

THE BEST AND WORST OF STATE TAX ADMINISTRATION

COST SCORECARD ON TAX APPEALS & PROCEDURAL REQUIREMENTS

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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. Our focus is on the states' adoption of procedural practices that impact the fairness of 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 laws 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 tax liability; and

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

Further, the Scorecard identifies certain ineffective, burdensome, or inequitable practices not otherwise reflected in the Scorecard categories. New for this edition, the Scorecard includes in the “other issues” category recent instances where states have impinged upon taxpayer due process rights by enacting retroactive tax legislation beyond the “modest” period of retroactivity cited in *U.S. v. Carlton*, 512 U.S. 26 (1994).

2016 Top-Ranked States

Indiana	A
Kansas	A
Maine	A–
Virginia	A–
Arkansas, New Mexico and 5 others	B+

2016 Bottom-Ranked States

Nevada	D+
North Dakota	D+
California	C–
District of Columbia	C–
Kentucky	C–
Washington	C–

Awards & Demerits

This Scorecard continues a tradition of recognizing significant improvements in state tax administration. In 2013, the award for “most improved” went to Pennsylvania, which adopted significant reforms including independence in tax appeals heard by its Board of Finance and Revenue. Georgia and Illinois also received “honorable mention” for their adoption of independent tax tribunals, as did Oklahoma for adopting *de novo* court review with no prepayment requirement. While many states have adopted notable improvements since the 2013 Scorecard, 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

- **Arkansas** leapt from a C– and a “bottom states” ranking to an B+ and a “top states” ranking through legislation enacted in 2015 (Act 896). Arkansas adopted several reforms, perhaps most significantly by eliminating “pay to play” in circuit court by providing taxpayers the

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option of filing suit for relief from a final assessment or determination without paying the proposed tax, penalties, or interest. Other improvements included making the statute of limitations for assessments and refunds more consistent, providing additional time for filing state corporate returns, and improving transparency by requiring publication of redacted legal opinions and administrative decisions.

Honorable Mention

- **Alabama** in 2014 enacted legislation to replace the Department of Revenue’s Administrative Law Division with the Alabama Tax Tribunal, an independent state agency modeled after the American Bar Association’s Administrative Tax Tribunal Act. Alabama also enacted several other reforms, including no “pay to play” for Tax Tribunal appeals. Unfortunately, 15 municipalities² have “opted out” of Tribunal jurisdiction, resulting in a one point assessment and a B– grade instead of a B.
- **Louisiana** enacted significant improvements to its tax appeals process in 2015. Perhaps the most important change was providing taxpayers the ability to appeal assessments of local sales and use taxes to the Board of Tax Appeals. The ability to bring these local tax disputes to an independent tribunal and consolidate them for a hearing before a judge well-versed in tax matters is a major step forward in fair and efficient tax administration in Louisiana.
- **Mississippi** in 2014 enacted significant administrative reform legislation, not least of which addressed the inequities resulting from the Mississippi Supreme Court’s decision in *Equifax, Inc. v. State Tax Commission*, 125 So.3d 36 (Miss. 2013). In the 2013 COST Scorecard, Mississippi received two points for failing to apply the statutory requirements for a trial *de novo* and placing the burden of refuting the Department of Revenue’s alternative apportionment on the taxpayer (and imposing penalties). These points are now removed, as Mississippi’s legislation provides the party seeking alternative apportionment bears the burden of proof, and imposes penalties only in limited circumstances.
- **New Mexico**, in the 2013 COST Scorecard, rose from a D to a B by adopting several reforms, such as ex-

tending the time to protest an assessment from 30 to 90 days. Adding to these gains, New Mexico in 2015 replaced the Taxation and Revenue Department’s Administrative Hearings Bureau with an independent agency, the Administrative Hearings Office, requiring tax expertise. With this important reform, New Mexico is now considered one of COST’s top-ranked states for fair and efficient tax administration.

- **Transparency Improvements** – Multiple states have improved their transparency, three years after COST highlighted the importance of publishing redacted taxpayer guidance and tax rulings and decisions as a new addition to the Scorecard. While COST is certainly not the only organization calling for increased transparency in tax administration (Tax Analysts is a leading voice for reform in this area), it is gratifying to see multiple improvements in this Scorecard. In 2016 alone, Kentucky (S.B. 129), Maryland (S.B. 843), and North Carolina (S.B. 481) enacted transparency measures into law.

Demerits

- **Michigan** should be placed in the honorable mention column of this report and commended for making several improvements, including eliminating “pay to play” at the Michigan Court of Claims. Unfortunately, however, Michigan earns a demerit, and its grade fell to a C+, because of egregious retroactive legislation enacted in 2014 in response to the Michigan Supreme Court’s decision in *International Business Machines Corp. v. Department of Treasury*, 852 N.W.2d 865 (Mich. 2014). The legislation purported to “clarify” back to 2008 the altogether clear policy choice of the Michigan Legislature in 2011 to repeal the Multistate Tax Compact apportionment election only prospectively.
- **New York** also fell in the Scorecard rankings, dropping a whole letter grade to a C, largely attributable to passage of retroactive tax legislation several times, including after one issue was decided on the merits by a court (see *Caprio v. Dept’ of Taxation & Fin.*, 37

N.E.3d 707, rehearing denied (N.Y. 2015), and *James Square Assocs. LP v. Mullen*, 993 N.E.2d 374 (N.Y. 2013). Further, the State was again penalized for being the only state to explicitly apply *qui tam* lawsuits to tax matters.

- **Oklahoma** made the wrong policy decision when it acted earlier this year to limit refund claims for sales and use taxes to two years, while leaving the time period for assessments of such taxes at three years. Oklahoma should have looked to Kansas, which was recognized in the 2013 COST Scorecard for equalizing its one-year statute of limitations for refund claims with the three-year statute for assessments. Reducing the refund statute of limitations creates inequities between taxpayers and the state on audit, while having the effect of merely accelerating refund claims.
- **Washington** has failed to act on legislation that would create a new, independent tax appeals process without “pay to play” in the State. Further, the State has produced two of the most egregious retroactive tax changes in the nation, reversing the results in two Washington Supreme Court decisions, with the retroactive changes subsequently upheld by the same court (see *In re Estate of Hambleton v. Washington Dep’t of Revenue*, 335 P. 3d 398 (Wash. 2014); *Dot Foods, Inc. v. Dep’t of Revenue*, 372 P.3d 747 (Wash. 2016)).
- **Interest Inequity** – 2016 continued an unfortunate trend of interest inequity in an era of challenging state and local budgets. Louisiana, for example, enacted legislation (H.B. 29) to begin the interest calculation on refunds 90 days after the date of filing the refund claim. South Carolina reduced the rate of interest on overpayments to one percent, while leaving the underpayment rate at four percent (H.B. 5001, SC DOR Information Letter No. 16-7). While Georgia bucked the trend by enacting legislation (H.B. 960) to reduce the State’s artificially high interest rate on both tax deficiencies and overpayments (from 12 percent to the prime rate plus 3 percent), the Department of Revenue, by rule, is seeking to deny interest on refunds to direct-pay permit holders.

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ABOUT THE SCORECARD

This Scorecard is the sixth 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, 2010, and 2013 versions³ and serves as a tool for policymakers seeking to improve tax administration and the business climate in their states. As with previous versions, this 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 expanded its inquiry into a troublesome trend in state taxation: enactment of retroactive tax legislation, often to reverse the findings of the judiciary. COST also took a closer look at some of the Scorecard elements (e.g., tax expertise for independent tribunals, "pay to play" for subsequent appeals, inequities in the computation of interest, and concerns with the burden of reporting federal tax changes) to ensure states are achieving COST's standards, as well as to better apply these standards consistently across the states. COST will continue to seek ways to expand the scope of the Scorecard to better reflect the breadth of state tax administrative practices.

Objectivity of Scorecard

A note on objectivity: the Scorecard is a counterpart to subjective views on state tax administration, such as those presented by CFO Magazine in April 2011 and prior years.⁴ While the Scorecard evaluates each state's statutory and regulatory scheme against objective criteria, the subjective approach asks corporate tax executives questions regarding their 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 subjective approach (based on taxpayers' experiences) 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 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

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.

are also paramount, however, in evaluating appeals systems, and are addressed in these two columns of the Scorecard: 3) whether the tribunal's judges have the requisite expertise 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 and adopted, 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.

Other 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;
- Adequate time to file a protest before an independent dispute forum;
- 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;
- 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 (retracted) 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 tax cases, retroactive penalties and interest, and application of *qui tam* (False Claims Act) actions to state tax disputes. This year, COST is including retroactive tax legislation in this "other issues" category.

