0	2	1	2	0	0	7	B-
ID	2	1	0	0	0	1	1	0	5	B
IL	0	1	0	0	0	2	0	4	7	B-
IN	0	1	0	1	0	1	0	1	4	B+
IA	3	0	0	0	0	1	0	0	4	B+
KS	0	1	0	1	0	1	0	0	3	A-
KY	1	1	1	2	1	1	1	1	9	C
LA	2	2	0	2	1	1	2	3	13	D-
ME	0	0	0	1	0	0	1	0	2	A
MD	0	0	0	0	1	2	2	0	5	B
MA	0	0	0	2	0	2	0	0	4	B+
MI	0	0	2	1	1	2	1	0	7	B-
MN	0	0	0	0	0	1	1	1	3	A-
MS	0	1	0	0	0	2	2	3	8	C+
MO	1	0	0	2	1	1	0	2	7	B-
MT	0	0	0	0	1	1	1	0	3	A-
NE	3	2	0	0	0	1	1	1	8	C+
NV	3	2	0	2	1	n/a	2	0	10	C-
NH	0	0	1	2	0	1	1	1	6	B
NJ	0	0	0	2	0	2	1	1	6	B
NM	3	2	0	0	0	0	0	1	6	B
NY	0	1	0	2	0	2	0	1	6	B
NC	0	1	0	0	1	1	1	0	4	B+
ND	3	0	1	1	1	1	2	0	9	C
OH	0	0	0	0	0	n/a	0	2	2	A
OK	1	0	0	0	0	1	1	1	4	B+
OR	0	1	0	0	1	1	1	1	5	B
PA	0	1	0	2	0	0	0	0	3	A-
RI	1	2	0	2	1	2	0	0	8	C+
SC	1	1	0	2	0	1	0	0	5	B
SD	3	2	0	0	0	1	2	0	8	C+
TN	3	2	0	0	0	1	1	1	8	C+
TX	2	2	0	1	1	1	0	1	8	C+
UT	1	1	0	0	1	1	0	0	4	B+
VT	3	1	0	2	0	2	1	0	9	C
VA	3	0	0	0	0	0	1	0	4	B+
WA	2	2	0	0	1	n/a	1	3	9	C
WV	0	1	0	2	0	2	1	0	6	B
WI	0	0	0	2	0	1	0	2	5	B
WY	0	1	0	2	2	n/a	1	0	6	B



## BAROMETERS OF STATE TAX ADMINISTRATION

### Fair, Efficient, Independent Appeals

Foremost in good tax administration is a fair and efficient tax appeal system. States with fair and efficient tax appeal systems share four essential elements:

- An independent tax tribunal;
- Tribunal judges with specific training and experience in tax law;
- No prepayment requirement (or bond posting) for taxpayers disputing a tax before receiving an independent, impartial hearing; and
- The record for further appeals is established before an independent body.

A state's ability to recognize the potential for error or bias in its tax department determinations and provide taxpayers access to an independent appeals tribunal is the most important indicator of the state's treatment of its tax customers.

**Independent Tribunals:** The tax court or tribunal must be truly independent. It must not be located within or report, directly or indirectly, to the department of revenue or to any subordinate executive agency. Without independence, the *appearance* of objectivity is simply not present. That perception, regardless of its accuracy, necessarily detracts from even exemplary personnel and work product of the adjudicative body. Independent tribunals are less likely to be perceived as driven by concerns over revenue collection, upholding departmental policies, or offending departmental decision-makers.

Today well over half the states provide an independent appeals process specifically dedicated to hearing tax cases. Although the structure and rules may differ from state to state, taxpayers in these states are able to establish a record for appeal in an independent adjudicative body, before judges well-versed in tax matters. The ability to reach an independent tribunal, non-judicial or judicial, without prepayment is another key factor of a fair and efficient appeals process. In addition, many tax dispute systems are designed to allow taxpayers and the state adequate opportunity to meet and discuss settlement opportunities before incurring the hazards and costs of litigation.

States without an independent tax tribunal or similar appeals system limit a taxpayer's real ability to challenge a state tax assessment. States that do not offer an independent tribunal, and/or force taxpayers to appeal based on a record established at a non-independent proceeding, are less attractive to businesses and are more likely to see taxpayers engage in structural tax planning to minimize potential exposure in the state.

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**Trained Judges:** Tax tribunal judges must be specifically trained as tax attorneys and have significant state tax experience, and the tribunal should be dedicated solely to deciding tax issues. The tribunal (or court) should be structured to accommodate a range of disputes from less complex tax issues, such as those arising from personal income tax matters, to highly complex corporate tax disputes. The tremendous growth and complexity in the body of tax law and the nature of our multi-jurisdictional economy makes this consideration paramount. Judges not trained in tax law are less able to decide complex corporate tax cases on their merit and a perception exists (rightly or wrongly) that the *revenue impact* of these complex cases too often helps guide decision-makers through the fog of complicated tax statutes, regulations, and precedent. That perception reflects poorly on a state's business climate and reputation as a fair and competitive place to do business.

**No Prepayment Required:** Taxpayers should not be required to post bond or pay a disputed tax before an initial hearing. It is unfathomable that taxpayers may still be denied a fair hearing before being deprived of property (*i.e.*, disputed taxes). It is inherently inequitable to force a corporate taxpayer to pay a tax assessment, often based on the untested assertions of a single auditor or audit team, without the benefit of a hearing and the ability to establish a record before an independent trier of fact. Free access to an independent hearing without having one's property confiscated by the law is especially important during difficult state economic climates—once tax money is paid into the system, it is often difficult or impossible to wrest a refund from the state, even after disputes are resolved in the taxpayer's favor. There are three degrees of state prepayment requirements:

- **Full "Pay to Play":** Since Massachusetts and Hawaii eliminated their full "pay-to-play" requirements, we are unaware of any state that requires taxpayers to pay an assessed tax upon receipt of a notice of assessment without an opportunity to contest that assessment before even a non-independent tax forum such as the tax commissioner or an administrative hearing officer. Such systems were the scourge of fair tax administration; their elimination represents a significant step forward in fairness.

- **Partial “Pay to Play”:** While no state currently requires payment of a disputed tax prior to the administrative appeals process, some states still require payment of the tax or posting of a bond to obtain access to the circuit or district court level in the case of an adverse decision by an independent non-judicial body, or if the taxpayer elects to bypass the non-judicial forum and proceed directly to the circuit or district court level. In those states, taxpayers are at least granted a hearing before a non-judicial tax tribunal, an administrative hearing officer, or the state tax commissioner before such payment is extracted. The perception of unfairness is more acute, of course, in partial pay-to-play states where the initial hearing is before an adjudicatory body that is not independent of the state’s DOR.
- **No “Pay to Play”:** In some states taxpayers do not have to pay a disputed tax until all appeals are exhausted. These systems are perceived to be the most fair—in large part because taxpayers are not held hostage by the jurisdiction in possession of the taxpayer’s funds.

**Jeopardy Situations Justify Prepayment:** We do not question the necessity of state jeopardy assessment and collection authority. If a state department of revenue feels that a particular tax assessment is in jeopardy based on the facts and circumstances before it, it should certainly issue a jeopardy assessment on that amount. In those circumstances states need the flexibility to move quickly and should do so as long as minimum due process protections are afforded. Such assessments are a legitimate means of protecting the state fisc. However, the jeopardy assessments should *only* be used in extreme circumstances, and the burden of proving that the assessment is in jeopardy should fall on the state. It would be an extremely unusual circumstance for a state to find it necessary to impose a jeopardy assessment on a publicly traded company.

### Basic Procedural Provisions Reflecting Good Tax Administration

In addition to an independent tax tribunal accessible without prepayment, state tax administration should include a number of fundamental components necessary to a fair, efficient, and customer-focused state tax system. The following are basic procedural elements that should be included in every state’s law:

**Even-Handed Statutes of Limitations:** Statutes of limitation should apply even-handedly to both assessments and refund claims. Forcing taxpayers to meet one statute to apply for a refund while granting the tax administrator additional time to issue an assessment is unfair and should not be tolerated in a voluntary tax system. A three-year statute of limitations for assessments should be accompanied by a three-year statute of limitations for refund claims. States with unusual (biased) rules or with unequal statutes of

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*Transparency through publication of tax guidance and rulings is widely recognized as a hallmark of fair and efficient tax administration. Simply put, “secret tax laws” benefit neither the state in its administration of the statutes nor the public in complying with them.*

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limitations to report federal adjustments are also noted. In addition, claims for refund based on constitutional challenges should not be singled out for discriminatory treatment by shortening the statute of limitations.

**Equalized Interest Rates:** Interest rates should apply equally to both assessments and refund claims. Failure to equalize interest rates diminishes the value of the taxpayer’s remedy of recovering tax monies to which it is legally entitled. Interest rates are meant to compensate for the lost time-value of money and should apply equally to both parties. The date from which interest begins to run may also be important. Because states levy interest from the due date of the return, taxpayers should receive interest from the date of the overpayment of the tax on an original return, although no interest is acceptable if paid within a reasonable time period, say 60 days, to allow state processing of the payment. For separate refund claims, interest should be paid from the date of overpayment of the tax—typically the due date of the original return—and not the date of the filing of the refund claim. Refunds and liabilities for the same taxpayer should also offset each other in calculating the amount of interest and penalty due.

**Protest Periods:** The first step in the administrative process in most states is the issuance of an assessment with notification of a right to protest. That protest period should be at least 60 days and preferably 90 days. The American Bar Association’s *Model State Administrative Tax Tribunal Act* recommends a 90-day protest period. Any protest period shorter than 60 days is unreasonable and could jeopardize a taxpayer’s ability to fully respond to a proposed assessment. A notice period of 60 days or longer is of increasing importance in a global economy where taxpayers are working to comply with the laws of numerous jurisdictions.

Many states have increased the number of days to submit a protest as compared to prior studies. Even so, numerous states still offer less than 60 days to file protests. While all of the states now generally offer at least 30 days to protest a tax assessment, COST hopes to see all states grant at least 60 days and preferably 90 days.

**Return Due Date and Automatic Extensions:** The state's corporate income tax return due date should be at least 30 days after the federal tax return due date, or the state's extended due date should be at least 30 days after the federal extended due date. Further, the state's corporate income tax return due date should be automatically extended simply by obtaining a federal extension. By extending state due dates to this point, state tax administrators allow taxpayers to file correct returns based on complete federal return information. Although corporate taxpayers often file a single consolidated federal return, the adjustments necessary to generate the multitude of state tax returns are complex and time-consuming. A minimum of 30 days beyond the extended federal due date is needed to complete these adjustments. To ease administrative burdens, an automatic state extension should only require attaching a copy of the extended federal return with the state return to qualify.

**State Reporting Requirements for Federal Tax Changes:**

For a large multistate company and subsidiaries, an adjustment or change to a prior federal return can trigger hundreds, if not thousands, of amended return requirements at the state level. Many states have inconsistent and unreasonable requirements for taxpayers attempting to report federal tax changes from prior years to the states. Such circumstances may arise upon the final resolution of a legal dispute on the federal return or upon conclusion of a multiple-year federal audit that impacts state returns, usually after state statutes of limitation have expired. Because businesses typically operate in multiple jurisdictions, confusion arises over when notice of a federal change must be filed with a state (final determination) and how it is to be filed (specialized forms are often hard to obtain or difficult to complete). In many states, the time period allowed to file the numerous reports required to reflect a federal change is also far too short.

To address these concerns, it is important that states clearly define, by regulation or statute, what constitutes a "final determination" that will trigger a taxpayer's requirement to report the change to affected states. Taxpayers should be provided at least six months (or 180 days) to file an amended return or worksheet to the state to notify it of the changes. Finally, if the normal statute of limitations for the issuance of a tax assessment has expired, the only tax issues subject to adjustment when a taxpayer reports a federal tax change should be the federal tax changes. The statute of limitations should not be reopened for issues beyond the scope of the federal tax changes. The following are essential elements of a state reporting procedure for changes made to a taxpayer's federal income tax return:

- **Final Determination:** All states imposing a corporate income tax require a taxpayer to report changes in federal taxable income to the state. In the majority of states the requirement is triggered when a "final determination" is made regarding the federal income tax return (*e.g.*,

issuance of a Revenue Agent's Report). However, some states have no such definition. Although the Multistate Tax Commission promulgated a model uniform statute for reporting federal tax adjustments, with accompanying model regulation, in August, 2003, the states are not using a uniform definition as to when a federal tax change constitutes a "final determination" to be reported to the state.<sup>4</sup> This is unfortunate because it unnecessarily creates compliance problems and wrongfully subjects taxpayers to concomitant penalties and interest for noncompliance. COST suggests the following "best practice" as a workable definition, primarily based on the statutory definition of "final determination" used by New Hampshire.

"A 'final determination' is deemed to occur when the latest of any of the following activities occurs with respect to a federal taxable year:

- (1) The taxpayer has made a payment of any additional income tax liability resulting from a federal audit, the taxpayer has not filed a petition for redetermination or claim for refund for the portions of the audit for which payment was made and the time in which to file such petition or claim has lapsed.
- (2) The taxpayer has received a refund from the U.S. Treasury that resulted from a federal audit.
- (3) The taxpayer has signed a federal Form 870-AD or other IRS form consenting to the deficiency or consenting to any over-assessment.
- (4) The taxpayer's time for filing a petition for redetermination with the U.S. Tax Court has expired.
- (5) The taxpayer and the IRS enter into a closing agreement.
- (6) A decision from the U.S. Tax Court, district court, court of appeals, Court of Claims, or Supreme Court becomes final."

- **Time Period for Reporting:** Taxpayers face a variety of due dates with respect to reporting IRS adjustments, from 30 days to 2 years. COST recommends at least 180 days to report IRS adjustments to states, with the ideal time frame one year or greater. A minimum of 180 days (or six months) is required to allow multijurisdictional taxpayers adequate time to report federal tax changes to the state and local level. Presently, thirteen states allow a reporting period of 180 days or more (with the loss of Ohio due to adoption of a gross receipts tax, this represents a net gain of four states from the last Scorecard). Kudos to Oklahoma and Virginia for allowing taxpayers one year to report such changes.
- **State Statutes Waived Only for Federal Tax Changes:** Some states allow every aspect of the state return to be



open for adjustment following a change in federal income tax liability even though the state's normal statute of limitations has expired. Other states have statutes that are not clear (and/or lack case law) to put the taxpayer on notice that only federal tax changes are open for audit when the state's normal statute of limitations period has passed. When the normal time period for the state DOR to assess additional tax and a taxpayer to claim a refund has expired, only those items that are changed as a result of the federal income tax change should be open for adjustment (tax due and refund).

### Transparency in Tax Guidance and Administrative Rulings

As illustrated by the American Institute of Certified Public Accountants' 2003 publication, "Guiding Principles for Tax Law Transparency," and the recent efforts of the American Bar Association's Section of Taxation, transparency through publication of tax guidance and rulings is widely recognized as a hallmark of fair and efficient tax administration. Simply put, "secret tax laws" benefit neither the state in its administration of the statutes nor the public in complying with them. While individual taxpayers may perceive advantages in obtaining what they believe is a beneficial ruling, ultimately the broader taxpaying public pays the price for inconsistency in the application of the tax laws. Tax Analysts has taken a leading role in advocating for transparency in state tax administration. In a recent article, Tax Analysts' editors noted that "it is difficult to measure the transparency of a state's tax system... But to be most effective for purposes of ranking, measures of transparency must be objective. That is, the measures must be easily identified through research and they must be attainable by all states."<sup>5</sup> In addition to independent tax tribunals, Tax Analysts identifies publication of letter rulings and administrative-level opinions as areas in which states can be ranked (indeed, Tax Analysts performed preliminary research that they kindly shared and we incorporated into this Scorecard).

COST recognizes that there are practical limitations on publication of tax guidance. Clearly, for letter rulings and informal administrative hearings to be effective (and utilized), taxpayers' identities must be redacted. In some cases, not publishing, or providing generalized guidance, for redundant ruling requests or requests for interpretation of unambiguous law may be justified. Further, some states may have a dearth of controversy in certain areas of tax, explaining a lack of published rulings on, for example, corporate income tax issues. Regarding administrative proceedings, a state may choose not to publish informal administrative hearings, but then publish a tax tribunal decision where the record is established. The fundamental question that we seek to answer is: does the state provide a meaningful and reasonably

complete library of letter rulings and administrative decisions, so that the broader taxpaying community may ascertain how the tax law has been applied and thus may be applied under similar facts. This may be one of the more difficult areas to measure, but, as Tax Analysts suggests, is essential nonetheless for a measurement of fairness in tax administration.

### Other Significant Procedural Issues

Like the 2010 Scorecard, the 2013 Scorecard includes an "Other Issues" column. In preparing the Scorecard, we surveyed tax practitioners, asking them to identify additional issues that impact fair and efficient tax administration in the state. This Scorecard assigns points (generally one point per issue) to those states identified as having negative practices; the adjustments are identified in the chart following this discussion. Adjustments were made based on, but not limited to, the following practices: independent local revenue departments which create disconformity and complexity; use of outside paid counsel to litigate tax matters (sometimes fees for these counsels are directly charged to taxpayers); the application of statutes on a retroactive basis; and the imposition of retroactive penalties and interest. Finally, we note whether a state has utilized False Claims Acts/*Qui Tam* actions for state tax disputes. Applying such "whistleblower" statutes in the state tax arena—where significant "grey" areas exist—undermines the role of the tax administrator in impartially applying the tax laws, creates uncertainty and conflicting interpretations of complex tax issues, applies onerous penalties to non-fraudulent behavior, and creates perverse incentives to increase the cost of litigation to force settlement. States should guard against utilizing these and similar unfair and burdensome practices.

### DETAILED SURVEY DATA

The table beginning on page 11 provides detailed survey data for each state. At least one practitioner from each state and the tax agency of each state were asked to review and offer corrections to the data and/or related survey questions (below). Where received, responses were integrated into the chart as appropriate to reflect the current status of the law in each state. COST extends its gratitude to those practitioners and tax agency employees who assisted in compiling the data necessary for this study. Note that certain exceptions to the general rules may exist but were not included. Further, we were not always able to reconcile our research and the responses by in-state practitioners with the responses by the tax agency; this demonstrates the lack of clarity surrounding some of the issues. Accordingly, this document is not intended to be used as a comprehensive listing of legal authority for the issues identified, and taxpayers are cautioned to research individual state laws.

## Survey Questions for Practitioners and Administrators

1. Does the state have an even-handed statute of limitations for refunds and assessments?
2. Are the interest rates on assessments and refunds the same?
3. Does a taxpayer have at least 60 days to appeal an assessment?
4. For state taxes based on the taxpayer's federal corporate income tax return, is the state return due at least 30 days after the federal tax return due date?
5. Does a taxpayer automatically obtain an extension on filing its state tax return if the taxpayer has obtained a federal extension?
6. Does the state have an independent appeal forum dedicated to handling tax disputes (includes an administrative law judge if the ALJ's decision cannot be overridden by the revenue department)?
7. Excluding jeopardy assessments, is prepayment or posting of a bond required to have an independent appeal forum hearing?
8. What constitutes a "final determination" when a taxpayer has to report a change to its federal tax liability to the state?
9. Do non-federal tax changes, such as a change of liability reported to another state, also have to be reported (e.g., another state changes the taxpayer's apportionment)?
10. When do changes in the taxpayer's federal tax liability have to be reported to the state, and can a taxpayer obtain an extension?
11. What type of return/form is required to report a change in a taxpayer's federal tax liability to the state?
12. If the normal statute of limitations is closed for modifying the state tax return, is the revenue department limited to only making changes based on the federal tax changes?
13. Does the state issue binding, written guidance to requesting taxpayers (e.g., letter rulings), and does the state publish such (redacted) guidance with appropriate protections for taxpayer confidentiality?
14. Does an administrative adjudicatory body (e.g., tax agency hearings division and/or tax tribunal) that regularly hears tax cases or appeals publicly release its rulings?
15. What additional issues are impacting fair and efficient tax administration?

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
AL	No. While taxpayer can appeal to ALJ dedicated to handling tax disputes, ALJ is appointed by and is an employee of the AL DOR. ALA. CODE §§ 40-2A-7(b)(5), 40-2A-9. However, the ALJ's decision cannot be overridden by the AL DOR.	Yes. Payment (or a letter of credit or appeal bond) is required if the appeal is made directly to Circuit Court and does not involve a denied refund claim. ALA. CODE § 40-2A-7(b)(5)b.2. Payment is not required for appeals to the Administrative Law Division.	SOL: Yes, 3 years for both. Assessment – ALA. CODE § 40-2A-7(b)(2). Refund – ALA. CODE § 40-2A-7(c)(2). Interest rates: Yes, federal underpayment rate, equally applied. Underpayment – ALA. CODE § 40-1-44(a). Overpayment – ALA. CODE § 40-1-44(b). State adopts IRS "hot interest" rule for large corporate underpayments.	30 days for preliminary assessment; 30 days for final assessment. ALA. CODE §§ 40-2A-7(b)(4), 40-2A-7(b)(5). 30-day final assessment appeals period begins on date of "entry" of the final assessment, not when actually mailed or delivered.	No. Return is due the 15th day of the 3rd month following close of taxable year. ALA. CODE § 40-18-39. Yes, extension up to six months is automatic and not dependent on federal extension. ALA. ADMIN. CODE, r. 810-3-39-.02.	Vague definition of final determination in ALA. CODE § 40-2A-7(b). IRS changes must be reported on an amended return. No statutory time period for filing return to report federal change, but AL DOR can impose 5% negligence penalty for failing to comply. ALA. ADMIN. CODE, r. 810-3-40-01.	Revenue rulings are available with taxpayers' identifying information redacted. A relatively small number are published on the AL DOR's website. The Administrative Law Division's rulings are published to the AL DOR's website, but must be searched and are not listed in order of release.	1) Failure to enact 2013 "TBOR II" legislation. 2) DOR uses outside counsel in complex tax litigation. 3) Local jurisdictions hire private auditing firms. 4) Positive: "One Spot" legislation enacted to create a single point of filing and payment for State and local sales, use and rental taxes.
AK	Yes, the Office of Administrative Hearings within the Department of Administration. ALASKA STAT. § 43.05.405.	No. Tax is not required to be paid to appeal to the Office of Administrative Hearings. It must be paid, or a bond posted, to appeal to Superior Court. ALASKA STAT. § 43.05.480(b).	SOL: Yes. Assessment – 3 years. ALASKA STAT. § 43.05.260(a). Refund – Later of 3 years from filing or 2 years from date taxes paid. ALASKA STAT. § 43.05.275(a)(1). Interest rates: Yes, greater of Federal reserve rate plus 5%, or 11%, equally applied. Underpayment – ALASKA STAT. § 43.05.225(1). Overpayment – ALASKA STAT. § 43.05.280(a), § 43.05.225(1).	60 Days to appeal an assessment to the Department's internal appeal officer in an informal conference process. ALASKA STAT. § 43.05.240(a).	Yes. Taxpayer permitted to file return within 30 days after federal return due. ALASKA STAT. § 43.20.030(a). Yes. Automatic 6-month extension if no tax is due. Instructions to Form 0405-611.	Final determination is defined in ALASKA STAT. § 43.20.030(d). IRS changes must be reported in writing within 60 days. ALASKA STAT. § 43.20.030(d). Federal RAR opens entire state return to audit. ALASKA STAT. § 43.20.200(b).	No. The Department may issue advisory bulletins stating the Department's interpretation of provisions of ALASKA STAT. § 43.55 (Oil and Gas Production Tax Laws), but these are not binding on the Department. Office of Administrative Hearings decisions posted to website. Decisions may be searched and browsed by category.	

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
AZ	Yes, the Arizona Board of Tax Appeals. ARIZ. REV. STAT. ANN. §§ 42-1252, 42-1253.	No. Generally, only those amounts not protested must be paid. ARIZ. REV. STAT. ANN. § 42-1251(A).	SOL: Yes, 4 years for both. Assessment – ARIZ. REV. STAT. ANN. § 42-1104(A). Refund – ARIZ. REV. STAT. ANN. §§ 42-1104(A), 42-1106(A). Interest rates: Yes, federal short-term rate plus 3%, equally applied. ARIZ. REV. STAT. ANN. § 42-1123(A).	90 days from date of mailing for individual income tax protests; 45 days from receipt of notice to taxpayer for all other tax protests. ARIZ. REV. STAT. ANN. § 42-1108(B).	Yes. Return is due 15th day of 4th month after the end of the calendar year or fiscal year. ARIZ. REV. STAT. ANN. § 43-325. Yes. Extension is automatic if 90% of the tax is paid at the time of the grant of federal extension. ARIZ. REV. STAT. ANN. § 42-1107(B).	Final determination is defined in ARIZ. REV. STAT. ANN. § 43-327(G). 90 days to file a copy of the final determination or an amended return. ARIZ. REV. STAT. ANN. § 43-327(A). Deficiencies may be assessed within 6 months after filing the federal change. ARIZ. REV. STAT. ANN. § 42-1104(A)(6).	A limited number of redacted private letter rulings are published on the AZ DOR's website, along with redacted decisions of the AZ DOR's Hearing Office and Director's Office as required by ARIZ. REV. STAT. ANN. § 42-2077. Arizona Bd. of Tax Appeals decisions are published to the Board's website. At this time, decisions posted for 2000-2008.	
AR	No. Hearing Officer is appointed by the Director of Finance and Administration. ARK. CODE ANN. § 26-18-405.	Yes. The taxpayer may 1) pay all or a portion of assessment, and the tax agency may pursue collection activities on unpaid amounts; or 2) file bond (two times amt. of deficiency) to secure payment of tax. ARK. CODE ANN. §§ 26-18-406(a)(1)(A), 26-18-406(a)(2)(A).	SOL: Yes, 3 years for both. Assessment – ARK. CODE ANN. § 26-18-306(a). Refund – ARK. CODE ANN. § 26-18-306(i). However, uneven statute following federal change; must file within 90 days of change. ARK. CODE ANN. §§ 26-18-306(b)(1), 26-18-306(i)(2). Interest rates: Yes, 10%, equally applied. Underpayment – ARK. CODE ANN. § 26-18-508(1). Overpayment – ARK. CODE ANN. § 26-18-508(3).	60 days. ARK. CODE ANN. § 26-18-404(c)(1).	No. Return is due on March 15th for calendar year taxpayers. ARK. CODE ANN. § 26-51-806(a)(3). Yes. Taxpayers requesting automatic extension of the federal return have until the extended federal due date to file the state return. ARK. CODE ANN. § 26-51-807(a)(1).	No specific definition of final determination; however, the taxpayer's receipt of the notice and demand for payment by the IRS is a triggering event for reporting changes. ARK. CODE ANN. § 26-18-306(b)(1). IRS changes must be reported within 90 days on an amended return. ARK. CODE ANN. § 26-18-306(b)(1).	Legal opinions of the AR DOR are not published, but are subject to disclosure in redacted form under FOIA. ARK. CODE ANN. § 25-19-103(5)(A); Rule GR-75.F. All information related to administrative appeals are confidential and not subject to release in any form. ARK. CODE ANN. § 26-18-303(a).	