By focusing on objective criteria, the 2016 Scorecard gives states the opportunity to enact corrective legislation as a means of improving business climates. Indeed, since the publication of the 2013 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:

- One point each for failure to meet the following: 1) provide an independent tax tribunal; 2) the independent tribunal hears cases *de novo* and establishes the record for further appeal; and 3) the independent forum is dedicated to handling tax disputes, and its judges possess the requisite tax expertise.
- One point each for failure to meet the following: 1) no prepayment or bond required to obtain an independent appeals forum hearing; and 2) no prepayment or bond required for any level of subsequent appeals.
- Two points if the state fails to apply a statute of limitations generally the same for refunds and assessments, or one point for states that generally apply the same statute of limitations but limit the statute against taxpayers in certain circumstances (*e.g.*, for sales tax refunds or for refunds based on constitutional issues).
- Two points if the state fails to apply equal rates of interest for assessments and refunds, or one point for states that apply the same rates of interest but do not calculate interest from comparable dates (*e.g.*, states that calculate interest on assessments from the date the tax was due should calculate interest on refunds from the date of the overpayment).
- Two points if the state provides only 30 days or less to appeal an assessment, or one point if the state provides between 45 and 60 days. States also are assessed one point if the number of days to appeal begins on a date that does not approximate notice to the taxpayer (*e.g.*, mailing or delivery approximates notice, whereas the issue date of an assessment does not). However, the total number of points in this category is capped at two.
- One point each for failure to meet the following: 1) provide a corporate return due date at least 30 days after the federal return (original and extended); and 2) provide an automatic extension of time to file if there is a federal extension.
- Up to two points cumulative for failure to meet certain elements for reporting changes resulting from a federal audit. These include whether the state has a definition of “final determination,” provides at least 180 days to file a return or report after such final determination, and provides an equal time period for assessments and refunds resulting from a federal change (or the time period is unclear or unknown). Many states need to provide additional clarity in their statutes or regulations so taxpayers know when they can claim a refund after filing an amended return to report a change in federal taxable income. Lastly, COST considered whether states allow non-federal tax changes to be made (or it was unclear/unknown if the

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state could make non-federal tax changes) after the state’s normal statute of limitations has expired.

- One point each for failure to meet the following: 1) provide and publish binding, written guidance to requesting taxpayers; and 2) publicly release tax rulings and decisions of an administrative adjudicatory body (*e.g.*, tax agency hearings division and/or independent tax appeal forum).
- Up to three points for recent retroactive tax legislation and decisions: three points for retroactive tax legislation reversing a state appellate decision; two points for court decisions upholding retroactive tax legislation; and one point for retroactive tax legislation. States are awarded a negative point (which reduces the total points counting towards the state’s grade) for a constitutional or other restriction on retroactive tax legislation.

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 is assigned to the “Other Issues” category for each issue found to impact a state’s fair and efficient tax administration, with the exception of retroactive tax legislation as noted above.

The final grades are based on the following scale:

Overall Score

- A = 0 to 3 points
- B = 4 to 7 points
- C = 8 to 11 points
- D = 12 to 15 points
- F = More than 15 points

Summary Results

The Summary Table on Page 6 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 on page 12.

	Independent tax dispute forum	Pay-to-Play	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues	Grade
AL	1	1	0	0	2	1	0	1	1	7 - B-
AK	0	1	0	0	0	0	2	1	0	4 - B+
AZ	0	1	0	0	1	0	1	1	0	4 - B+
AR	1	1	0	0	0	1	1	0	0	4 - B+
CA	3	2	0	2	1	0	1	0	2	11 - C-
CO	1	1	0	1	2	0	2	1	0	8 - C+
CT	1	0	0	2	0	2	2	1	0	8 - C+
DE	1	1	0	0	0	2	2	2	0	8 - C+
DC	1	1	0	2	2	1	2	2	0	11 - C-
FL	3	2	0	1	0	2	2	0	0	10 - C
GA	0	1	0	1	2	1	1	0	1	7 - B-
HI	1	1	0	2	2	1	2	0	0	9 - C
ID	2	2	0	0	0	0	1	1	0	6 - B
IL	0	0	0	0	0	1	2	0	1	4 - B+
IN	0	1	0	0	0	0	1	0	0	2 - A
IA	3	0	0	0	0	0	2	0	2	7 - B-
KS	0	1	0	1	0	0	1	0	0	3 - A
KY	1	1	1	2	1	0	2	1	2	11 - C-
LA	0	1	0	2	0	1	1	1	2	8 - C+
ME	0	0	0	1	0	1	0	1	0	3 - A-
MD	0	1	0	0	1	1	2	1	3	9 - C
MA	0	1	0	2	0	2	1	0	0	6 - B
MI	0	0	1	1	0	1	2	0	3	8 - C+
MN	0	0	0	0	0	1	2	1	0	4 - B+
MS	0	0	0	1	0	1	2	2	0	6 - B
MO	1	0	0	2	1	0	1	0	1	6 - B
MT	0	0	0	0	2	0	2	1	0	5 - B
NE	3	0	0	0	0	1	1	2	0	7 - B-
NV	3	2	0	2	1	N/A	N/A	2	2	12 - D+
NH	1	0	2	2	0	1	1	1	-1	7 - B-
NJ	0	1	0	2	0	1	2	1	1	8 - C+
NM	0	0	0	1	0	1	1	0	1	4 - B+
NY	0	1	1	2	0	1	1	0	3	9 - C
NC	1	1	1	0	1	1	1	0	0	6 - B
ND	3	1	1	1	2	0	2	2	0	12 - D+
OH	1	0	0	0	0	N/A	2	1	0	4 - B+
OK	1	0	1	1	0	1	2	0	0	6 - B
OR	0	1	0	0	0	1	2	1	0	5 - B
PA	0	1	0	2	0	0	2	0	0	5 - B
RI	1	2	0	2	2	1	2	0	0	10 - C
SC	1	1	0	2	0	1	2	0	0	7 - B-
SD	3	2	0	0	0	1	1	2	1	10 - C
TN	3	2	0	0	0	1	2	1	0	9 - C
TX	1	2	0	1	2	1	2	0	0	9 - C
UT	1	1	0	0	2	0	2	0	0	6 - B
VT	3	1	0	2	0	2	2	0	0	10 - C
VA	1	0	0	0	0	0	0	0	2	3 - A-
WA	1	2	0	0	2	N/A	N/A	1	5	11 - C-
WV	0	1	0	2	0	1	2	1	0	7 - B-
WI	0	1	0	2	0	1	1	0	1	6 - B
WY	0	1	0	2	2	N/A	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.

Trained Judges: Tax tribunal judges must be specifically trained as tax attorneys and have significant state tax experi-

Independent tribunals are less likely to be perceived as driven by concerns over revenue collection, upholding departmental policies, or offending departmental decision-makers.

ence, 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 years ago 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 non-independent tax forums 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 fairest – in large part because taxpayers are not held hostage by the jurisdiction in possession of a 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 reasonably believes that a particular tax assessment is in jeopardy based on the facts and circumstances before it, it should have the ability to issue a jeopardy assessment on that amount. In those circumstances, states need the flexibility to move quickly and should do so as long as due process protections are afforded. Such assessments are a legitimate means of protecting the state fisc. However, 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 certain fundamental components necessary to a fair, efficient, and customer-focused state tax system. The following are basic procedural elements that COST has determined 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 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.

Note: New federal return due dates are effective for tax years starting after December 15, 2015 (2016 returns prepared during the 2017 filing season). C Corporation returns will be due on the 15th day of the 4th month after year-end (April 15 for calendar-year taxpayers) instead of the 15th day of the 3rd month after year end (March 15 for calendar-year taxpayers). States that have not changed their filing deadlines to reflect the federal changes were *not* penalized in this Scorecard, as there is still time to make the necessary changes before the 2017 filing season. However, failure to make any necessary changes will be reflected in future scorecards.

State Reporting Requirements for Federal Tax Changes:

Large multistate businesses are often required to file hundreds, if not thousands, of amended returns/reports at the state and local level when a federal tax change is made by the taxpayer and/or the Internal Revenue Service. Compliance with these reporting requirements is best achieved by state and local governments adopting uniform and even-handed rules for reporting federal tax changes that are consistent regardless of whether a refund or payment results from the change. Filing interim reports of changes is not an efficient use of resources for either the state or taxpayers. The following are key elements of a fair and efficient state reporting procedure for federal tax changes:⁵

- *Final Determination:* All states that require a taxpayer to report federal tax changes, including any applicable local taxes, should link the filing requirement to a “final determination” regarding a taxpayer’s federal income tax liability. The absence of clear, consistent rules creates compliance problems and wrongfully subjects taxpayers to penalties and interest for noncompliance. Moreover, some states require “interim” notification prior to a final determination of federal tax liability or refund – a practice that needlessly creates additional confusion over a taxpayer’s compliance responsibilities; *e.g.*, traps for the unwary. In defining what constitutes a “final determination,” COST recommends the following definition as a best practice:

A “final determination” is deemed to occur when the latest of any of the following circumstances exist with respect to a federal taxable year:

- (1) The taxpayer: (i) has a final income tax liability resulting from a federal audit including any requisite review by the congressional Joint Committee on Taxation; (ii) has not filed a petition for redetermination or claim for refund for any portion of the audit; and (iii) has allowed the time to file such petition or claim to lapse.
- (2) The taxpayer has signed all federal Forms 870, closing agreement(s), or other IRS form(s) for the tax period consenting to the deficiency or consenting to any over-assessment that are final for all issues and no longer subject to appeal.

(3) A decision from the U.S. Tax Court, District Court, Court of Appeals, Court of Claims, or Supreme Court becomes final.

(4) The taxpayer has exhausted all rights to protest an assessment or claim a refund for all entities that are included in, or have income or factors that are reflected in, the taxpayer’s returns that are filed with the state.

- *Time Period for Reporting and Auditing:* Taxpayers need adequate time to report federal tax changes to the states. The necessary adjustments relating to federal tax changes, especially when taking into consideration the states’ decoupling from certain Internal Revenue Code provisions such as bonus/accelerated depreciation, require sufficient time for analysis and accurate reporting. COST recommends a state’s law provide at least 180 days (or six months) to report IRS adjustments to states. States must also be flexible regarding the method of reporting the changes to avoid overly restrictive and inefficient filing requirements. For instance, a federal tax change that does not affect the taxable income reported to the state should have a simplified method to report the close of the federal audit. In addition, the time provided for a state to audit a taxpayer’s adjusted liability (relating to a federal change) should not be greater than a taxpayer’s right to claim a refund (related to the federal change).
- *Prepayment Process:* Taxpayers should be allowed to submit advance payments relating to partial (agreed upon) federal tax changes without the filing of an amended return. This would permit taxpayers, if they so choose, to make tax payments to a state after a portion of the known federal issues are agreed to (prior to the final federal determination date). This change would allow taxpayers to reduce interest costs associated with reporting the federal tax change while the rest of the IRS audit process is completed. Currently, many states have statutes that prohibit (either intentionally or unintentionally) these types of advance payments.
- *State Statutes of Limitation Waived Only for Federal Tax Changes:* When the normal time period for the state to assess additional tax and for a taxpayer to claim a refund has passed, a state should provide that only those items that are the subject of the federal tax change should be open for adjustment (tax due and refund). The statute of limitations should not remain open for any other issues, including items that are related to amended returns or audits in other states.

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, transpar-

ency 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’ editors have 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.”⁶ 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 our Scorecard).

COST recognizes 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 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 2013 Scorecard, the 2016 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; the application of statutes on a retroactive basis; and the imposition of retroactive penalties and interest. Further, we note whether a state has utilized *qui tam* (False Claims Act) 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 for 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.

Retroactive Tax Changes: Finally, COST has undertaken to identify recent instances in which state legislatures have enacted retroactive tax legislation, violating due process. COST leveraged its research developed in filing amicus briefs on behalf of several taxpayers challenging such retroactive enactments. In all instances cited, it is COST’s position that the period of retroactivity far exceeds the “modest” period cited by the U.S. Supreme Court in *U.S. v. Carlton*, 512 U.S. 26 (1994).

While *Carlton* requires a legislature to have acted with a “legitimate legislative purpose” and have “acted promptly and established only a modest period of retroactivity,” states have increasingly swept these requirements aside, even waiting until after appellate courts have finally decided a tax dispute before reversing the courts’ decisions. Such legislation turns the judicial process into results-oriented decision making, undermining taxpayers’ perception of fair and impartial tax appeals in the states. Retroactive tax legislation is one of the most corrosive elements undermining our voluntary state tax compliance system today, fostering a lack of trust in the tax system which reduces voluntary compliance because taxpayers fear that the law will not be fairly applied. COST hopes this 2016 Scorecard will discourage states from enacting such legislation, or even to consider constitutional prohibitions or other restrictions on such measures.

DETAILED SURVEY DATA

The table beginning on page 12 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 independent tax appeal forum possessing the following elements: the forum is truly independent; the forum is dedicated to handling tax disputes; the forum's judges possess requisite tax expertise; and the forum establishes the record for further appeal?
2. Is prepayment or posting of a bond required to obtain an independent appeal forum hearing or to take an appeal (with the exception of reasonable application of jeopardy assessments)?
3. Is the statute of limitations the same for refunds and assessments, regardless of the nature of the issue (*e.g.*, constitutional grounds)?
4. Does the state impose equal rates of interest on assessments (tax due) and refunds (tax overpayments), and does interest run from comparable dates (*e.g.*, date the tax was due for assessments, and date the tax was overpaid for refunds)?
5. Does a taxpayer have at least 60 days to appeal an assessment, and does this period begin from a point approximating notice to the taxpayer (*e.g.*, mailing or delivery, rather than issuance date)?
6. For state tax returns requiring information derived from the taxpayer's federal corporate income tax return, is the state return due at least 30 days after the federal tax return is due (for both the original and extended due dates), and does a federal extension result in an automatic extension of time to file the state return?
7. Does the state sufficiently define "final determination" for reporting federal changes to limit reporting of the federal audit after all federal appeals are exhausted and all issues for the tax year are final? Does the taxpayer have at least 180 days to report a federal change? Is the scope of review (items that can be adjusted) when reporting federal changes and the time frame (statute of limitations) equal for the taxpayer and the state?
8. 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?
9. Does an administrative adjudicatory body (*e.g.*, tax agency hearings division and/or independent tax appeal forum) that regularly hears tax cases or appeals publicly release its rulings?
10. Has the tax code been changed retroactively to remove a taxpayer right or remedy for years open under the statute of limitations or subject to litigation?
11. What additional issues are impacting fair and efficient tax administration?