State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
CA	No. The State Board of Equalization ("SBE") hears appeals on corporate income/franchise taxes (administered by the Franchise Tax Board, or FTB) and sales/use taxes (administered by the SBE). The SBE and FTB have overlapping board members. CAL. REV. & TAX. CODE § 19045 et seq. SBE members are elected; no tax expertise is required.	Not before SBE hearing. However, a taxpayer must pay tax & file Refund claim for de novo review at Superior Court. CAL. REV. & TAX. CODE § 19382. Currently, CA takes the position that "tax" includes accrued interest. CAL. REV. & TAX. CODE § 19101(c)(1).	SOL: Yes, 4 years for both. Assessment - CAL. REV. & TAX. CODE §§ 19057(A), 19067(A), 19065. Refund - CAL. REV. & TAX. CODE §§ 19306(A), 19308. Uneven statute following federal change. CAL. REV. & TAX. CODE §§ 19060(B), 19311. Interest rates: No. Underpayment - Federal underpayment rate. CAL. REV. & TAX. CODE §§ 19101(a), 19521(a). Overpayment - Federal rate for personal income tax; for corporations, lesser of 5% or bond equivalent rate of 13-week treasury bills. CAL. REV. & TAX. CODE §§ 19521(a)(1)(B), 19521(a)(1)(C).	30/60 days. 60 days for income/franchise tax. CAL. REV. & TAX. CODE §§ 19041(a), 19042. 30 days to appeal sales/use tax assessment. CAL. REV. & TAX. CODE § 6561.	No. State return is due 15th day of 3rd month after close of taxable year. CAL. REV. & TAX. CODE § 18601. Yes. Taxpayer may file on or before the 15th day of the 10th month of the close of the taxable year without filing a written request. CAL. REV. & TAX. CODE § 18604; 2012 CA Instructions for Form 100.	Final determination is defined in 18 CAL. CODE REGS. § 19059(e). IRS changes must be reported within 6 months. CAL. REV. & TAX. CODE § 18622(a). If final determination is pending, an amended "protective claim" return may be submitted to keep SOL open. Cal. Rev. & Tax. Code § 18622; CAL. CODE REGS. tit. 18, § 19059. FTB may make non-IRS adjustments based on federal waiver. CAL. REV. & TAX. CODE § 19065.	Yes, selected Chief Counsel Rulings are available for tax years 2000-2012 with taxpayer information redacted. Other FTB guidance, notices, memoranda, and information letters can be found as well. Further, the SBE issues rulings (Reg. 1705) and annotations (Reg. 5700). Effective January 1, 2013, CAL. REV. & TAX. CODE § 40 requires the SBE to publish on its website written opinions for certain matters involving amounts in controversy of \$500,000 or more.	1) Retroactive enactment of 20% underpayment penalty and 50% interest post-amnesty penalty. CAL. REV. & TAX. CODE §§ 19138, 19777.5. 2) Local jurisdictions hire contingent fee attorneys for tax Assessment cases. 3) FTB conducts Interested Parties Meetings to hear public comments on proposed regulations, issues, or other matters.

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
CO	No. COLO. REV. STAT. §§ 39-21-103 to 39-21-105. Taxpayer may appeal the administrative hearing decision to the district court where the taxpayer resides.	Yes. Within 15 days of filing suit in District Court, taxpayer must pay disputed amount or post bond for two times the dispute amount. COLO. REV. STAT. § 39-21-105(4).	SOL: Yes, 4 years for corporate tax; 3 years for all other taxes. Assessment – COLO. REV. STAT. §§ 39-21-107(2) (corp.), 39-21-107(1) (other). Refund – COLO. REV. STAT. §§ 39-21-108(1) (corp.), 39-21-108(1) (other). Interest rates: No. Underpayment – Prime rate plus 3% (3% discount if paid within 30 days). COLO. REV. STAT. § 39-21-109. Overpayment –Prime rate for refunds over \$5,000 or more than 10% of net liability. All others, prime rate plus 3%. COLO. REV. STAT. § 39-21-110.5(2).	30 days. COLO. REV. STAT. § 39-21-105(1).	Yes. 15th day of the 4th month following the close of the taxable year for calendar filers. Otherwise, 3.5 months after end of tax year. CO Form 112 instructions. Yes. 6-month extension is automatic. COLO. REV. STAT. § 39-21-108(1); CO Form 112 Instructions.	Final determination is defined in COLO. REV. STAT. § 39-22-601 (6)(b)(I)-(V). IRS changes must be reported within 30 days on an amended return. COLO. REV. STAT. § 39-22-601(6)(a).	Letter rulings are available for tax years 2007-2013 with taxpayer information redacted. CO DOR administrative hearings decisions are not published; no independent tax tribunal.	1) Local sales tax administration creates onerous compliance burdens (including use of outside attorneys to prosecute tax cases). 2) Federal waiver extends period for CO DOR to conduct audit. COLO. REV. STAT. § 39-21-107.
CT	Yes, de novo to the tax division of the Superior Court. CONN. GEN. STAT. § 12-39l. Judges have no requirement of tax expertise.	No. The posting of a cash bond to stop the running of interest is optional. CONN.GEN. STAT. § 12-39(m).	SOL: Yes, 3 years for both. Assessment – Business: CONN. GEN. STAT. § 12-233. Sales/Use: CONN. GEN. STAT. § 12-415. Refund – Business: CONN. GEN. STAT. §§ 12-225, 12-226. Sales/Use: CONN. GEN. STAT. § 12-425. Interest rates: No. Underpayment – 1% per month. CONN. GEN. STAT. § 12-235. Overpayment – 0.66% per month. CONN. GEN. STAT. § 12-227. No interest paid on sales/use tax refunds.	60 days. CONN. GEN. STAT. § 12-236.	No. First day of the month next succeeding the due date of the corporation's federal tax return. CONN. GEN. STAT. § 12-222(b). No. To obtain an extension, taxpayer must file Form CT-1120 EXT. CONN. GEN. STAT. § 12-222.	No definition of final determination. IRS and non-IRS changes must be reported within 90 days on an amended return. CONN. GEN. STAT. § 12-226(a)(1).	CT DRS issues revenue rulings; some are available for tax years 1989-2012 with taxpayer information redacted (numbers vary, with no rulings issued for tax years 2006, 2009, 2011, and 2013). All actions taken at the administrative level are considered confidential tax return information. CONN. GEN. STAT. § 12-15.	

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
DE	Yes, the Delaware Tax Appeal Board. DEL. CODE ANN. tit. 30, § 544. see also DEL. CODE ANN. tit. 30, § 321 et seq. However, bank tax disputes are tried before the State Bank Commissioner. DEL. CODE ANN. tit. 5, § 1103.	No. DEL. CODE ANN. tit. 30, § 544.	SOL: Yes, 3 years for both. Assessment – DEL. CODE ANN. tit. 30, § 531(a). Refund – DEL. CODE ANN. tit. 30, § 539(a).  Interest rates: Yes, 0.5% per month, equally applied. Underpayment – DEL. CODE ANN. tit. 30, § 533(a). Overpayment – DEL. CODE ANN. tit. 30, § 540(a).	60 days. DEL. CODE ANN. tit. 30, § 523. 30 days for withholding taxes.	No. 1st day of 4th month following close of the taxable year. DEL. CODE ANN. tit. 30, § 1904(b).  Yes. Automatic 6-month extension. DEL. CODE ANN. tit. 30, § 511.	No definition of final determination. IRS changes must be reported within 90 days on an amended return. DEL. CODE ANN. tit. 30, § 514.	Division of Revenue provides but does not publish private letter rulings. Tax Appeal Board decisions must be made available for public inspection. DEL. CODE ANN. tit. 30, § 327. Decisions contained in subscription research services and are required to be posted in the State Register of Regulations.	
DC	Yes, the Office of Admin. Hearings (hears both tax and non-tax cases). D.C. CODE §§ 2-1831.03(b)(4), 47-4312. Administrative Law Judges have no tax expertise requirement.	No, if appeal is to Office of Admin. Hearings. D.C. CODE § 47-4312. Yes (tax, penalties and interest), to appeal to Superior Court. D.C. CODE § 47-3303.	SOL: Yes, 3 years for both. Assessment – D.C. CODE § 47-4301(a). Refund – D.C. CODE § 47-4304(a).  Interest rates: No. Underpayment – 10% per year, compounded daily. D.C. CODE § 47-4201(d). Overpayment – 1% above Richmond Federal Reserve Bank discount rate, beginning in 2013 (e.g., 2% interest in 2013). D.C. CODE § 47-4202. Prior to 2013, the rate for overpayments was 6% per year, simple interest.	30 days. D.C. CODE § 47-4312(a). However, the taxpayer may appeal an assessment to the DC Superior Ct. Tax Division within 6 months after the date of assessment. D.C. CODE § 47-3303.	Yes for combined returns – final amended DCMR, Title 9, Chapter 1, Subsection 176.1 (eff. 8/2/2013) provides effective for tax years beginning after 12/31/2010, combined filers "shall receive an automatic 7-month extension." Otherwise, 15th day of the third month following the close of the taxable year, and must request an extension by filing Form FR-128. D.C. Form D-20 Instructions.	No definition of final determination. IRS changes must be reported in writing within 90 days. D.C. CODE § 47-4301(f).	According to DC OTR's website, OTR will issue private letter rulings, but it is unclear the extent to which rulings are redacted and published. OAH maintains that only parties to a case may access a decision, although some OAH decisions are available through tax reporting services.	1) It remains unclear how combined reporting will be audited and administered, and what changes to the law/regulations still remain.

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
FL	No. Taxpayers have choice of appealing to Division of Administrative Hearings (FL DOR may override) or Circuit Court (of general jurisdiction). FLA. STAT. ANN. §§ 213.015, 213.21, 213.731.	No, for a formal administrative appeal, but yes for a judicial appeal. Payment/bond requirement for a judicial appeal can be waived at FL DOR's discretion. FLA. STAT. ANN. § 72.011(3).	SOL: Yes, 3 years for both. Assessment – FLA. STAT. ANN. §§ 220.705, 95.091(3). Refund – FLA. STAT. ANN. §§ 220.727, 215.26(2). Interest rates: Yes, prime rate plus 4% for both. Underpayment – FLA. STAT. ANN. §§ 220.809, 220.807. Overpayment – FLA. STAT. ANN. §§ 220.723. Interest on overpayment based on date refund claim filed, not date tax paid. FLA. STAT. ANN. § 20.723. No interest if refund paid within 90 days of date claim is filed. DOR can avoid paying interest if it deems the refund claim incomplete.	60 days. FLA. STAT. ANN. § 220.717(1).	No. First day of 4th month following close of fiscal year. FLA. STAT. ANN. § 220.222(1). No. Extension, granted only if taxpayer files Form F-7004. FLA. ADMIN. CODE ANN. 12C-1.0222; FLA. STAT. ANN. § 220.23.	No definition of final determination. FLA. STAT. ANN. § 220.23(2)(a)3 refers to the date an adjustment has been "finally determined for federal income tax purposes," without defining the phrase "finally determined." IRS changes must be reported within 60 days by filing an amended return with Form F-1120X. FLA. STAT. ANN. § 220.23(2)(a)3; FLA. ADMIN. CODE 12C-1.023(2).	A large number of FL DOR "technical assistance advisements" are available, chronologically and searchable, by tax type with taxpayer information redacted. The Division of Administrative Hearings has a searchable database of case information.	1) Direct appeals from Administrative Hearings Division are limited to prior record.
GA	Yes. Taxpayers can appeal to GA Tax Tribunal, an autonomous division within the Office of Administrative Hearings, or to the Superior Court. GA. CODE ANN. § 48-2-59; Title 50, Ch. 13A (effective for proceedings commenced on or after 1/1/2013).	No, for appeal to the GA Tax Tribunal. GA. CODE ANN. §§ 48-2-59(c), 50-13A-11. Yes, for judicial appeal to Superior Court. Ga. Code Ann. § 48-2-59(c).	SOL: Yes, 3 years for both. Assessment – GA. CODE ANN. § 48-2-49(b). Refund – GA. CODE ANN. § 48-2-35(c)(1)(A). Interest rates: Yes, 1% per month, equally applied. Underpayment – GA. CODE ANN. §§ 48-2-48, 48-2-40. Overpayment – GA. CODE ANN. § 48-2-35(a).	30 days. GA. CODE ANN. § 48-2-45.	No. 15th day of the third month following the close of the taxable year. GA. CODE ANN. § 48-7-56(a). Yes. Automatic 6-month extension. GA. CODE ANN. § 48-7-57(d).	No definition of final determination. IRS and non-IRS changes must be reported within 180 days on an amended return. GA. CODE ANN. § 48-7-82(e)(1).	Limited number of dated letter rulings available on DOR website. 2012 H.B. 846 authorizes the DOR to promulgate regulations for the issuance, redaction, and disclosure of letter rulings. Georgia Tax Tribunal decisions must be indexed and published. GA. CODE ANN. § 50-13A-15.	1) 20% penalty on "frivolous" sales tax Refund claims and requirement to post bond for expedited refund. GA. CODE ANN. § 48-2-35.1 2) No interest paid on Refunds if taxpayer fails to claim tax credits on return. GA. CODE ANN. § 48-2-35(b).