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
AL	2014 H.B. 105 established the Alabama Tax Tribunal, an independent agency within the executive branch, with requirements for judicial tax expertise and expanded its jurisdiction to include most state taxes and certain county and municipal tax disputes. However, 15 counties and municipalities have "opted out" of the Tribunal's jurisdiction. Ala. Code § 40-2B-2.	No prepayment or bond required for appeals to the Alabama Tax Tribunal; however, prepayment (or bond) required for subsequent or direct appeals to circuit court (this requirement does not apply to taxpayers with a net worth of \$250,000 or less). Ala. Code § 40-2B-2; Ala. Code § 40-2A-7(b)(5).	Equal. 3 years for both. Assessment – Ala. Code § 40-2A-7(b)(2). Refund – Ala. Code § 40-2A-7(c)(2).	Equal. Federal underpayment rate. Underpayment – Ala. Code § 40-1-44(c). Overpayment – Ala. Code § 40-1-44(b).	30 days for final assessment from date of mailing or personal service, whichever occurs first. Ala. Code § 40-2A-7(b)(5).	Original: No, return is due on the corresponding federal due date. Ala. Code § 40-18-39(a) (same with partnerships/LLCs). Extended: up to 6 months. Ala. Admin. Code r. 810-3-39-.02. Automatic. Id.	Final determination is defined. Ala. Code § 40-2A-7(b)(2)g.3. The state may impose 5% negligence penalty for failing to file amended return. Ala. Admin. Code r. 810-3-40-01(5). IRS changes must be made later of 1 year from final determination or expiration of the normal statute of limitations. Ala. Code § 40-2A-7(b)(2)g.1. State has 1 year to audit. Ala. Code § 40-2A-7(b)(2)g.1, and taxpayers have 1 year to file for refund. Ala. Code § 40-2A-7(b)(2)g.2. State changes limited to federal adjustments. Ala. Code § 40-2A-7(b)(2)g.1.	Revenue rulings issued to taxpayers are available with taxpayers' identifying information redacted, however only a relatively small number are issued each year. Rulings are published on the AL DOR's website, and when a ruling is revoked by the Commissioner of Revenue, a summary of the ruling is provided without access to the original ruling itself. The Alabama Tax Tribunal publishes its decisions online in a keyword searchable database.	Many local jurisdictions hire private auditing firms, including use of private administrative appeals officers.
AK	Yes. The Office of Administrative Hearings resides within the Department of Administration. Alaska Stat. § 43.05.405. The forum is not dedicated to handling tax disputes, but tax expertise is required for ALLJs conducting tax proceedings. Alaska Stat. § 44.64.010; § 43.05.420.	Tax is not required to be paid to appeal to the Office of Administrative Hearings. However, tax must be paid, or a bond posted, to appeal to Superior Court. Alaska Stat. § 43.05.480(b).	Equal. 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).	Equal. 3% above the annual rate charged by the Federal Reserve as of the first day of the calendar quarter. Underpayment – Alaska Stat. § 43.05.225(1)(B). Overpayment – Alaska Stat. § 43.05.280(a). § 43.05.225(1)(B).	60 days after date of mailing of notice to request an informal conference. Alaska Stat. § 43.05.240(a). 30 days after service to appeal the result of the informal conference to the Office of Administrative Hearings. Alaska Stat. § 43.05.241.	Original return: up to 30 days after federal return due. Alaska Stat. § 43.20.030(a). Extended: up to 30 days after the federal extended due date. Instructions to Form 0405-611 pg. 5. Automatic. No application required. Id.	Final determination is defined. Taxpayers have 60 days after the final determination to report. Alaska Stat. § 43.20.030(d). Whether the state or a taxpayer may adjust items beyond the federal changes is unknown (Alaska Stat. § 43.20.200(b) is not clear).	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 are posted to its website. Decisions may be searched and browsed by category.	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
AZ	Yes, the Arizona Board of Tax Appeals is an independent agency requiring tax expertise for its members. Ariz. Rev. Stat. Ann. § 42-1252. The department or a taxpayer aggrieved by a decision of the Board of Tax Appeals may bring an action de novo in the Arizona Tax Court. Ariz. Rev. Stat. Ann. § 42-1254.	Generally, only amounts not protested must be paid. Ariz. Rev. Stat. Ann. § 42-1251(A). However, once suit is brought in tax court, Arizona law forbids any injunction against collection of tax, penalty or interest. Ariz. Rev. Stat. Ann. § 42-1254.	Equal. Generally, 4 years. Assessment – Ariz. Rev. Stat. Ann. § 42-1104(A). Refund – Ariz. Rev. Stat. Ann. §§ 42-1104(A) and 42-1106(A).	Equal. Federal short-term rate plus 3%. 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).	Original: 15th day of 4th month after the end of the calendar year or fiscal year. Ariz. Rev. Stat. Ann. § 43-325. Extended: 6 months after the original due date. Ariz. Rev. Stat. Ann. § 42-1107(B). Automatic: Ariz. Rev. Stat. Ann. § 42-1107(B). Form 120EXT is used if the taxpayer does not have a federal extension or as a transmittal document for making extension payments.	Final determination is defined. Ariz. Rev. Stat. Ann. § 43-327(H). Taxpayers have 90 days from the final determination to report federal changes. Ariz. Rev. Stat. Ann. § 43-327(D). Period to assess or claim a refund is similar, 6 months from reporting the federal change to the state. If no such report filed, 4 years after the final determination. See Ariz. Rev. Stat. Ann. §§ 42-1104 and 42-1106. State assessment for any deficiency limited to federal adjustments. Ariz. Rev. Stat. Ann. § 42-1104(B)(5) - (6), § 42-1104(A).	Arizona issues private letter rulings, and, generally, all private taxpayer rulings are redacted and published. However, a taxpayer may request the ruling not be published. Ariz. Rev. Stat. Ann. § 42-2101(L). Redacted decisions of the Arizona DOR's Hearing Office and Director's Office of Tax Appeals are required to be publicly released. Ariz. Rev. Stat. Ann. § 42-2077(A).	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
AR	Taxpayer protests are before hearing officers appointed by the Director of Finance and Administration, and decisions of the hearing officer may be revised by the Director. Ark. Code Ann. § 26-18-405. Suits challenging a final assessment or determination are tried de novo in circuit court.	As a result of 2015 Act 896, taxpayers are no longer required to pay tax, penalties, or interest before filing suit for judicial relief from a final assessment or determination. Ark. Code Ann. § 26-18-406. If the taxpayer protests an assessment and loses in circuit court, the final assessment remains in effect and collection may proceed.	Equal. 3 years for refunds and assessments. Assessment – Ark. Code Ann. § 26-18-306(a). Refund – Ark. Code Ann. § 26-18-306(i).	Equal. 10% interest rate on assessments and refunds. Underpayment – Ark. Code Ann. § 26-18-508(1). Overpayment – Ark. Code Ann. § 26-18-508(3).	Protests must be filed within 60 days after service of notice. Ark. Code Ann. § 26-18-404(c)(1).	Original: Yes. April 15th for calendar year taxpayers. Ark. Code Ann. § 26-51-806(a)(2). Extended: Yes. The corresponding federal extended due date applies. Ark. Code Ann. § 26-51-807(a)(1). Or, 60 days after the federal extended due date with Form ARI155. Automatic: yes, to federal extended due date. Not automatic past federal extended due date.	Final determination is somewhat defined as a taxpayer's receipt of the notice and demand for payment by the IRS. Ark. Code Ann. § 26-18-306(b)(1). Taxpayer has 180 days to report the federal changes. Ark. Code Ann. § 26-18-306(b)(1). State has 1 year after filing to assess tax, 3 years if no return filed. Ark. Code Ann. § 26-18-306(b)(2)(A) & (B). If taxpayer appeals the IRS assessment, state has 3 years from the date of the final IRS assessment, or date of payment, to assess. Ark. Code Ann. § 26-18-306(b)(2)(C). Taxpayers have 180 days from receipt of IRS notice to file for a refund. Ark. Code Ann. § 26-18-306(b)(2)(C). State assessment and refunds limited to federal changes. Ark. Code Ann. § 26-18-306(b)(2)(A) - (C).	Legal opinions are issued and are available in redacted form online following the 2015 passage of Act 896. New legal opinions are published online beginning with those issued after January 1, 2016 and others are available in redacted form through a FOIA request. Hearing Decisions issued by the Office of Hearings and Appeals and Revisions issued by the Commissioner of Revenues under the Arkansas Tax Procedure Act on or after January 1, 2016 are redacted and published online pursuant to 2015's Act 896.	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
CA	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.	A taxpayer that loses an SBE appeal must pay the tax and file a claim for refund with the FTB (income/franchise tax) or the SBE (sales/use tax) before it may file a suit for refund in superior court, which is a trial de novo (Cal. Rev. & Tax. Code §§ 6933 and 19385).	Equal. For income taxes, 4 years Assessment - Cal. Rev. & Tax. Code §§ 19057(a), 19067(a), 19065; Refund - Cal. Rev. & Tax. Code §§ 19306(a), 19308. For sales and use taxes, 3 years (Assessment - Cal. Rev. & Tax. Code § 6487; Refund - Cal. Rev. & Tax. Code § 6902).	Unequal. For income taxes, Underpayment - Federal underpayment rate Cal. Rev. & Tax. Code §§ 19101(a), 19521(a); Overpayment (corporate) - Lesser of 5% or bond equiv. rate of 13-week T-bills. §§ 19521(a)(1) (A), 19521(a)(1) (C).	60 days after the mailing of each notice for income/franchise tax. Cal. Rev. & Tax. Code §§ 19041(a), 19042. 30 days after service to appeal sales/use tax assessment. Cal. Rev. & Tax. Code § 6561.	Original: 15th day of 4th month after close of taxable year (Cal. Rev. & Tax. Code § 18601(a)). Extended: 15th day of the 10th month of the close of the taxable year. (Cal. Rev. & Tax. Code § 18604; FTB Tax News, 10/1/16). Automatic: Instructions to Form 100, pg. 8.	Final determination is defined. 18 Cal. Code Regs. § 19059(e); Cal. Rev. & Tax. Code § 18622(d). Taxpayers have 6 months to report federal changes (§ 19059(a)). Both FTB and taxpayers are limited to the impact of federal adjustments, see Cal. Rev. & Tax. Code §§ 19059 and 19308. However, FTB asserts a federal waiver holds the state statute of limitations open.	Selected Chief Counsel Rulings are available with taxpayer information redacted. Other FTB guidance, notices, memoranda, and information letters are available as well. Further, the SBE issues redacted rulings (18 Cal. Code Regs. § 1705; § 5700). SBE required to publish on its website written opinions for certain matters involving amounts in controversy of \$500,000 or more (Cal. Rev. & Tax. Code § 40).	The Legislature has passed retroactive legislation at least twice, even though both were overturned by the courts. See <i>NetJets Aviation, Inc. v. Guillory</i> , 143 Cal. Rptr. 3d 111 (Cal. Ct. App. 2012), as modified on denial of reh'g (July 18, 2012) (addressing 2007 S.B. 87); <i>River Garden Ref. Home v. Franchise Tax Bd.</i> , 113 Cal. Rptr. 3d 62 (Cal. App. Dep't Super. Ct. 2010) (addressing 2004 A.B. 2203); and <i>City of Modesto v. Nat'l Med. Inc.</i> , 27 Cal. Rptr. 3d 215 (Cal. Ct. App. 2005). Refund suits are limited to grounds raised in the claim for refund. Cal. Rev. & Tax. Code §§ 6932, 6933 and 19382.

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
CO	Protests of state tax assessments and refund claim denials (not including property taxes or local taxes) are first heard by a Hearing Officer from the Hearings Division of the Department of Revenue. Taxpayers may appeal a final determination which tries cases de novo. Colo. Rev. Stat. §§ 39-21-103 and 39-21-105.	As a result of 2016 Colo. Sess. Laws ch. 292 (S.B. 16-036), prepayment or bond is no longer required for appeal of the Executive Director's final determination to the district court. However, taxpayers still must deposit the disputed amount or post bond for two times the disputed taxes with interest and other charges to appeal a district court ruling. Colo. Rev. Stat. § 39-21-105.	Equal. 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).	Unequal. Underpayment – Prime rate plus 3%. 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 after mailing. Colo. Rev. Stat. § 39-21-105(1).	Original: 15th day of the 4th month following the close of the taxable year for calendar filers. CO Form 112 Instructions. Extended: 6-month extension. Colo. Rev. Stat. § 39-21-108(1); CO Form 112 Instructions pg. 4. Automatic: CO Form 112 Instructions pg. 4.	Final determination is defined by Colo. Rev. Stat. § 39-22-601(6) (b)(I)-(V). Taxpayers have 30 days to report changes Colo. Rev. Stat. § 39-22-601(6)(a). State has 1 year from amended return filing to assess. Colo. Rev. Stat. §§ 39-22-601(6) (c) and (d). The time for taxpayers to seek a refund is unknown. Whether the state or taxpayer can adjust items beyond federal changes is unclear.	Letter rulings are available and are published online for tax years 2007-2016 with taxpayer information redacted. Colorado DOR administrative hearings decisions are not published.	Retroactivity limits: The Colorado Constitution provides limitations on legislative enactment of retroactive legislation Colo. Const. art. II, § 11. (minus 1 point) Separate local taxing authorities create onerous interpretive and compliance burdens for taxpayers.
CT	Protests of assessments or the denial of refunds initially must be brought to the Department of Revenue Services' Appellate Division. Appeals go to the superior court for the judicial district of New Britain (Tax and Administrative Appeals Session), which will hear the case de novo (Conn. Gen. Stat. §§ 12-237, 12-422). Tax expertise is not required for Tax and Administrative Appeals Session judges.	While taxpayers have the option of posting a cash bond to stop the running of interest when protesting an assessment, a bond is not required for appeals to the superior court (Conn. Gen. Stat. §§ 12-39m, 12-237, 12-422).	Equal. 3 years for both. Assessment -- Conn. Gen. Stat. §§ 12-233, 12-415 Refund -- §§ 12-225, 12-226, 12-425.	Unequal. Underpayment – 1% per month (Conn. Gen. Stat. § 12-235); Overpayment – (Business) 0.66% per month (§ 12-227). No interest is paid on sales/use tax refunds. Interest on assessments runs from due date of the tax, while interest on refunds runs from 91st day after refund request received (§ 12-227).	60 days after assessment is mailed to the Department's Appellate Division (Conn. Gen. Stat. § 12-236).	Original: 1st day of the month next succeeding the due date of the corporation's federal tax return (Conn. Gen. Stat. § 12-222(b)). Extended: 6 months (Conn. Gen. Stat. § 12-222(c)). Not Automatic: taxpayer must file Form CT-1120 EXT.	Final determination is not defined in the CBT (but is defined in a PIT regulation). Conn. Agencies Regs. § 12-727(b)-4(a)(5). Taxpayers have 90 days to file amended returns. Conn. Gen. Stat. § 12-226(b)(1). Whether the state or a taxpayer can adjust items beyond federal changes is unclear.	The Department issues rulings to taxpayers upon request and publishes rulings with identifying information redacted. However, the Department's declaratory rulings on an infrequent basis. A very limited number are available for tax years after 1988 (9 rulings are available from 2013 to 2016 and 9 declaratory rulings are available from 1988 to 2012). 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 requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
DE	Tax appeals are heard by the Delaware Tax Appeal Board, appointed by the Governor. However, tax expertise is not required, except that one member of the five-member board must be an accountant (Del. Code Ann. tit. 30, §§ 544, 321). Bank tax disputes are tried before the State Bank Commissioner (Del. Code Ann. Tit. 5, § 1103).	There is no bond or prepayment requirement at the Tax Appeal Board. Del. Code Ann. tit. 30, § 544. However, civil courts may require bond for the purpose of staying execution of the judgment appealed from. Del. Code Ann. tit. 10, Sec. 568.	Equal. 3 years for both. Assessment – Del. Conn Ann. tit. 30, § 531(a). Refund – Del. Code Ann. tit. 30, § 539(a).	Equal. 0.5% per month. Underpayment – Del. Code Ann. tit. 30, § 533(a). Overpayment – Del. Code Ann. tit. 30, § 540(a).	60 days after date of mailing. Del. Code Ann. tit. 30, § 523. 30 days for withholding taxes.	Original: 1st day of 4th month following close of the taxable year. Del. Code Ann. tit. 30, § 1904(b). Extended: 6 months. Del. Code Ann. tit. 30, § 511. Not automatic; apply with Form 1100-EXT.	No definition of final determination. Taxpayers have 90 days to file amended returns. Del. Code Ann. tit. 30, § 514. Whether the state or a taxpayer can adjust items beyond federal changes is unclear.	The Division of Revenue issues but does not publish private letter rulings. All decisions, rules, and rulings of the Tax Appeal Board must be maintained and open for inspection by the public (Del. Code Ann. tit. 30, § 327), but they are not made available online.	
DC	Taxpayers may appeal a proposed assessment either to the Office of Administrative Hearings, which is an independent agency, or the Superior Court (Tax Division). D.C. Code § 47-4312. The Office of Administrative Hearings hears both tax and non-tax cases. D.C. Code § 2-1831.03(b)(4). There is no tax expertise requirement for administrative law judges.	No prepayment or bond requirement applies to appeals to the Office of Administrative Hearings. D.C. Code § 47-4312. However, tax, penalties, and interest must be paid for appeals to Superior Court. D.C. Code § 47-3303.	Equal. 3 years for both. Assessment – D.C. Code § 47-4301(a). Refund – D.C. Code § 47-4304(a).	Unequal. Underpayment – 10% per year, compounded daily. D.C. Code § 47-4201(d). Overpayment – 1% above Richmond Federal Reserve Bank discount rate, beginning in 2013. (D.C. Code § 47-4202.	30 days to appeal proposed assessment to Office of Administrative Hearings. D.C. Code § 47-4312(a). Taxpayer may appeal assessment to DC Superior Ct. Tax Division within 6 months of date of assessment but must first pay the tax. D.C. Code § 47-3303.	Original: 15th day of the 4th month. 9 DCMR 106. Extended: 7 months for combined filers. 9 DCMR 176. 6 months for other filers. Form FR-128 instructions. Not automatic; apply using Form FR-128.	No definition of final determination. Taxpayers have 90 days to report. D.C. Code § 47-4301(f). OTR has 180 days from the receipt of the report to assess. D.C. Code § 47-4301(f). The time for taxpayers to seek refunds or offsets is unknown. Whether the state or taxpayers may adjust items beyond federal changes is unclear.	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 (only 5 are available online, and the most recent tax ruling published and available online is dated 2008). OAH says that only parties to a case may access a decision, although some OAH decisions are available through tax reporting services, and the OAH maintains a selection of decisions as examples on its website.	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
FL	Taxpayers may either appeal to the Division of Administrative Hearings (DOAH) within the Department of Management Services or the circuit court (of general jurisdiction). Fla. Stat. Ann. Sec. 72.011(1). The Florida DOR may reject DOAH conclusions of law as well as any findings of fact not supported by competent substantial evidence. Fla. Stat. Ann. § 120.57(1)(f).	Prepayment is not required before the Division of Administrative Hearings, but is required for a judicial appeal. Fla. Stat. § 72.011(3). Payment/bond requirement for a judicial appeal can be waived at the DOR's discretion. Fla. Stat. § 72.011(3)(b)(2).	Equal. 3 years for both. Assessment – Fla. Stat. Ann. §§ 220.705, 95.091(3). Refund – Fla. Stat. Ann. §§ 220.727, 215.26(2).	Equal. Prime rate plus 4%. Underpayment – Fla. Stat. Ann. §§ 220.809, 220.807. Overpayment – Fla. Stat. Ann. §§ 220.723. Interest on overpayment based on date a "complete" 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 defer or avoid paying interest if it deems the refund claim incomplete.	60 days from Notice of Proposed Assessment (NOPA). Protest of final assessment: 60 days between date on the notice or date on DOR decision in response to protest and the filing in circuit court or DOAH. Fla. Stat. Ann. § 72.011(1); GT-800004 (07/15).	Original: 1st day of 4th month following close of fiscal year. Fla. Stat. Ann. § 220.222(1). Extended: Earlier of 15 days after federal extension or 6 months after return due date. Fla. Admin. Code Ann. 12C-1.0222(2)(a); Fla. Stat. Ann. § 220.23. Not automatic; apply using Form F-7004. Fla. Admin. Code Ann. 12C-1.0222(2)(b)(1).	No definition of final determination. Taxpayers have 60 days to report. Fla. Stat. Ann. § 220.23(2)(a)(3). State has 5 years to assess. Fla. Admin. Code r. 12C-1.023(9)(a). However, taxpayers only have 2 years after required filing date to seek a refund. Fla. Admin. Code r. 12C-1.023(8). Tax adjustments limited to federal adjustments. Fla. Admin. Code r. 12C-1.023(8) and (9)(c).	Florida issues binding, written guidance to requesting taxpayers (e.g., letter rulings). Fla. Stat. Ann. Sec. 213.22. DOR "technical assistance advisements" are also available, chronologically and searchable by tax type, with taxpayer information redacted. The Division of Administrative Hearings has a searchable database of case information. DOR does not publish decisions in response to informal protests because taxpayer information is, by statute, confidential. Fla. Stat. Ann. Sec. 213.053.	
GA	Taxpayers can appeal to the Georgia Tax Tribunal, an autonomous division within the Office of Administrative Hearings requiring tax expertise for its judges, for a trial de novo. Alternatively, taxpayers may appeal to the Superior Court. Ga. Code Ann. § 48-2-59; Title 50, Ch. 13A.	No prepayment or bond is required for Georgia Tax Tribunal. Ga. Code Ann. §§ 48-2-59(c), 50-13A-11. However, bond or other security is required for appeals to the superior court. Ga. Code Ann. Sec. 48-2-59(c). Tribunal appeals go to the Superior Court (Fulton County). Ga. Code Ann. Sec. 50-13A-17(h).	Equal. 3 years for both. Assessment – Ga. Code Ann. § 48-2-49(b). Refund – Ga. Code Ann. § 48-2-35(c)(1)(A).	Equal. Prime rate plus 3%, effective July 1, 2016. Underpayment – Ga. Code Ann. §§ 48-2-48, 48-2-40. Overpayment – Ga. Code Ann. § 48-2-35(a). However, the DOR by regulation (Rule 560-12-1.16) has sought to deny interest on refunds paid to direct pay permit holders.	Protests from assessments are due 30 days from date of mailing. Ga. Code Ann. § 48-2-45.	Original: 15th day of the 3rd month following the close of the taxable year. Ga. Code Ann. § 48-7-56(a). Automatic Extension: Taxpayer need not apply for an extension if the IRS has granted an exemption, and the Georgia return will be due when the federal return is due. Ga. Code Ann. § 48-5-57(d).	No definition of final determination. Taxpayers have 180 days to report. Ga. Code Ann. § 48-7-82(e)(1). If the taxpayer reports, state has 1 year to assess. Ga. Code Ann. § 48-7-82(e)(1). DOR has 5 years to assess non-filers. Id. Taxpayers have only 1 year to claim a refund. Id. Assessments and refunds are limited to the federal changes. Id.	Georgia issues letter rulings and publishes them in redacted form on the DOR website. Rule 560-1-1-10 provides the procedures for issuance, redaction, and disclosure of letter rulings. Georgia Tax Tribunal decisions are indexed and published on the Tribunal's website. Ga. Code Ann. § 50-13A-15.	Retroactivity limits: The Georgia Constitution provides limitations on legislative enactment of retroactive legislation. Ga. Const. § art. I, § 1. (minus one point) A 20% penalty applies to "frivolous" sales tax refund claims, and requirement to post bond for expedited refunds. Ga. Code Ann. Sec. 48-2-35. No interest paid on refunds resulting from taxpayer's failure to claim tax credits on return. Ga. Code Ann. Sec. 48-2-35(b).