State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
HI	Yes. Taxpayer may appeal to a district Board of Review (BOR) or directly to Tax Appeal Court. HAW. REV. STAT. §§ 232-6, 235-114, 237-42, 238-8. Appeal from a BOR decision to Tax Appeal Court may be made by either party, and review is de novo. HAW. REV. STAT. § 232-13. No tax expertise required.	No, for first appeal to either the Board of Review or Tax Appeal Court. Yes, for subsequent appeals. HAW. REV. STAT. §§ 235-114, 237-42, 238-8.	SOL: Yes, 3 years for both. Assessment – HAW. REV. STAT. §§ 235-111(a), 237-40(a), 238-7. Refund – HAW. REV. STAT. §§ 235-111(b), 237-40(d), 238-7. Interest rates: No. Underpayment – .66% per month. HAW. REV. STAT. § 231-39(b)(4)(A). Overpayment – .33% per month with a 90-day grace period. HAW. REV. STAT. §§ 231-23(d)(1), 231-23(a)(2).	30 days. HAW. REV. STAT. §§ 235-114, 237-42, 238-8, ch. 232.	Yes. Return is due the 20th day of the 4th month following close of fiscal year. Hawaii Form N-30 Instructions. No. Must file Form N-301 for 6-month Extension.	No definition of final determination. IRS and non-IRS changes must be reported within 90 days on an amended return. HAW. REV. STAT. § 235-101(b).	Dept. of Taxn. posts redacted letter rulings on its website, as well as tax memoranda and other policy guidance. BOR hearings are informal, and decisions are not published. Tax Appeal Court decisions are published online.	
ID	Yes. Bd. of Tax Appeals is within Dept. of Rev. & Taxn., but not subject to the supervision or control of the State Tax Commission (STC). IDAHO CODE ANN. §§ 63-3801 to 63-3814. No tax expertise required. For sales /use and corp. income tax controversies exceeding \$25,000, no appeal to Bd. of Tax Appeals allowed. IDAHO CODE ANN. § 63-3049.	Yes. 20% of the amount asserted for appeal to Board of Tax Appeals or District Court. IDAHO CODE ANN. § 63-3049.	SOL: Yes, 3 years for both. Assessment – IDAHO CODE ANN. § 63-3068(a). Sales Tax: § 63-3633(a). Refund – IDAHO CODE ANN. § 63-3072(b). Sales Tax: § 63-3626(b). Interest rates: Yes, federal mid-term rate plus 2%, equally applied. Underpayment – IDAHO CODE ANN. § 63-3045(6) (c). Overpayment – IDAHO CODE ANN. § 63-3073, 63-3045(6)(c).	63 days. IDAHO CODE ANN. § 63-3045(1)(a).	Yes. 15th day of the fourth month following the close of the fiscal year. IDAHO CODE ANN. §§ 63-3032, 63-3085. Yes. Automatic 6-month extension. IDAHO CODE ANN. § 63-3033.	IRS and non-IRS changes must be reported within 60 days, per regulation. Statute requires immediate filing. IDAHO CODE ANN. § 63-3069(2).	Letter rulings are not issued. Decisions of the Idaho Tax Commission are published on the Commission's website, with taxpayer information redacted. Ad Valorem decisions of the Board of Tax Appeals are published on the Board's website for 2011-2012.	

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IL	Yes, the IL Independent Tax Tribunal, effective 1/1/2014. The Tribunal will have original jurisdiction over most IL DOR determinations where the amount in controversy exceeds \$15,000. Jurisdiction does not extend to property tax assessments. An ALJ must have substantial knowledge of state tax laws. Illinois Tax Tribunal Act of 2012; 35 ILCS 1010.	No, for Independent Tax Tribunal, although a 25% bond may be required if determined that appeal is frivolous or purpose is to delay collection of tax. 35 ILL. COMP. STAT. 1010/1-45(c). Yes, to bypass administrative hearing and Tax Tribunal and reach Circuit Court for de novo review. 35 ILL. COMP. STAT. §§ 5/3-102, -103.	SOL: Yes, 3 years for both. Assessment – 35 ILL. COMP. STAT. § 5/905(1). Refunds – 35 ILL. COMP. STAT. § 5/911(1).  Interest rates: Yes, the federal underpayment rate, adjusted semiannually. Underpayment – 35 ILL. COMP. STAT. §§ 5/1003(a), 735/3-2. Overpayment – 35 ILL. COMP. STAT. §§ 5/909(c), 735/3-2.	60 days. 35 ILL. COMP. STAT. § 5/908(a).	Yes. Extended state due date is one month beyond federal extended due date. 35 ILL. COMP. STAT. § 5/505. Yes. Automatic 6-month extension plus 1 additional month. 35 ILL. COMP. STAT. § 5/505.	No definition of final determination. Significant controversy regarding what constitutes a final determination. 120 days to file amended form. 35 ILL. COMP. STAT. § 506(b).  IL DOR takes the position that it can make adjustments that are not related to the RAR.	Redacted IL DOR letter rulings are available online. Rulings are usually general in nature and not binding. Administrative hearings are published online with taxpayer information redacted.  The Tax Tribunal is required to index and publish its final decisions, with taxpayer ID numbers, and any trade secrets or other intellectual property redacted. 35 ILL. COMP. STAT. 1010/1-85.	1) Eligible tax liabilities not satisfied during amnesty periods are subject to interest 200% of normal rate. 35 ILL. COMP. STAT. § 735/3-2(f). 2) Statutes allow Qui Tam lawsuits for non-income tax (e.g., sales and use tax). 3) Failure to implement Tax Tribunal, resulting in six-month delay. 4) Appointment of Chief ALJ to Tax Tribunal without state tax expertise.
IN	Yes. Appeals from adverse findings at the IN DOR's informal conference may be brought before the Indiana Tax Court de novo. IND. CODE ANN. §§ 6-8.1-5-1(g), (h); 6-8.1-9-1(c), (d).	Yes; before reaching the Tax Court the taxpayer must petition to enjoin collection of the tax. IND. CODE ANN. § 33-26-6-2.	SOL: Yes, 3 years for both. Assessment – IND. CODE ANN. § 6-8.1-5-2(a). Refund – IND. CODE ANN. § 6-8.1-9-1(a)(1).  Interest rates: Yes, average state investment yield plus 2%. Underpayment – IND. CODE ANN. § 6-8.1-10-1(c). Overpayment – IND. CODE ANN. §§ 6-8.1-9-2(c), 6-8.1-10-1(c). Interest on refunds paid from date of refund claim. Id.	60 days. IND. CODE ANN. § 6-8.1-5-1(d) (increased from 45 days, effective for notices mailed after Dec. 31, 2010).	Yes. 15th day of fourth month following the close of the tax year. IND. CODE ANN. § 6-3-4-3. Yes. Automatic 6-month extension plus thirty days. IND. CODE ANN. § 6-8.1-6-1(c).	No substantive definition of final determination. IRS changes must be reported within 180 days on an amended return. IND. CODE ANN. § 6-3-4-6 (increased from 120 days, effective Jan. 1, 2011).	IN DOR Letters of Finding and Revenue Rulings published on Indiana Register's website, must be keyword searched in the Register online. Taxpayer information redacted.  Indiana Tax Court opinions published to judicial website, chronologically listed.	1) Burden of proof when IN DOR asserts alternative apportionment or forces combination. (See, e.g., Indiana Department of State Revenue v. Rent-A-Center East, Inc., Indiana Supreme Court, No. 49S10-1112-TA-683, Mar. 9, 2012.)

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IA	No. Although an Administrative Law Judge of the Department of Inspections and Appeals conducts evidentiary hearings, IA DOR can retain jurisdiction and override. IOWA CODE §17A.11-16.	No. IOWA CODE §§ 17A.19, 421.1, 422.28, 423.47.	SOL: Yes, 3 years for both. Assessment – IOWA CODE §§ 422.39, 422.25(1) (A), 423.37. Refund – IOWA CODE §§ 422.73(1), 423.37, 423.47.  Interest rates: Yes, prime rate plus 2%, equally applied. Underpayment – IOWA CODE §§ 422.39, 422.24, 421.7, 423.40(1). Overpayment – IOWA CODE §§ 421.7, 422.28, 422.41, 422.39, 422.25(3), 421.60(2) (e).	60 days. IOWA CODE §§ 422.28, 422.41; IOWA ADMIN. CODE r. 701-55.5.	Yes. Last day of the 4th month following the close of the taxable year. IOWA CODE § 422.21. Yes. Automatic extension. Form IA 1120 instructions.	No definition of final determination. IRS changes must be reported "as soon as possible". IOWA CODE § 421.27(2)(b).	Some letter rulings available (redacted), for tax years 1986-2013. Some administrative rulings available (unredacted), for tax years 1977-2013. In each case, the rulings are published to the Iowa Tax Research Library on the IA DOR's website, searchable and organized by tax type.	
KS	Yes, the Court of Tax Appeals (COTA) consisting of three tax law judges appointed by the Governor and confirmed by the Senate. KAN. STAT. ANN. § 74-2433. Hearings are de novo. KAN. STAT. ANN. § 74-2438.	No, for appeals to COTA. However, a 125% bond is required when appealing a COTA decision. KAN. STAT. ANN. § 74-2426(d).	SOL: Yes, 3 years for both. Assessment – KAN. STAT. ANN. § 79-3230(g). Refunds – KAN. STAT. ANN. § 79-3230(c) (prior one-year SOL for refunds repealed).  Interest rates: Yes, federal underpayment rate plus 1%.  Underpayment – KAN. STAT. ANN. §§ 79-3228(c), 79-2968. Overpayment – KAN. STAT. ANN. §§ 79-3210(e), 79-2968. Interest on refunds paid from date of refund claim. Id.	60 days to request an informal conference. KAN. STAT. ANN. §§ 79-3226(a), 79-3221(b). 30 days to appeal a final determination to COTA. KAN. STAT. ANN. § 74-2438.	Yes. 15th day of the 4th month following the close of the taxable year. Form K-120 instructions. Yes. Automatic 6-month extension. Form K-120 instructions; KAN. STAT. ANN. § 79-3221(c); KAN. ADMIN. REGS. § 92-12-67.	No definition of final determination. KAN. STAT. ANN. § 79-3230(f) references the date adjustments "become final," without defining that phrase. IRS and non-IRS changes must be reported within 180 days on an amended return. KAN. STAT. ANN. § 79-3230(f).	KS DOR Private Letter Rulings are redacted and published online chronologically and by tax type. See online Policy Information Library. COTA decisions "deemed of sufficient importance to be published by the court." KAN. STAT. ANN. § 74-2433(d). A small number of decisions are published online.	

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
KY	Yes, the Kentucky Board of Tax Appeals (KBTA). Members are appointed by the Governor. No tax expertise required. KY, REV. STAT. ANN. §§ 131.310 to 131.370.	No, before KBTA. 103 KY, ADMIN. REGS. 1:010. Yes, bond required for appeal to Circuit Court. KY, REV. STAT. ANN. § 131.370.	SOL: Yes, 4 years for both. Assessment – KY, REV. STAT. ANN. §§ 141.210(2), 139.620. Refunds – KY, REV. STAT. ANN. §§ 134.580(3), 141.235. However, statute is two years for constitutional challenges. Interest rates: No. Underpayment – Prime rate plus 2%. KY, REV. STAT. ANN. § 131.183(2)(a)(2). Overpayment – Prime rate minus 2%. KY, REV. STAT. ANN. § 131.183(2)(b)(2).	45 days. KY, REV. STAT. ANN. §§ 131.110(1); 103 KY, ADMIN. REGS. 1:010.	Yes. 15th day of the 4th month following the close of the taxable year. KY, REV. STAT. ANN. §§ 141.160, 141.220. Yes. Automatic 6-month extension. Form 720 SL instructions.	Final determination means the revenue agent's report or other documents reflecting the final and unappealable adjustment made by the IRS. KY, REV. STAT. ANN. § 141.210(4)(b). IRS changes must be reported within 30 days on an amended return. KY, REV. STAT. ANN. § 141.210(4).	KY DOR will issue binding, written guidance to requesting taxpayers, but the guidance is not published in any form. KBTA decisions are published online, unredacted. Search required to find and view opinions.	1) KY DOR uses private attorneys to prosecute tax cases.
LA	Yes, the Louisiana Board of Tax Appeals (BTA). LA, REV. STAT. ANN. §§ 47:1401 to 1486. However, the LA DOR has significant control over whether a taxpayer can appeal to the Board of Tax Appeals. LA, REV. STAT. ANN. § 47:1431. Also, the BTA is not available for local tax disputes.	No to appeal to BTA, but taxpayer may be forced to pay to appeal if LA DOR does not issue formal assessment. LA, REV. STAT. ANN. §§ 47:1579, 47:1581. Refunds – LA, REV. STAT. ANN. § 47:1623. Yes, to appeal to District Court. LA, REV. STAT. ANN. § 47:1576.	SOL: Yes, 3 years for both. Assessment – LA, CONST. art. VII, § 16; LA, REV. STAT. ANN. §§ 47:1579, 47:1581. Refunds – LA, REV. STAT. ANN. § 47:1623. Interest rates: No. Underpayment – 7% for 2013. LA, REV. STAT. ANN. § 47:1601.A. Overpayment – 4% for 2013. LA, REV. STAT. ANN. §§ 47:1624(A), 13:4202(B).	30 days after receipt of proposed assessment; 60 days if LA DOR issues formal assessment. LA, REV. STAT. ANN. §§ 47:1563, 47:1565.	Yes. 15th day of the 4th month following the close of the taxable year. LA, REV. STAT. ANN. §§ 47:287.614, 47:609. No. Taxpayer must apply; extension not to exceed 7 months from the original return date. LA, REV. STAT. ANN. §§ 47:612, 47:103(D), 47:287.614.	No definition of final determination. IRS changes must be reported within 60 days on an amended return. LA, REV. STAT. ANN. §§ 47:103(C), 47:287.614(C). LA DOR may make non-IRS adjustments post general statute to assess based on federal waiver. LA, REV. STAT. ANN. §§ 47:1580(B), 47:1623(E).	Some rulings available online with taxpayer information redacted, for tax years 2001-2010. However, the LA DOR has indicated it will discontinue this practice. LA DOR's Field Audit Division hears protest and does not publish decisions. Board of Tax Appeals decisions are published on Westlaw and Lexis, not on website.	1) Separate local taxing authorities create onerous compliance burdens for taxpayers. Local jurisdictions also use outside counsel to prosecute tax cases. 2) Taxpayers must pay outside attorney fees in local tax disputes, up to 10% of amount collected. 3) Local taxing authorities are authorized to pay contract auditors on a contingent fee basis. LA, REV. STAT. ANN. § 47:337.26(B) (3).



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ME	Yes, the Maine Board of Tax Appeals, effective 7/1/2012. 36 ME. REV. STAT. ANN. § 151-D. Board is independent of Maine Revenue Services, and no ex parte communications are allowed. Taxpayers may appeal either to the Board or to Superior Court, and Board decisions may be appealed de novo by either party to Superior Court.	No. 36 ME. REV. STAT. ANN. § 152.	SOL: Yes, 3 years for both. Assessment – 36 ME. REV. STAT. ANN. § 141(1). Refund – 36 ME. REV. STAT. ANN. § 5278(1). Interest rates: Yes, prime rate plus 3%. Underpayment – 36 ME. REV. STAT. ANN. § 186. Overpayment – 36 ME. REV. STAT. ANN. §§ 5279(1), 5279(186). However, interest on refunds begins from date refund filed, with no interest if paid within 60 days of the filing of the refund. 36 ME. REV. STAT. ANN. § 5279(4).	60 days. 36 ME. REV. STAT. ANN. § 151(1).	No. Return due date is the same day as federal return. 36 ME. REV. STAT. ANN. § 5227; Form 1120ME instructions. Yes. Automatic 7-month extension. 36 ME. REV. STAT. ANN. § 5231; Form 1120ME instructions.	Final determination is defined in 36 ME. REV. STAT. ANN. § 5227-A(2)(A)-(F). Must be reported within 180 days on an amended return. 36 ME. REV. STAT. ANN. § 5227-A(2).	Maine Revenue Services will issue non-binding advisory rulings to taxpayers pursuant to Me. Rev. Serv. Rule 110. Advisory rulings are not published, but after 7/1/12 may be obtained in redacted form through a FOIA request. Maine Board of Tax Appeals publicly releases redacted rulings on its website.	
MD	Yes, the Maryland Tax Court. MD. CODE ANN., TAX – GEN. §§ 3-101 to 3-113.	No. MD. CODE ANN., TAX – GEN. § 13-510.	SOL: Yes, 3 years for both. Assessment – MD. CODE ANN., TAX – GEN. § 13-1101(a). Refund – MD. CODE ANN., TAX – GEN. §§ 13-903, 13-1104(a). Interest rates: Yes. Greater of 13% or average prime rate plus 3% per year, equally applied. MD. CODE ANN., TAX – GEN. § 13-604(b).	30 days. MD. CODE ANN., TAX – GEN. §§ 13-508(a).	No. 15th day of the 3rd month following the close of the tax year, although a seven-month extension is available. MD. CODE ANN., TAX – GEN. § 10-821(a). No. 7-month extension available with filing of Form 500E. MD. CODE ANN., TAX – GEN. § 10-823.	No definition of final determination. IRS changes must be reported within 90 days on an amended return. MD. CODE ANN., TAX – GEN. § 13-409(a), (b).	No letter rulings found online. However, the Comptroller's office publishes general guidance (e.g., Bulletins, Notices) online. Some Maryland Tax Court decisions available online for tax years 1999-2013 (e.g., three decisions each for 2011 and 2012, one for 2013).	

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MA	Yes, the Appellate Tax Board. MASS. GEN. LAWS ANN. ch. 58A, §§ 1-14.	No. MASS. GEN. LAWS ANN. ch. 62C, § 32.	SOL: Yes, 3 years for both. Assessment – MASS. GEN. LAWS ANN. ch. 62C, § 26(b). Refunds – MASS. GEN. LAWS ANN. ch. 62C, § 36. Interest rates: No. Underpayment – Federal short-term rate plus 4%. Overpayment – Federal short-term rate plus 2%. MASS. GEN. LAWS ANN. ch. 62C, §§ 32, 40.	60 days. MASS. GEN. LAWS ANN. ch. 62C, § 39.	No. 15th day of third month after close of taxable year. MASS. GEN. LAWS ANN. ch. 62C, § 30; 830 MASS. CODE REGS. 62C:30.1. Yes. Automatic 6-month extension (or longer with filing of Form 355-7004). MASS. GEN. LAWS ANN. ch. 62C, § 19; Form 355 instructions.	Final determination is defined in MASS. GEN. LAWS ANN. ch. 62C, § 30; 830 MASS. CODE REGS. 62C:30.1. IRS and non-IRS changes must be reported within 3 months on an amended return. MASS. GEN. LAWS ANN. ch. 62C, § 30.	MA DOR publishes redacted letter rulings to its website in chronological order, along with other guidance in its Legal Library (e.g., Regulations, Technical Information Directives). Appellate Tax Board rulings published for formal appeals, when requested by the parties.	
MI	Yes, the Michigan Tax Tribunal. MICH. COMP. LAWS ANN. §§ 205.21, 205.22.	No, before the Tax Tribunal and subsequent appeals, but the taxpayer must pay the uncontested portion of the tax. MICH. COMP. LAWS ANN. § 205.22. Yes, if taxpayer chooses option of hearing at the Court of Claims. Id.	SOL: No. Generally four years, but: Assessment – MICH. COMP. LAWS ANN. § 205.27a(2). Statute is suspended on the commencement of an audit. Refunds – MICH. COMP. LAWS ANN. §§ 205.30(2), 205.27a(2), (6). Statute is 90 days for claims based on constitutional or federal law. Interest rates: Yes, prime rate plus 1%. Underpayments – MICH. COMP. LAWS ANN. § 205.23(2). Overpayments – MICH. COMP. LAWS ANN. §§ 205.30(3), 205.23(2). Interest does not accrue until 45 days after refund claim is filed. MICH. COMP. LAWS ANN. § 209.30(3). Effective 1/1/2014, additional interest paid on refund beginning 60 days after refund claim is filed.	60 days to seek informal hearing at MI DOR on notice of intent to assess. MICH. COMP. LAWS ANN. § 205.21(2)(c). 35 days to appeal an assessment to Michigan Tax Tribunal; 90 days to pay under protest and appeal to Court of Claims. MICH. COMP. LAWS ANN. § 205.22.	Yes. Last day of 4th month following close of taxable year. MICH. COMP. LAWS ANN. § 208.1505. No. Extension up to 8 months granted with filing of tentative return and copy of federal extension request by due date. MICH. COMP. LAWS ANN. § 208.1505(3), (4).	No definition of final determination. IRS changes must be reported within 120 days on an amended return. MICH. COMP. LAWS ANN. § 208.1507(2).	Department of Treasury at this time has published five anonymous letter rulings for 2013, the first letter rulings listed since 2002 on the website. Tax Tribunal decisions published online, chronologically.	

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MN	Yes, the Minnesota Tax Court. MINN. STAT. ANN. §§ 271.01 to 271.21.	No. MINN. STAT. ANN. §§ 271.01 to 271.21.	SOL: Yes, 3.5 years for both. Assessment – MINN. STAT. ANN. § 289A.38, Subd. 1. Refund – MINN. STAT. ANN. § 289A.40, Subd. 1. Interest rates: Yes, prime rate rounded to the nearest full percent. Underpayment – MINN. STAT. ANN. §§ 289A.55, 270C.40. Overpayment – MINN. STAT. ANN. §§ 289A.56, 270C.405.	60 days. MINN. STAT. ANN. § 270C.35; Subd. 4.	No, corporate returns due on federal filing date. MINN. STAT. ANN. § 289A.18, Subd. 1(2). Yes. Automatic 7-month extension. MINN. STAT. ANN. § 289A.38, Subd. 2.	No definition of final determination. IRS changes must be reported within 180 days on an amended return. MINN. STAT. ANN. § 289A.38, Subd. 7.	MN DOR does not have an official letter ruling program, but issues informal letters as its discretion. The DOR also issues bulletins and revenue notices. Tax Court opinions are public and published to the Tax Court's website. Decisions must be searched (not published in chronological order).	1) Absent a prior field audit, DOR may make non-IRS adjustments post general statute to assess. MINN. STAT. ANN. § 289A.38, Subd. 9.
MS	Yes, the Board of Tax Appeals. MISS. CODE ANN. § 27-4-1.	No, to Board of Tax Appeals. To appeal to Chancery Court, must pay tax or post bond of 50% of amount in dispute; the Court may reduce/waive bond requirement in limited circumstances. MISS. CODE ANN. § 27-77-7(3).	SOL: Yes, 3 years for both. Assessment – MISS. CODE ANN. § 27-49(1). Refund – MISS. CODE ANN. § 27-7-313. Interest rates: Yes, 1% per month, equally applied. Underpayment – MISS. CODE ANN. § 27-7-51(2). Overpayment – MISS. CODE ANN. § 27-7-315.	60 days. MISS. CODE ANN. § 27-77-5(1).	No, 15th day of the third month following close of taxable year. Form 83-100 instructions. No. Automatic extension, but must file Form 83-180 on or before due date. Federal extension accepted only if no tax liability exists. Form 83-100 instructions.	No definition of final determination. IRS changes must be reported within 30 days on an amended return. MISS. CODE ANN. § 27-7-51(4).	Private letter rulings are not published. Declaratory opinions are not confidential, and therefore are very rarely used. MS DOR does not publish decisions of its review board, and Board of Tax Appeals decisions are not published (although they become part of the public record if judicial review is sought).	1) Extremely strict appeal procedures; no "mailbox rule" at administrative appeals levels. 2) Supreme Court decision interpreting judicial appeals as not de novo (see <i>Equifax Inc. v. Mississippi Dept. of Rev.</i> , Docket No. 2010-CT-01857-SCT). 3) Taxpayer carries burden of proof, regardless if alternative apportionment sought by MS DOR (Id.)

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MO	Yes, the Administrative Hearings Commission is independent of the MO DOR. Members are appointed by Governor. No requirement for tax expertise.MO. ANN. STAT. §§ 621.015 to 621.205.	No. MO. ANN. STAT. § 621.050.	SOL: Yes, 3 years. Assessment – MO. ANN. STAT. §§ 143.711(1), 144.220(3). Refund – MO. ANN. STAT. §§ 143.801(1), 144.190(2). Interest rates: No. Underpayment –Prime rate. MO. ANN. STAT. §§ 143.731(1), 144.170, 32.065. Overpayment – Annualized average rate on funds invested by the Treasurer's Office. MO. ANN. STAT. §§ 32.069, 32.068. Interest runs from date of refund claim. MO. ANN. STAT. § 32.069.	60 days. MO. ANN. STAT. § 143.631(1). For appeal to the Admin. Hearing Comm., 30 days to appeal income tax assessment (MO. REV. STAT. §143.651) or 60 days to appeal sales tax assessment (MO. REV. STAT. §144.230).	Yes. 15th day of fourth month following close of taxable year. MO. ANN. STAT. § 143.511. Yes. Automatic 6-month extension granted if federal extension. Form MO-1120 instructions; Mo. Ann. Stat. §143.551.2	Final determination defined under authority of MO. ANN. STAT. § 143.601 by regulation (12 CSR 10-2.105). IRS changes must be reported within 90 days on an amended return. MO. ANN. STAT. § 143.601.	MO DOR states that it publishes redacted versions of all letter rulings. All Administrative Hearing Commission decisions are published on its website, along with filings submitted in connection with the appeal.	1) MO DOR argues that sales & use taxes are different. Therefore, if there is an offset during audit, it tolls the statute of limitations for the offset tax. 2) New issues to support claims for Refund may not be raised at the AHC.
MT	Yes, the State Tax Appeal Board. MONT. CODE ANN. §§ 15-2-101 to 15-2-306.	No. MONT. CODE ANN. § 2-4-702.	SOL: Yes, 3 years for both. Assessment – MONT. CODE ANN. §§ 15-31-509(1), 15-30-2606. Refund – MONT. CODE ANN. §§ 15-31-509(2), 15-30-2609. Interest rates: Yes, 1.2% per month, equally applied. Underpayment – MONT. CODE ANN. §§ 15-31-503, 15-1-216(2)(a). Overpayment – MONT. CODE ANN. §§ 15-31-531, 15-31-503, 15-1-216(9).	30 days. MONT. CODE ANN. §15-2-302.	Yes. 15th day of fifth month following close of taxable year. MONT. CODE ANN. § 15-31-111(3); Form CLT-4 Instructions. Yes. Automatic 6-month extension. <i>Ibid.</i>	No definition of final determination. IRS and non-IRS changes must be reported within 90 days on an amended return. MONT. CODE ANN. § 15-31-506.	State does not provide private letter rulings; declaratory rulings are available but not sought due to concerns regarding disclosure of confidential taxpayer information. A select number of State Tax Appeal Board decisions are published online, classified by tax type.	