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
HI	<p>Taxpayers may appeal to the Administrative Appeals Office, district Board of Review (BOR) or directly to the Tax Appeal Court.</p> <p>Haw. Rev. Stat. §§ 231-7.5, 232-6, 235-114, 237-42, 238-8.</p> <p>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.</p> <p>No tax expertise is required for Tax Appeal Court judges. Haw. Rev. Stat. § 232-8.</p>	<p>Prepayment or bond is not required for an appeal to the Administrative Appeals Office. Prepayment or bond is not required for the first appeal to either the Board of Review or Tax Appeal Court. However, prepayment is required for appeals from the Board of Review or Tax Appeal Court. Haw. Rev. Stat. §§ 235-114, 237-42, 238-8.</p>	<p>Equal.</p> <p>3 years for both.</p> <p>Assessment – §§ 235-111(a), 237-40(a), 238-7.</p> <p>Refund – Haw. Rev. Stat. §§ 235-111(b), 237-40(d), 238-7.</p>	<p>Unequal.</p> <p>Underpayment – .66% per month. Haw. Rev. Stat. § 231-39(b)(4)(A).</p> <p>Overpayment – .33% per month with a 90-day grace period. Haw. Rev. Stat. §§ 231-23(d)(1), 231-23(d)(2).</p>	<p>30 days from mailing for appeals to Board of Review or Tax Appeal Court. Haw. Rev. Stat. §§ 235-114(c), 237-42, 238-8, ch. 232</p>	<p>Original: Return is due the 20th day of the 4th month following close of fiscal year.</p> <p>Extended: 6 months. Id.</p> <p>Not automatic: Apply using Form N-301.</p>	<p>No definition of final determination. Taxpayers have 90 days to report. Haw. Rev. Stat. § 235-101(b).</p> <p>Equal statute of limitations on assessments and refunds "attributable to this report" and adjustment limited to federal changes. Haw. Rev. Stat. § 235-101(b).</p>	<p>The Department of Taxation posts redacted letter rulings on its website along with tax memoranda and other policy guidance. However, the most recent letter ruling is from 2013.</p> <p>Administrative Appeals Office settlements are not published. BOR hearings are informal, and decisions are not published.</p> <p>Tax Appeal Court decisions are published online.</p>	

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ID	The Board of Tax Appeals is within the Department of Revenue and Taxation, but not subject to the supervision or control of the State Tax Commission (STC). Idaho Code Ann. §§ 63-3801 to 63-3814. Members of the Board are selected based on their knowledge of and experience in taxation. Idaho Code Ann. §§ 63-3802. However, for sales /use and corp. income tax controversies exceeding \$25,000, no appeal to the Board of Tax Appeals is allowed. Idaho Code Ann. § 63-3049.	20% of the amount asserted must be deposited with the State Tax Commission prior to appeal to the Board of Tax Appeals or District Court. Idaho Code Ann. § 63-3049.	Equal. 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).	Equal. Federal mid-term rate plus 2%. Underpayment – Idaho Code Ann. § 63-3045(6)(c). Overpayment – Idaho Code Ann. §§ 63-3073, 63-3045(6)(c).	63 days after notice is mailed. Idaho Code Ann. § 63-3045(1)(a).	Original: 15th day of the 4th month following the close of the fiscal year. Idaho Code Ann. §§ 63-3032, 63-3085. Extended: 6 months. Idaho Code Ann. § 63-3033(a). Automatic: No application.	Final determination is defined. Idaho Code § 63-3068(f), Idaho Admin. Code r. 35.01.01.890. Idaho Code § 63-3068(f). Taxpayer shall, upon final determination, "immediately" report. Idaho Code Ann. § 63-3069(2); however, per regulation, taxpayers have 60 days to file. State has the later of 1 year to assess from amended return date or 3 years from the original return due date. Idaho Code Ann. § 63-3068(f). Taxpayer has 1 year to claim a refund. Idaho Admin. Code r. 35.01.01.890.03(b). State is limited to adjustments from the federal changes. Idaho Code § 63-3068(f).	The Idaho Tax Commission does not issue private letter rulings. 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	The Illinois Tax Tribunal has original jurisdiction over most Department of Revenue 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. 35 ILCS 1010.	Prepayment or bond is not required for appeals to the Illinois Tax Tribunal. 35 ILCS 1010/1-45(c). Taxpayers have the option of paying the tax and filing a complaint in Circuit Court within 30 days of the payment.	Equal. 3 years for both. Assessment – 35 ILCS 5/905(a)(1). Refunds – 35 ILCS § 5/911(a)(1).	Equal. Federal underpayment rate, adjusted semiannually. Underpayment – 35 ILCS 5/1003(a), 735/3-2. Overpayment – 35 ILCS 5/909(c), 735/3-2.	60 days after issuance. 35 ILCS 5/908(a).	Original: 15th day of the 3rd month for corporations. 35 ILCS 5/505. Extended: 6 months plus 1 additional month. 35 ILCS 5/505. 86 Ill. Admin. Code § 100.5020(b). Automatic: Use Form IL-505-B to pay tentative tax.	No definition of final determination; however, see 86 Ill. Admin. Code § 100.9200(a)(4) (provides instances of "finality"). Taxpayers have 120 days to report. 35 ILCS 5/506(b). State is limited to the effect of federal changes. However, adjustments may be made to prior years. 35 ILCS 5/905(e)(2). DOR auditors assert non-federal adjustments can be made; remains unclear as DOR has informally indicated that it is reviewing this stance.	The Department will issue Private Letter Rulings that are binding on the Department and the taxpayer who requested the Ruling. In addition, the Department will issue General Information Letters, which cannot be relied upon by either the taxpayer or the Department. Redacted DOR letter rulings and General Information Letters are available online. Administrative hearing decisions 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 ILCS 1010/1-85.	Statutes allow <i>qui tam</i> lawsuits for non-income tax (e.g., sales and use tax).