State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
NE	No. NEB. REV. STAT. § 77-27.127.	Yes. NEB. REV. STAT. § 77-27.129. Tax payment not required to protest assessment, but Commissioner may commence collection unless deficiency paid or bond filed.	SOL: Yes, 3 years for both. Assessment – NEB. REV. STAT. §§ 77-2786(1), 77-2709. Refund – NEB. REV. STAT. §§ 77-2793(1), 77-2708. Interest rates: Yes, federal rate plus 3%, equally applied. Underpayment – NEB. REV. STAT. §§ 77-2788(1), 77-2709(3), 45-104.02(2). Overpayment – NEB. REV. STAT. §§ 77-2794(1), 45-104.02(2).	60 days. NEB. REV. STAT. § 77-2778.	No. 15th day of third month after close of tax year. Form 1120N instructions; NEB. REV. STAT. § 77-2768. Yes. Automatic 6-month extension; 7-month extension available with the filing of Form 7004N. Form 1120N instructions; NEB. REV. STAT. § 77-2770.	Final determination is defined in NEB. REV. STAT. § 77-2775(2). IRS and non-IRS changes must be reported within 60 days on an amended return. NEB. REV. STAT. § 77-2775(2).	A limited number of revenue rulings are available on the NE DOR's website. Private letter rulings and administrative rulings are not available.	NE DOR may make non-IRS adjustments post general statute to assess. NEB. REV. STAT. § 77-2786.
NV	No. Appeal to Nevada Tax Commission is on the record established by Department of Taxation's Hearing Officer. NEV. ADMIN. CODE § 360.185.	Yes. Taxpayers must prepay or enter a payment agreement. NEV. REV. STAT. § 360.395.	SOL: Yes, 3 years for both. Assessment – NEV. REV. STAT. ANN. § 360.355. Refund – NEV. REV. STAT. ANN. §§ 372.635; 374.640. Interest rates: No. Underpayment – 0.75% per month. NEV. REV. STAT. ANN. §§ 360.295, 360.417. Overpayment – 0.25% per month. NEV. REV. STAT. ANN. § 360.2937.	45 days. NEV. REV. STAT. ANN. § 360.360.	N/A	N/A	Department of Taxation issues binding written guidance to taxpayers, but does not normally release it in redacted form or otherwise. Hearing decisions are released only to the parties in the hearings. Nevada Tax Commission meetings are open, but results of meetings are not published.	

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NH	Yes, the Board of Tax & Land Appeals ("BLTA", non-judicial) or Superior Court. N.H. REV. STAT. ANN. §§ 71-B:1 to B:22. However, substantially all cases before the BLTA relate to property taxes.	Generally, no. Taxpayer may be required to post bond if NH Department of Revenue Administration (DRA) makes a request based on risk of non-payment. N.H. REV. STAT. ANN. § 21-J:28-b, V.	SOL: No. Assessment - Later of 3 years from the due date or 3 years from the filing date. N.H. REV. STAT. ANN. § 21-J:29, I) (a). Refund - Later of 3 years from the due date or 2 years from the payment date. N.H. REV. STAT. ANN. § 21-J:29 (I) (b). Statute is 120 days if challenge is constitutional. N.H. REV. STAT. ANN. § 21-J:29, I) (c). Interest rates: No. Underpayment - Federal underpayment rate plus 2%. N.H. REV. STAT. ANN. § 21-J:28, II. Overpayment - Federal underpayment rate less 3%. N.H. REV. STAT. ANN. § 21-J:28, III.	60 days. N.H. REV. STAT. ANN. § 21-J:28-b, I.	Business Profits Tax (BPT) return is due the 15th day of the 3rd month following the close of the taxable period. N.H. REV. STAT. ANN. § 77-A:6, I. Automatic 7- month extension if 100% of tax due is paid. NH General Instructions for Filing Business Enterprise and Business Profits Taxes (2012).	Final determination is defined in N.H. CODE ADMIN. R. ANN. § 307.10. IRS changes must be reported within 6 months on an amended return. N.H. REV. STAT. ANN. § 77-A:10.	Yes, "Declaratory Rulings" with taxpayer information redacted. A limited number of rulings are published on the NH DRA's website (one ruling from 2010-2013). Further, DRA audit positions are often not reflected in regulations or technical information releases, and regulations are infrequently updated. DRA Hearings Bureau does not publish decisions; BTLA decisions are published (searchable database only). DRA publishes significant BTLA and judicial decisions to its website.	1) NH DRA asserts that "failure to pay" and "failure to file" penalties apply based on interpretive differences as well as on amounts paid on the original return.
NJ	Yes, the New Jersey Tax Court. N.J. STAT. ANN. § 54:51A-13.	No. However, taxpayers may be required to post bond for contested amount based on financial risk. N.J. STAT. ANN. § 54:49-18.	SOL: Yes, 4 years for both. Assessment - N.J. STAT. ANN. § 54:49-6(b). Refund - N.J. STAT. ANN. § 54:49-14(a). Interest rates: No. Underpayment - Prime rate plus 3%. N.J. STAT. ANN. § 54:49-3. Overpayment - Prime rate. N.J. STAT. ANN. § 54:49-15.1.	90 days. N.J. STAT. ANN. § 54:49-18(a).	Yes. 15th day of fourth month following close of taxable year. N.J. STAT. ANN. § 54:10A-15. No. Must file Form CBT-200T. N.J. STAT. ANN. § 54:10A-19; N.J. ADMIN. CODE § 18:7-11.12.	Final determination is not defined. N.J. STAT. ANN. § 54:10A-13. IRS changes must be reported on an amended return within 90 days on an amended return. Id.	Letter Rulings published on the Division of Taxation's website at the discretion of Director (13 total redacted rulings published from 2010-2013). Recent Tax Court decisions published on Court's website for 10 business days, then searchable on Rutgers School of Law website.	1) Limited ability for taxpayer to file a claim for refund if assessment appeal period is missed. N.J. STAT. ANN. § 54:49-14.

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
NM	No independent tax dispute forum. Record is set at Taxation and Revenue Department hearing. N.M. STAT. ANN. §§ 7-1-1 to 7-1-82.	Yes. Tax must be paid to obtain an independent review of a Taxation and Revenue Department determination at District Court. N.M. STAT. ANN. § 7-1-23.	SOL: Yes, 3 years for both. Assessment – N.M. STAT. ANN. § 7-1-18(E). Refund – N.M. STAT. ANN. § 7-1-26(D). (2013 H.B. 299, eff. 7/1/2013, repealed former law providing an unequal statute of limitations following a federal change.)  Interest rates: Yes, federal underpayment rate, equally applied. Underpayment – N.M. STAT. ANN. § 7-1-67(B). Overpayment – N.M. STAT. ANN. § 7-1-68(B).	90 days. N.M. STAT. ANN. § 7-1-24(C). (Change from 30 days made by 2013 H.B. 299, eff. 7/1/13)	No. N.M. STAT. ANN. § 7-2A-9; Form CIT-1 instructions. Yes. Automatic 6-month extension. Additional time may be granted by filing Form RPD-41096. N.M. STAT. ANN. § 7-1-13(E).	Final determination defined in N.M. STAT. ANN. § 7-1-13(F). (Added by 2013 H.B. 299, eff. 7/1/13) IRS changes must be reported within 180 days on an amended return. N.M. STAT. ANN. § 7-1-13(C). (Change from 90 days made by 2013 H.B. 299, eff. 7/1/13)	Redacted rulings are published to the NM DOR website. Rulings are categorized by tax type and subject. Decisions and orders of the NM DOR's hearing officer are published to the NM DOR's website chronologically with synopsis for each case and link to full text.	1) Lack of regulations, particularly for corporate income taxes, creates uncertainty and ambiguity.
NY	Yes, the New York State Division of Tax Appeals and the Tax Appeals Tribunal. N.Y. TAX LAW §§ 2000 to 2026.	Generally, no. However, all taxpayers in NYC, plus sales tax and corporate franchise tax, must pay State, must pay tax to appeal to Appellate Division of Supreme Court. N.Y. TAX LAW §§ 2016, 1090 (corporate tax), 1138(a)(4) (sales tax); N.Y.C. Admin. Code § 11-681.	SOL: Yes, 3 years for both. Assessment – N.Y. TAX LAW § 1083(a). Refund – N.Y. TAX LAW § 1087(a) (corporate franchise tax law cited).  Interest rates: No. Underpayment – Federal short-term rate plus 7%. N.Y. TAX LAW §§ 1084 (a), 1096(e)(2)(B). Overpayment – Federal short-term rate plus 2%. N.Y. TAX LAW §§ 1088(a), 1096(e)(2)(A).	90 days. N.Y. TAX LAW § 1138(a)(1).	No. March 15 for calendar-year taxpayers, or within 2 ½ months of end of reporting period. See, e.g., Form CT-4 instructions. No. 6-month extension with filing of Form CT-5. Additional extensions may be granted for good cause. N.Y. TAX LAW §§ 193, 1462, 1515.	No definition of final determination. Certain events designated as final determination by rule. N.Y. COMP. CODES R. & REGS. tit. 20, § 6-1.3(b). IRS and non-IRS changes must be reported within 90 days (120 days for combined reports) on an amended return. N.Y. TAX LAW § 211(3).	Redacted advisory opinions published on Dept. of Taxation and Finance's website, along with other taxpayer guidance. Division of Tax Appeals determinations and Tax Appeals Tribunal decisions published to website, generally must be searched.	1) Statutes specifically extend Qui Tam lawsuits to tax matters.

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NC	Yes, the Office of Administrative Hearings (OAH). N.C. GEN. STAT. ANN § 105-241.15. Appeals to Business Court are de novo. Chief ALJ may designate ALJs as having the expertise to preside at specific types of cases. N.C. GEN. STAT. § 7A-753. Under Session Law 2011-398, DOR can no longer override an OAH decision.	No, to appeal to OAH. Yes, to appeal from OAH to the Business Court. N.C. GEN. STAT. ANN §§105-241.13 to 105-241.16.	SOL: Yes, generally 3 years from due date for both. Assessment – N.C. GEN. STAT. ANN. § 105-241.8(a) (or 3 years after taxpayer filed, if later). Refund – N.C. GEN. STAT. ANN. § 105-241.6(a) (or 2 years after payment, if later).  Interest rates: Yes. Minimum 5% / maximum 16% per year, equally applied. N.C. GEN. STAT. ANN. § 105-241.21(a).	45 days. N.C. GEN. STAT. ANN § 105-241.11(a).	Yes. 15th day of 4th month following close of taxable year. N.C. GEN. STAT. ANN. § 105-130.17. No. 6-month extension with the filing of Form CD-419. N.C. GEN. STAT. ANN. §§ 105-130.17 (d), 105-263.	No definition of final determination. IRS and non-IRS changes must be reported within 6 months on an amended return. N.C. GEN. STAT. ANN § 105-130.20.	The NC DOR provides for a fee but does not publish specific written advice (letter rulings).  Final decisions of the Secretary of Revenue are published. Office of Administrative Hearings decisions (not redacted) are available on the OAH website.  Business Court decisions are posted to the Court's website.	1) Administrative rules concerning the Secretary of Revenue's authority to adjust net income or to require a combined return for taxable years beginning on or after 1/1/2012, may be found at 17 NCAC 05F.0601.
ND	No. N.D. CENT. CODE §§ 28-32-42 to 28-32-46, 57-38-39 to 57-38-40.	No. N.D. CENT. CODE §§ 28-32-42 to 28-32-46, 57-38-39 to 57-38-40.	SOL: Yes, 3 years for both. Assessment - N.D. CENT. CODE § 57-38-38(1). Refund - N.D. CENT. CODE § 57-38-40. However, statute shortened if challenge is constitutional. N.D. CENT. CODE § 57-01-19.  Interest rates: Yes for income taxes, but no for sales/use taxes.  Underpayment - 1% per month. N.D. CENT. CODE §§ 57-38-45(1)(d) (income), 57-39.2-18(1)(a) (sales/use).  Overpayment - Income: 1% per month. N.D. CENT. CODE § 57-38-35.2(1). Sales/Use: 10% per annum. N.D. CENT. CODE § 57-39.2-25.	30 days. N.D. CENT. CODE § 57-38-39(3).	Yes. 15th day of 4th month following close of taxable year. Form 40 instructions. Yes. 6-month automatic extension. Id.	Final determination is defined in N.D. ADMIN. CODE 81-03-01.1-09(1)(b).  IRS changes must be reported within 90 days on an amended return. N.D. ADMIN. CODE 81-03-01.1-09(1)(b); N.D. CENT. CODE § 57-38-34.4(1).	No letter rulings or administrative rulings available on ND DOR website.	