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IN	Appeals from adverse findings of the Indiana Department of Revenue may be brought before the Indiana Tax Court and heard de novo. Ind. Code Ann. §§ 6-8.1-5-1, 6-8.1-9-1. The Tax Court judge is appointed from a panel of nominees put forth by a Judicial Nominating Commission. While tax expertise is not required (Ind. Code Ann. § 33-26-2-2), the current Tax Court judge had significant state and local tax experience prior to her appointment.	Before reaching the Tax Court, taxpayers must petition to enjoin collection of the tax. Ind. Code Ann. § 33-26-6-2.	Equal. 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).	Equal. 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(d), 6-8.1-10-1(c).	60 days from date notice is mailed. Ind. Code Ann. § 6-8.1-5-1(d).	Original: 15th day of 4th month following the close of the tax year. Ind. Code Ann. § 6-3-4-3. Extended: same period as the federal extension, plus 30 days. Ind. Code Ann. § 6-8.1-6-1(c)(1). Automatic: Id.	Final determination is defined. Ind. Code Ann. §§ 6-3-4-6(d), 6-5.5-6-6(d). Taxpayers have 180 days to report. Ind. Code Ann. §§ 6-3-4-6(b), 6-5.5-6-6(c). The DOR has 6 months from the filing to issue a proposed assessment. Ind. Code Ann. § 6-8.1-5-2(f). A taxpayer has 180 days from the federal adjustment (or, if later, 3 years from the due date or payment) to file a refund claim. Ind. Code § 6-8.1-9-1(f). There is no clear statutory guidance as to whether the state or taxpayers can adjust items beyond the federal changes.	Indiana DOR Letters of Finding and Revenue Rulings are published with taxpayer information redacted in the Indiana Register, the online version of which may be keyword searched in the Register online. Note: on or about January 1, 2017, the DOR will begin publishing Memoranda of Decision and Orders Denying Refund under the same guidelines. Indiana Tax Court opinions published to the Court's website, listed chronologically.	
IA	The State Board of Tax Review was dissolved, and appeals are now heard by the Director of Revenue. Iowa Code § 421.17. Although an Administrative Law Judge of the Department of Inspections and evidentiary hearings, the Department of Revenue may retain jurisdiction and override the ALJ's decision. Taxpayers may then appeal to the District Court. Iowa Code §17A.20	Prepayment or bond is not required for DOR appeals. Iowa Code § 422.28. For an appeal to District Court, the court may order the petitioner to file a bond only if cause is shown. Iowa Code § 422.29.	Equal. 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.	Equal. Prime rate plus 2%. 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 from date of notice. Iowa Code §§ 422.28, 422.41; Iowa Admin. Code r. 701-55.5.	Original: Last day of the 4th month following the close of the taxable year. Iowa Code § 422.21. Extended: 6 months. Long Form IA 1120 instructions pg. 2. Automatic: Id.	No definition of final determination. Taxpayers have 6 months to report. Form IA 1120X instructions. DOR has 6 months from date amended return filed to assess. Iowa Code §§ 422.25(1); 422.39. The time for taxpayers to seek refunds or offsets is unknown. State is limited to federal adjustments. Iowa Admin. Code r. 701-51.2(422)(f).	Some declaratory orders and policy letters are published to the Iowa DOR's website and some rulings are available on the Tax Research Library on the IA DOR's website, searchable and organized by tax type. Some unredacted administrative rulings are published to the Iowa Tax Research Library on the IA DOR's website, searchable and organized by tax type.	The Legislature has passed retroactive legislation at least twice, including legislation enacted after the issue addressed was decided on the merits by a court. See <i>Ainley Kennels & Fabrication, Inc., v. City of Dubuque</i> , ___ N.W.2d ___, No. 15-1213 (Iowa Ct. App. 2016) (addressing retroactive amendments to city ordinances) and <i>Zaber v. City of Dubuque</i> , 789 N.W.2d 634 (Iowa 2010) (challenging a city's retroactive imposition of a cable television franchise fee).

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
KS	The state Board of Tax Appeals (BOTA) is an independent agency within the executive branch. Kan. Stat. Ann. § 74-2433a. Tax expertise is required. Kan. Stat. Ann. § 74-2433. Proceedings are governed by the Kansas Administrative Procedure Act and are de novo. Kan. Stat. Ann. § 74-2438. Taxpayers may appeal to the district court for a trial de novo.	The Board of Tax Appeals does not require prepayment or bond. Kan. Stat. Ann. § 74-2438a. A bond in the amount of 125% of the amount of taxes assessed is required to appeal an order of the board.	Equal. 3 years for both. Assessment – Kan. Stat. Ann. § 79-3230(a). Refunds – Kan. Stat. Ann. § 79-3230(c).	Equal. Federal underpayment rate plus 1%. Underpayment – Kan. Stat. Ann. §§ 79-3228(c), 79-2968. Overpayment – Kan. Stat. Ann. §§ 79-32,105(e), 79-2968. Interest on refunds paid from date of refund claim. Id.	60 days after mailing to request an informal conference. Kan. Stat. Ann. §§ 79-3226(a), 79-3221(b). 30 days to appeal final determination to BOTA. Kan. Stat. Ann. § 74-2438(a).	Original: 15th day of the 4th month following the close of the taxable year. Form K-120 instructions. Extended: 6 months. Form K-120 instructions; Kan. Stat. Ann. § 79-3221(c); Kan. Admin. Regs. § 92-12-67. Automatic: Id.	No definition of final determination. DOR states, without citation, that it uses the same "final determination" found in federal law. Taxpayers have within 180 days to report; Kan. Stat. Ann. § 79-3230(f). DOR has 2 year after return is filed to assess. Kan. Stat. Ann. § 79-3230(f). Time for taxpayers to seek refunds or offsets is unclear. DOR and taxpayers are limited to federal adjustments. Kan. Stat. Ann. § 79-3230(f).	Kansas DOR Private Letter Rulings are redacted and published online chronologically and by tax type in the Department's online Policy Information Library. The DOR may publish redacted final determinations issued by the secretary or by the secretary's designee. The Board of Tax Appeals (BOTA) issues monthly reports listing cases before it and is in the process of developing a searchable case database. The BOTA is required to publish a decision within 30 days after it is rendered. (Kan. Stat. Ann. § 74-2433(d)).	

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KY	Effective 10/1/16, the Kentucky Board of Tax Appeals is merged into the newly constituted Kentucky Claims Commission. The Commission consists of three commissioners appointed by the Governor and approved by the Senate. Ky. Rev. Stat. Ann. §§ 131.310, 131.315. Tax experience is not required. § 131.320. Hearings are held de novo. § 131.340. Taxpayers may appeal the Commission's decision to circuit court. § 131.370.	Bond is not required for appeals to the Kentucky Claims Commission. 103 Ky. Admin. Regs. 1:010. Prepayment of the tax or the filing of a bond appeared to be required for appeals to Circuit Court (KY. Rev. Stat. Ann. § 131.370), although neither were generally done in practice. While litigation has challenged this provision, the Kentucky Department of Revenue continues to take the position that bond is required.	Equal. For sales/ use and income taxes, 4 years. Assessment – Ky. Rev. Stat. Ann. §§ 141.210(2), 139.620. Refunds – Ky. Rev. Stat. Ann. §§ 134.580(3), 141.235. However, statute is 2 years for constitutional challenges. Ky. Rev. Stat. Ann. §§ 134.580(7), 134.590.	Unequal. 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 from date of notice. Ky. Rev. Stat. Ann. §§ 131.110(1); 103 Ky. Admin. Regs. Sec. 1:010.	Original: 15th day of the 4th month following the close of the taxable year. Ky. Rev. Stat. Ann. §§ 141.160(1). Extended: 6 months. Ky. Rev. Stat. Ann. § 141.170; Form 720 SL instructions. Automatic: No application required provided federal application is included with return.	Final determination is defined. Ky. Rev. Stat. Ann. § 141.210(1)(b). Taxpayers have within 30 days to report. Ky. Rev. Stat. Ann. § 141.210(4)(b). Equal statute of limitations for assessments and refunds (Ky. Rev. Stat. Ann. § 141.235(2)(b) and § 141.210 (2)(d)).	Letter Rulings are issued, but are not published. The Department of Revenue will provide written guidance upon the receipt of a specific request setting forth facts fully and accurately. Ky. Rev. Stat. Ann. § 131.081(6). Confidentiality of written requests is maintained pursuant to Ky. Rev. Stat. Ann. § 131.190. The former Kentucky Board of Tax Appeals made its opinions available on its website, and all the new Kentucky Claims Commission determinations are published.	The Legislature has passed retroactive legislation several times, including legislation enacted after the issue addressed was decided on the merits by a court. See <i>Miller v. Johnson Controls, Inc.</i> , 296 S.W.3d 392 (Ky. 2009) cert. denied, 560 U.S. 935 (2010) (addressing 2000 Ky. Act. ch. 543, § 2) and <i>King v. Campbell County</i> , 217 S.W.3d 862 (Ky. Ct. App. 2006) (addressing 2005 H.B. 400).