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OH	Yes, the Ohio Board of Tax Appeals (BTA). OHIO REV. CODE ANN. §§ 5717.01 to 5717.06.	No. OHIO REV. CODE ANN. § 5717.02.	SOL: Yes, 4 years for both. Assessment – Sales: OHIO REV. CODE ANN. § 5739.6(A). CAT: OHIO REV. CODE ANN. § 5751.09(F). Refund – Sales: OHIO REV. CODE ANN. § 5739.07(D). CAT: OHIO REV. CODE ANN. § 5751.09(F). Interest rates: Yes. Federal short-term rate plus 3%, equally applied. OHIO REV. CODE ANN. § 5703.47.	60 days. OHIO REV. CODE ANN. §§ 5733.11(B), 5739.13(B), 5751.09(B).	N/A. Franchise Tax phased-out through 2009 tax year for most taxpayers, repealed effective January 1, 2014.	N/A. Franchise Tax phased-out through 2009 tax year for most taxpayers, repealed effective January 1, 2014.	The Department of Taxation publishes redacted Tax Commissioner Opinions unless the taxpayer requests the opinion remain confidential. OHIO REV. CODE ANN. § 5703.53. The BTA publishes its decisions chronologically to its website (cases also searchable). The Department of Taxation allows the public to inspect its final determinations at the Department's offices.	1) Overly burdensome and complex municipal income tax system (2013 reform legislation/H.B. 5 pending). 2) BTA continues to experience significant problems with the timely resolution of cases. 2013 H.B. 138, enacted 7/11/2013, creates a small claims docket, provides for mediation, requires a case management program, and other reforms intended to resolve this issue.
OK	Effective 1/1/2014, the taxpayer has the option to appeal an order of the Tax Commission de novo to district court. ALJ in the Administrative Proceedings section of the Tax Commission conducts de novo hearing. Appeal to the 3-member Tax Commission is not de novo. OKLA. STAT. ANN. tit. 68, §§ 101, 102, 201 to 203, 207, 225 to 228.	No prepayment required to appeal to the Tax Commission, district court or Supreme Court. OKLA. STAT. ANN. tit. 68, §§ 221, 225. Effective 1/1/14, prepayment requirement for appeal to Supreme Court or Court of Appeals is repealed.	SOL: Yes, 3 years for both. Assessment – OKLA. STAT. ANN. tit. 68 §§ 223(A), 2385.16(A). Refund – OKLA. STAT. ANN. tit. 68 § 2373. Interest rates: Yes, 1.25% per month, equally applied. Underpayment – OKLA. STAT. ANN. tit. 68, § 217(A). Overpayment – <i>Id.</i> , OKLA. STAT. ANN. tit. 68 §§ 217(H), 225(E). Effective 1/1/2014, interest rate disparity on refunds denied by Tax Commission (3%) is repealed.	60 days. OKLA. STAT. ANN. tit. 68 § 221. C.	No. State return due the 15th day of the 3rd month following the close of the taxable year. Form 512 instructions. Yes. Automatic 6-month extension with valid federal extension. Form 512 instructions.	Final determination is defined in OKLA. STAT. ANN. tit. 68, § 2375(H)(2). IRS and non-IRS changes must be reported within one year on an amended return. OKLA. STAT. ANN. tit. 68, § 2375(H)(2).	Private letter rulings are published with taxpayer information redacted, but only for tax years 2000-2012. Tax Commissioner decisions are published with taxpayer information redacted, categorized by tax type.	1) OK DOR may make non-IRS allocation/apportionment adjustments post general statute to assess. OKLA. STAT. ANN. tit. 68, § 2375(H)(4).



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OR	Yes, the Magistrate Division of the Oregon Tax Court. OR. REV. STAT. ANN. § 305.280(2).	No. Tax is not due in the Magistrate Division. OR. REV. STAT. ANN. § 305.419(1). Yes. However, absent hardship, payment is required for subsequent appeal to the Regular Division of the Tax Court. § 305.419(3).	SOL: Yes, 3 years for both. Assessment – OR. REV. STAT. ANN. § 314.410(1). Refund – OR. REV. STAT. ANN. § 314.415(2)(a) (or 2 years after tax paid, whichever is later). Interest rates: Yes, rates vary by tax periods, but equally applied. Underpayment – OR. REV. STAT. ANN. § 305.220(1). Overpayment – OR. REV. STAT. ANN. § 305.220(2).	30 days for informal conference at OR DOR; 90 days to Magistrate Division. OR. REV. STAT. ANN. § 305.265(5), (10).	Yes. 15th day of the month following the due date of the federal return. Form 20 instructions. Yes. Automatic 6-month extension. Form 20 instructions; OR. REV. STAT. ANN. § 314.385(1)(c).	No definition of final determination. IRS and non-IRS changes must be reported. No statutory time period for filing return to report IRS changes. 90 days for changes self-reported to the IRS. OR. REV. STAT. ANN. § 314.380(2).	OR DOR may issue declaratory rulings, but rarely exercises this authority and instead encourages questions for a written response under OR. REV. STAT. ANN. § 305.110. These letters are not binding or published. All Tax Court decisions are searchable online or can be viewed in chronological order.	1) OR DOR may make non-IRS adjustments post general statute to assess. OR. REV. STAT. ANN. § 314.410(4)(b).
PA	Yes. 2013 H.B. 465 provides Board of Finance and Revenue will consist of the State Treasurer or his designee, and two members nominated by the Governor and approved by the Senate. Each member must have at least 10 years of experience requiring substantial knowledge of PA tax law. Appeals from the Board are de novo to the Commonwealth Court. 72 PA. CONS. STAT. ANN. § 1103.	No, but "security" is required to stay collection action. Pa. R.A.P. 1731.	SOL: Yes, 3 years for both. Assessment – 72 PA. CONS. STAT. ANN. § 7407.3(a). Refund – 72 PA. CONS. STAT. ANN. § 10003.1. To request a refund for periods covered by an audit, taxpayers have 6 months from an assessment or determination, 3 years from "actual payment of the tax," whichever is later. Id., amended by 2012 H.B. 761. Interest rates: No. Underpayment – Federal underpayment rate. 72 PA. CONS. STAT. ANN. § 806. Overpayment – Federal underpayment rate minus 2%. 72 PA. CONS. STAT. ANN. § 806.	90 days from assessment mailing date. 72 PA. CONS. STAT. ANN. § 9702(a).	Yes. April 15th or 30 days after federal due date for fiscal year taxpayers. Form CT-1 instructions. Yes, automatic extension equal to federal extension plus 30 days. 72 PA. CONS. STAT. ANN. § 7405, as amended by 2012 H.B. 761; Form CT-1 instructions.	Final "change" is defined in 61 PA. CODE § 153.54(d). IRS changes must be reported within 6 months on an amended return. 72 PA. CONS. STAT. ANN. § 7406, as amended by 2012 H.B. 761.	A limited number of redacted letter rulings are available on the PA DOR's website, searchable and sortable by tax type. 2013 H.B. 465 provides that the Board of Finance and Revenue shall issue a written decision including the conclusions reached and the facts on which the decision was based. Decisions shall be indexed and published on a publicly accessible website maintained by the Board.	

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RI	Administrative appeals are decided by tax administrator. However, appeals of those decisions are to District Court, tried de novo. R.I. GEN. LAWS §§ 8-8-24, 44-11-6, 44-11-20, 44-30-89, 44-19-17, 44-19-25.	Yes. Prepayment required before appeal to District Court. Motion for exemption granted only in hardship cases where taxpayer can show reasonable probability of success on the merits. R.I. GEN. LAWS §§ 8-8-25, 8-8-26.	SOL: Yes, 3 years for both. Assessment – Corporate: R.I. GEN. LAWS § 44-11-7.1(a). Sales Tax: R.I. GEN. LAWS § 44-19-13. Refund – Corporate: R.I. GEN. LAWS § 44-11-20(a). Sales Tax: R.I. GEN. LAWS § 44-19-26. Interest rates: No. Underpayment – Prime rate plus 2%. R.I. GEN. LAWS §§ 44-11-7, 44-1-7. Overpayment – Prime rate. R.I. GEN. LAWS § 44-1-7.1.	30 days. R.I. GEN. LAWS §§ 44-30-89(a), 8-8-25(b).	No. Form RI 1120C; R.I. GEN. LAWS § 44-11-3. No automatic extension; must file RI 7004. Discretion vested with RI DOR. R.I. GEN. LAWS § 44-11-5.	No definition of final determination. IRS and non-IRS changes must be reported within 60 days on an amended return. R.I. GEN. LAWS § 44-11-19.	A limited number of declaratory (private letter) rulings are published with taxpayer information redacted on the Division of Taxation's website. Decisions on administrative appeals are published, with taxpayer information redacted, on the Division of Taxation's website.	
SC	Yes, the Administrative Law Court (ALC). ALC judges are elected by the General Assembly. No tax expertise is required. S.C. CODE ANN. §§ 1-23-500-650, 12-60-10 to 12-60-3390.	No prepayment required for appeal to the ALC for taxes other than property taxes. For property taxes, see S.C. CODE ANN. §§ 12-60-2140, 12-60-2550, 12-60-2930. However, payment of tax or bond must be posted to appeal to the Circuit Court and Court of Appeals. S.C. CODE ANN. § 12-60-3370.	SOL: Yes, 3 years for both. Assessment – S.C. CODE ANN. § 12-54-85(A). Refund – S.C. CODE ANN. § 12-54-85(F)(1). Interest rates: No. Underpayment – Federal underpayment rate. S.C. CODE ANN. § 12-54-25(D). Overpayment – Currently 0%. See S.C. Information Letter No. 13-11, noting legislation directing SC DOR to reduce rate on refunds by three percentage points.	90 days. S.C. CODE ANN. § 12-60-450(A).	No. Form SC 1120 instructions; S.C. CODE ANN. § 12-6-4970(B). Yes. Automatic 6-month extension. S.C. CODE ANN. § 12-6-4980.	No definition of final determination. IRS changes must be reported within 180 days on an amended return. S.C. CODE ANN. § 12-54-85(D).	Advisory opinions, which include revenue rulings, and private letter rulings (with taxpayer information redacted), are published by the SC DOR on its website. ALC decisions are published on the ALC website, and are searchable (for example, all tax decisions may be viewed by searching by Case Type "State Tax").	

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SD	No. Secretary of Revenue reviews ALJ determinations. S.D. CODIFIED LAWS § 10-59-9, 1-26D-6.	Yes. Taxpayer can post bond in lieu of payment. S.D. CODIFIED LAWS § 10-59-9.	SOL: Yes, 3 years for both. Assessment – S.D. CODIFIED LAWS § 10-59-16. Refund – S.D. CODIFIED LAWS § 10-59-19.  Interest rates: Yes, 1.25% per month, equally applied. Underpayment – S.D. CODIFIED LAWS § 10-59-6. Overpayment – S.D. CODIFIED LAWS §§ 10-59-24, 10-59-6.	60 days. S.D. CODIFIED LAWS § 10-59-9.	No. Financial Institution return is due 15 days after federal income tax return is due. S.D. CODIFIED LAWS § 10-43-30. Yes. Automatic 6-month extension with federal extension form. S.D. CODIFIED LAWS § 10-43-30.1.	No definition of final determination. IRS changes must be reported within 60 days on an amended return. S.D. REG. 64:26:02:05.	While the DOR provides written guidance to requesting taxpayers, such guidance is not published. Administrative hearing decisions are not published.	
TN	No. TENN. CODE ANN. §§ 67-1-1801 to 67-1-1807.	Yes. Bond, letter of credit, or affidavit is required in the amount of 150% of assessment. TENN. CODE ANN. § 67-1-1801(c).	Yes, 3 years for both. Assessment – TENN. CODE ANN. § 67-1-1501(b). Refund – TENN. CODE ANN. § 67-1-1802(a)(1)(A).  Interest rates: Yes, rate published in Tenn. Admin. Register, equally applied. Underpayment – TENN. CODE ANN. § 67-1-801(a). Overpayment – TENN. CODE ANN. § 67-1-801(b).	90 days. TENN. CODE ANN. § 67-1-1801(a)(1)(B).	Yes. 15th day of 4th month following close of taxable year. TENN. CODE ANN. § 67-4-2015(a). Yes. Automatic 6-month extension. However, an extension form must be filed on or before the original due date unless no payment is required. TENN. CODE ANN. § 67-4-2015(g)(2).	No definition of final determination. IRS changes must be reported. No statutory time period for filing return to report federal change. TENN. CODE ANN. §§ 67-1-1802 (a)(3), 67-1-1501 (b)(3).	Redacted private letter and revenue rulings are published at Commissioner's discretion. TENN. CODE ANN. § 67-1-109. Rulings are published by tax type on the TN DOR website. As there is no independent tax dispute forum or DOR Admin. Law Division (except informal conference process), there are no published rulings.	1) Assessment for additional tax is deemed made by recording the liability at TN DOR. The assessment is valid regardless of whether notice is provided to the taxpayer. TENN. CODE ANN. § 67-1-1438(b).

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
TX	Yes, the Tax Division of the State Office of Administrative Hearings (SOAH). However, the Comptroller retains the right to reject SOAH decisions. TEX. GOV'T CODE § 2003.101.	Yes, unless the taxpayer demonstrates an inability to prepay the tax and the court grants relief. TEX. TAX CODE ANN. §§ 112.051, 112.108.	SOL: Yes, 4 years for both. Assessment – TEX. TAX CODE ANN. §§ 111.201, 111.205. Refund – TEX. TAX CODE ANN. §§ 111.107, 111.206, 111.201. Interest rates: No. Underpayment – Prime rate plus 1%. TEX. TAX CODE ANN. § 111.060(b). Overpayment – Lesser of annual rate earned on state treasury deposits during December of previous year or prime rate plus 1%. TEX. TAX CODE ANN. § 111.064(a).	30 days. TEX. TAX CODE ANN. § 111.009(b). After an Assessment, the Deputy General Counsel for Administrative Hearings may grant an extension of time to protest; if the statement of grounds is insufficient, the taxpayer can resubmit and has 60-plus additional days to provide documentation.	Yes. May 15th. TEX. TAX CODE ANN. § 171.202. No. Extension through Nov. 15 requires filing of Form 05-110. TEX. TAX CODE ANN. § 171.202.	Final determination is defined in TEX. TAX CODE ANN. § 171.212(b). IRS and non-IRS changes must be reported within 120 days on an amended return. TEX. TAX CODE ANN. §§ 111.206, 171.212(c).	State Tax Automated Research System on Comptroller's website includes redacted letter rulings and SOAH rulings. Includes new documents, advanced searches, and subject matter index.	1) Franchise taxpayers have experienced recurring and significant issues related to inaccurate or multiple notices. Comptroller is working with taxpayers on this issue. Comptroller has also sought to address issue of undue revocations of good standing by implementing new "right to transact business" standard, effective May 5, 2013.
UT	The 4-member elected State Tax Commission (STC) conducts formal de novo hearings. UTAH CODE ANN. §§ 59-1-501 to 59-1-505. However, the District Court may review all decisions of the STC in a de novo trial. UTAH CODE ANN. § 59-1-601.	Yes, but it can be waived. The Commission must waive the requirement if the taxpayer establishes it has sufficient resources to pay the deficiency if subsequently upheld by the court. UTAH CODE ANN. § 59-1-611.	SOL: Yes, 3 years for both. Assessment – UTAH CODE ANN. § 59-7-519(1)(a). Refund – UTAH CODE ANN. § 59-7-522(2). Interest rates: Yes, federal short-term rate plus 2%. Underpayment – UTAH CODE ANN. §§ 59-7-510, 59-1-402(3)(b). Overpayment – UTAH CODE ANN. §§ 59-7-533, 59-1-402(3)(a).	30 days for the petition with supplemental information allowed later. UTAH CODE ANN. §§ 59-1-503, 59-1-504.	Yes. 15th day of 4th month following close of taxable year. UTAH CODE ANN. § 59-7-505(2). Yes. Automatic 6-month extension. Form TC-20 instructions; UTAH CODE ANN. § 59-7-505(3).	No definition of final determination. IRS changes must be reported within 90 days on an amended return. UTAH CODE ANN. § 59-7-519(3).	Private letter rulings are published on the STC website with taxpayer information redacted. STC decisions are published on its website with taxpayer information redacted.	

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
VT	No. The Tax Commissioner conducts hearings on appeals. VT. STAT. ANN. tit. 32, §§ 5883 to 5888.	No, for corporate income taxes. VT. STAT. ANN. tit. 32, § 5886. Yes, for sales & use taxes. VT. STAT. ANN. tit. 32, § 9817.	SOL: Yes. Assessment – 3 years from date tax paid or date of filing. VT. STAT. ANN. tit. 32, § 5882(a). Refund – 3 years from return due date. VT. STAT. ANN. § 5884(a). Interest rates: No. Underpayment – Federal overpayment rate plus 200 basis points. VT. STAT. ANN. tit. 32, § 3108. Overpayment – Average prime rate for the 12-month period beginning 10/1 of the previous year. <i>Id.</i> , 2012 H. 782.	60 days. VT. STAT. ANN. tit. 32, § 5883.	Yes. State return due the 15th day of 3rd month following year-end, but automatic extension to 30 days after federal extended due date. Form BA-403 must be filed for Vermont extension. VT. STAT. ANN. tit. 32, §§ 5862, 5868; Form CO-411 instructions.	Final determination is defined in VT. STAT. ANN. tit. 32, § 5888. IRS changes must be reported within 60 days on an amended return. VT. STAT. ANN. tit. 32, § 5866(a); Form CO-411 instructions.	The Department of Taxes publishes redacted Formal Rulings on its website, in chronological order, as well as other legal information such as Technical Bulletins. No independent tax dispute forum; orders from the Department's Hearing Officer are not published.	
VA	No. Commissioner makes final determination in administrative appeal. VA. CODE ANN. §§ 58.1-1820 to 58.1-1825, 58.1-1845. Proceedings at Circuit Court are <i>de novo</i> .	No, although the Tax Commissioner may file a motion with the court seeking to compel payment under certain circumstances. VA. CODE ANN. § 58.1-1825.	SOL: Yes. 3 years for both. Assessment – VA. CODE ANN. § 58.1-104. Refund – VA. CODE ANN. § 58.1-1823. Interest rates: Yes. Underpayment – Federal underpayment rate plus 2%. VA. CODE ANN. § 58.1-15. Overpayment – Federal overpayment rate for noncorporate taxpayers plus 2%. VA. CODE ANN. § 58.1-15.	90 days. VA. CODE ANN. § 58.1-1821.	Yes. 15th day of 4th month following close of taxable year. VA. CODE ANN. § 58.1-441(A). Yes. Automatic 6-month extension, not dependent on federal extension. VA. CODE ANN. § 58.1-453.	Final determination is defined in 23 VA. ADMIN. CODE §§ 10-120-30(C), 10-20-180(B). IRS changes must be reported within one year of the final determination on an amended return. VA. CODE ANN. § 58.1-311.	The Department of Taxation publishes a comprehensive list of redacted Rulings of the Tax Commissioner to its website. As there is no independent tax dispute forum, and no Department of Taxation formal administrative proceedings, there are no published administrative rulings.	



State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
WA	Yes, to the Board of Tax Appeals. WASH. REV. CODE §§ 82.03.010 to 82.03.200 No tax expertise is required.	Yes. Department is not foreclosed from collection, even though payment of tax is not a jurisdictional requirement in the Board of Tax Appeals; payment is a jurisdictional requirement for challenging an assessment in Superior Court. WASH. REV. CODE § 82.32.180.	Yes, 4 years for both. Assessment – WASH. REV. CODE §§ 82.32.050(4), 82.32.100(3). Refund – WASH. REV. CODE § 82.32.060(1). Interest rates: Yes, federal short-term plus 2%, equally applied. Underpayment – WASH. REV. CODE § 82.32.050(2). Overpayment – WASH. REV. CODE §§ 82.32.060(1), 82.32.060(5)(b), 82.32.050(2).	30 days for excise tax (no corporate income tax for WA). WASH. REV. CODE §§ 82.32.160, 458.20.100(7).	N/A	N/A	The Department of Revenue does not publish its Tax Rulings. Both the request and the WA DOR's response are considered confidential tax information. The state publishes generalized guidance. The WA DOR's Appeals Division has the discretion to publish certain determinations designated as precedential. There are 282 determinations published for 2013. Board of Tax Appeals decisions are published to its website.	1) No statutory support for WA DOR rule stating purchasers "should" request a Refund of overpaid sales tax directly from the vendor before requesting Refund. WASH. ADMIN. CODE § 458-20-229(3)(b)(ii). 2) WA DOR asserts it is not bound by informal decisions of the Board of Tax Appeals for any other taxpayer or same taxpayer for different tax years. 3) Significant backlog of Board of Tax Appeals cases (almost 4,000 cases at beginning of 2013).
WV	Yes, the WV Office of Tax Appeals. W. VA. CODE § 11-10A-8.	No, to appeal to Office of Tax Appeals. Yes, to appeal to Circuit Court. W. VA. CODE §§ 11-10A-18, 11-10A-19.	SOL: Yes, 3 years for both. Assessment – W. VA. CODE § 11-10-15(a). Refund – W. VA. CODE § 11-10-14(f)(1). Interest rates: No, rate is established every 6 months by State Tax Commissioner. Underpayment – 9.5%. W. VA. CODE § 11-10-17(a). Overpayment – 8%. W. VA. CODE §§ 11-10-17(a), 11-10-17(d); Administrative Notice 2013-16.	60 days. W. VA. CODE § 11-10-8(a).	No. W. VA. CODE §§ 11-23-9, 11-24-13. Yes. Automatic 6-month extension. W. VA. CODE §§ 11-23-10, 11-24-18.	No definition of final determination. IRS and non-IRS changes must be reported within 90 days on an amended return. W. VA. CODE §§ 11-24-7(b), 11-24-7(e)(11)(B), 11-24-20.	No letter rulings published to Department of Revenue/State Tax Department website. Office of Tax Appeals decisions (redacted) are available on the Office of Tax Appeals' website.	

State	Independent tax dispute forum?	Pay-to-Play (bond or prepayment requirement)?	Even-handed statutes of limitations and interest rates (refunds and assessments)?	Number of days to protest an assessment	Return due 30 days after Federal return & automatic extension?	Reporting Federal tax changes	Transparency in tax guidance and administrative rulings	Key additional issues impacting fair and efficient tax administration
WI	Yes, the Wisconsin Tax Appeals Commission. WIS. STAT. ANN. §§ 71.87 to 71.90, 73.01.	No. WIS. STAT. ANN. § 73.01(5)(a).	SOL: Yes, 4 years for both. Assessment – WIS. STAT. ANN. § 71.77(2). Refund – WIS. STAT. ANN. § 71.75(5). Interest rates: No. Underpayment – 12% per year. WIS. STAT. ANN. § 71.82(1)(a). Overpayment – 9% per year, reduced to 3% for refunds paid on or after July 2, 2013. WIS. STAT. ANN. § 71.82(1)(b).	60 days. WIS. STAT. ANN. § 71.88(1).	State return due same time as federal return, but extended due date is 30 days beyond federal extended due date. WIS. STAT. ANN. §§ 71.44(1)(a), 71.24(7). Yes. Automatic 7-month extension. WIS. STAT. ANN. §§ 71.44(3), 71.24(7).	Final determination is defined in WIS. ADMIN. CODE TAX § 2.105. IRS changes must be reported within 90 days on an amended return. WIS. STAT. ANN. § 71.76.	The Department of Revenue publishes redacted Private Letter Rulings in the Wisconsin Tax Bulletin, available online. Wisconsin Tax Appeals Commission decisions are published on the Wisconsin State Bar website.	1) WI DOR may make non-IRS adjustments post general statute to assess. WIS. STAT. ANN. §§ 71.76, 71.77. Period is also open for refunds. 2) Law allows substantial penalties for taxpayers not providing all records requested within 30 days of 1st and 2nd requests by WI DOR. WIS. STAT. ANN. § 71.80(9m); WIS. ADMIN. CODE TAX § 2.85.
WY	Yes, the Wyoming State Board of Equalization. WYO. STAT. ANN. §§ 39-11-102.1, 39-11-109.	No, for appeal to Board of Equalization. Rules, Wyoming Board of Equalization, Ch. 2, Sec. 5. Taxpayer must prepay or obtain stay order to appeal to District Court. Wyoming Board of Equalization, Ch. 2, Sec. 35.	SOL: Yes, 3 years for both. Assessment – WYO. STAT. ANN. § 39-15-110(b). Refund - WYO. STAT. ANN. § 39-15-110(a). Interest rates: No. Underpayment – Average prime rate (by formula) plus 4%. WYO. STAT. ANN. § 39-15-108(b). Overpayment – Average prime rate, only on escrow for taxes paid under protest on appeal. WYO. STAT. ANN. § 39-15-109(f).	30 days, measured from date assessment letter is sent. WYO. STAT. ANN. § 39-15-110(b).	N/A	N/A	The WY DOR issues letter rulings to taxpayers under its general administrative authority, but does not publish them, citing confidentiality statutes. The Wyoming State Board of Equalization publishes written opinions to its website.	



## ENDNOTES

1. Douglas L. Lindholm is President and Executive Director of the Council On State Taxation (COST). Ferdinand S. Hogroian is COST's Legislative Counsel, and Fredrick J. Nicely is COST's Senior Tax Counsel. The authors would like to express their gratitude to Erin Mariano, recipient of the 2012 Georgetown University Law Center Fellowship at COST, and Catherine Oryl, COST Legal Intern, for their dedicated efforts in researching and compiling the survey used to develop this report. COST also thanks Cara Griffith, Editor-in-Chief, State Publications and Tax Analysts for sharing their research on transparency in state tax administration.
2. *Best and Worst of State Tax Administration: COST Scorecard on Appeals, Procedural Requirements*, 8 Multistate Tax Report 231 4/27/01; *Best and Worst of State Tax Administration: COST Scorecard on Appeals, Procedural Requirements*, 11 Multistate Tax Report 137 3/26/04; *Best and Worst of State Tax Administration: COST Scorecard on Appeals, Procedural Requirements*, 44 State Tax Notes 475 (May 14, 2007); *The Best and Worst of State Tax Administration: COST Scorecard on Tax Appeals & Procedural Requirements*, 2010 STT 43-3 (Feb. 1, 2010).
3. See Kate O'Sullivan, *Give & Take: As state economic-development teams offer tax breaks to attract companies, revenue departments seek to get that money back*, CFO Magazine, January 2007; Kate O'Sullivan, *The Tax Men Cometh: beset by plunging revenues, states step up their pursuit of corporate taxes*, CFO Magazine, May 2009; David M. Katz, *State Insecurity: Faced with alarming budget shortfalls, states are pursuing corporate tax dollars in new and aggressive ways*, CFO Magazine, April 1, 2011.
4. MTC Model Uniform Statute and accompanying Model Regulation can be found at: [http://www.mtc.gov/uploadedFiles/Multistate\\_Tax\\_Commission/Uniformity/Uniformity\\_Projects/A\\_-\\_Z/ReportingFederalTaxAdj.pdf](http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Uniformity/Uniformity_Projects/A_-_Z/ReportingFederalTaxAdj.pdf).
5. See Jennifer Carr and Cara Griffith, *Measuring Transparency in State Tax Administration*, 2012 STT 232-4 (Dec. 3, 2012).