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
LA	The Louisiana Board of Tax Appeals (BTA) is an independent appeals forum. La. Rev. Stat. Ann. §§ 47:1401 to 1486. The BTA is now available for local tax disputes. However, if the Department of Revenue (LDR) chooses not to issue a formal assessment and instead file suit, bypassing the Board of Tax Appeals, payment is not required unless the LDR prevails, or if the taxpayer wishes to remove the suit to the BTA. La. Rev. Stat. Ann. §§ 47:1431, 1565. In all cases, subsequent appeals require posting of a bond. La. Rev. Stat. Ann. § 1434.	No prepayment of bond is required to appeal to the BTA, which now includes local tax appeals. While the LDR may choose not to issue a formal assessment and instead file suit, bypassing the Board of Tax Appeals, payment is not required unless the LDR prevails, or if the taxpayer wishes to remove the suit to the BTA. La. Rev. Stat. Ann. §§ 47:1431, 1565. In all cases, subsequent appeals require posting of a bond. La. Rev. Stat. Ann. § 1434.	Equal. 3 years for both. Assessments – La. Const. art. VII, § 16; La. Rev. Stat. Ann. §§ 47:1579 & 1581. Refunds - La. Rev. Stat. Ann. § 47:1623.	Unequal. Underpayment - rate for 2016 is 7%. La. Rev. Stat. Ann. § 47:1601.A. Overpayment - rate for 2016 is 3.25 percentage points above the Fed's "discount rate." La. Rev. Stat. Ann. §§ 47:1624(A); 13:4202(B).	60 days after DOR issues assessment. La. Rev. Stat. Ann. § 47:1565.	Original: 15th day of the 5th month following the close of the taxable year. La. Rev. Stat. Ann. §§ 47:287.614. Extended: not to exceed 7 months from the original return date. Not Automatic: must apply.	No definition of final determination. Changes must be reported within 180 days La. Rev. Stat. Ann. § 47:287.614(C). Equal statute of limitations for assessments and refunds. La. Rev. Stat. Ann. §§ 47:1580(B)(3), 47:1623. Federal waiver suspends the state prescription period, which allows LDR to make non-IRS adjustments. La. Rev. Stat. Ann. §§ 47:1580(B) & 47:1623(E).	While some rulings are available online with taxpayer information redacted for tax years 2001-2010, no redacted letter rulings have been published by LDR since 2010. The BTA publishes opinions on its website, which constitute "a small fraction of the very large number of Orders and Judgments rendered." The BTA also states that the decision to publish is driven by requests from the parties, not on the relative importance of decisions, orders, or judgments.	Separate local taxing authorities create onerous interpretive and compliance burdens for taxpayers. Local jurisdictions engage outside counsel to prosecute tax cases. Local taxing authorities are authorized to hire and pay contract auditors on a contingent fee basis.
ME	The Maine Board of Tax Appeals is an independent board within the Department of Administrative and Financial Services. Tax expertise is required, and the board's decisions are reviewed de novo by the Superior Court. 36 Me. Rev. Stat. Ann. § 151-D.	Prepayment or bond is not required for appeals to the Board of Tax Appeals or to Superior Court. 36 Me. Rev. Stat. Ann. § 152.	Equal. 3 years for both. Assessment – 36 Me. Rev. Stat. Ann. § 141(1). Refund – 36 Me. Rev. Stat. Ann. § 5278(1) (for income tax), 36 Me. Rev. Stat. Ann. § 2011 (sales/use tax).	Equal. Prime rate plus 3%. Underpayment – 36 Me. Rev. Stat. Ann. § 186. Overpayment – 36 Me. Rev. Stat. Ann. §§ 2011, 5279(1). However, interest on income tax refunds begins from date refund filed, with no interest if paid within 60 days of filing. 36 Me. Rev. Stat. Ann. § 5279(4).	60 days after receipt of notice of assessment or determination. 36 Me. Rev. Stat. Ann. § 151(1).	Original: same day as the federal returns. 36 Me. Rev. Stat. Ann. § 5227. Extended: federal extension plus 30 days. 36 Me. Rev. Stat. Ann. § 5231(1-A). Automatic: no application is required. Id.	Final determination is defined. 36 Me. Rev. Stat. Ann. § 5227-A(2) (A)-(F). Taxpayers have 180 days to report. 36 Me. Rev. Stat. Ann. § 5227-A(2). The 3-year statute of limitations on assessments also applies to refunds, and is limited to the federal changes. 36 Me. Rev. Stat. Ann. § 5278(4). However, the DOR notes certain deductions and/or credits can be adjusted.	Maine Revenue Services will issue non-binding advisory rulings to taxpayers pursuant to Me. Rev. Serv. Rule 110. Advisory rulings are not published, but they may be obtained in redacted form through a FOAA request. Maine Board of Tax Appeals at its discretion publicly releases redacted rulings on its website. As a matter of policy, it does not publicly release rulings that have been appealed, unless affirmed on appeal.	Maine Revenue Services will issue non-binding advisory rulings to taxpayers pursuant to Me. Rev. Serv. Rule 110. Advisory rulings are not published, but they may be obtained in redacted form through a FOAA request. Maine Board of Tax Appeals at its discretion publicly releases redacted rulings on its website. As a matter of policy, it does not publicly release rulings that have been appealed, unless affirmed on appeal.

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
MD	The Maryland Tax Court is an independent administrative unit of state government. Md. Code Ann., Tax-Gen. § 3-102. The Tax Court is dedicated to handling tax disputes; however, tax experience is not required by statute. Md. Code Ann., Tax-Gen. § 3-106. The Tax Court hears cases de novo. Md. Code Ann., Tax-Gen. Sec. 13-523. Appeals of Tax Court decisions are heard by the circuit court. Md. Code Ann., Tax-Gen. § 13-532(a)(2).	Prepayment or bond is not required for appeals the Tax Court. Md. Code Ann., Tax-Gen. § 13-510. However, when an order of the Tax Court is subject to judicial review, that order is enforceable unless the reviewing court grants a stay upon such condition, security or bond as it deems proper. Md. Code Ann., Tax-Gen. § 13-532(b).	Equal. For income tax and estate tax: 3 years. Assessment – Md. Code Ann., Tax – Gen. § 13-1101(a). Refunds – Md. Code Ann., Tax – Gen. §§ 13-903, 13-1104(a). For sales and use tax: 4 years. Action to recover – Md. Code Ann., Tax-Gen. § 13-1102(a). Refund – Md. Code Ann., Tax-Gen. § 13-1104(g).	Equal. Rates of interest on assessments (tax due) and refunds (tax overpayments) are the same. Greater of 12% (for 2017) or average prime rate plus 3% per year. Md. Code Ann., Tax – Gen. § 13-604(b).	30 days after date on which a notice of assessment is mailed. Md. Code Ann., Tax – Gen. § 13-508(a).	Original: 15th day of the 4th month following the close of the tax year. Md. Code Ann., Tax – Gen. § 10-821(a). Extended: 7 months. Md. Code Ann., Tax – Gen. § 10-823(2). Not automatic: apply using Form 500E. Id.	No definition of final determination. Taxpayers have 90 days to report. Md. Code Ann., Tax-Gen. § 13-409. Equal statute of limitations for assessments and refunds. Md. Code Regs. 03.04.03.06.B.3. While refunds are limited to federal adjustments, whether the state may adjust items beyond federal changes is unclear. Md. Code Ann., Tax-Gen. § 13-1104(c)(4).	The Maryland Comptroller has not historically issued binding letter rulings, but not publishing, instead issuing, nonbinding letter rulings. However, 2016 S.B. 843 requires the Comptroller to develop regulations for issuing private letter rulings, and the Comptroller's website has a placeholder for publishing those letter rulings. A small number of Maryland Tax Court decisions are available online for tax years 1999-2016 (e.g., three decisions each for 2011 and 2012, one for 2013, one for 2014, 12 for 2015, and 3 for 2016).	The Maryland legislature has passed retroactive legislation to reduce interest rates for taxpayer refund claims arising from the U.S. Supreme Court's decision in <i>Comptroller of the Treasury of Maryland v. Wynne</i> . See Budget Reconciliation and Financing Act of 2014. A class action challenge to this legislation is pending in the Baltimore City Circuit Court (<i>Holzheid et al. v. Comptroller</i>). The Maryland Comptroller has taken the position that interest will not be paid on a refund claim if the claim is based on "an error or mistake of the claimant not attributable to the State." Administrative Release No. 14, as revised Aug. 2012.

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MA	The Appellate Tax Board is in the executive office of administration and finance. The board is dedicated to handling tax disputes. While members are appointed with the advice and consent of the executive council, tax experience is not required by statute. Mass. Gen. Laws Ann. ch. 58A § 1. Appeals can be made to the court of appeals. Mass. Gen. Laws Ann. ch. 58A § 13.	Taxpayers are not required to prepay the amount of tax in dispute for appeals at the Appellate Tax Board. However, the stay on collection only applies to subsequent appeals (to the Court of Appeals) if the taxpayer prevailed at the Appellate Tax Board. Mass. Gen. Laws Ann. ch. 62C, Sec. 32(e).	Equal. 3 years for both. Assessment – Mass. Gen. Laws Ann. ch. 62C, § 26(b). Refunds – Mass. Gen. Laws Ann. ch. 62C, § 36.	Unequal. Underpayment – Federal short-term rate plus 4%. Mass. Gen. Laws Ann. ch. 62C, § 32. Overpayment – Federal short-term rate plus 2%. Mass. Gen. Laws Ann. ch. 62C, § 40.	60 days after date of notice of decision. Mass. Gen. Laws Ann. ch. 62C, § 39.	Original: 15th day of the 3rd month after close of taxable year. Mass. Gen. Laws Ann. ch. 62C, § 11; Form 355 instructions. Extended: 6 months. Mass. Gen. Laws Ann. ch. 62C, § 19; Form 355 instructions. Not automatic; apply using Form 355-7004.	Final determination is defined. 830 CMR 62C.30.1. Taxpayers have 3 months to report (Mass. Gen. Laws Ann. ch. 62C, § 30), which occurs "whether or not the audit ... is complete." 830 CMR 62C.30.1(3)(a). Generally, the DOR has 1 year from the filing date to assess. Mass. Gen. Laws ch. 62C, § 30. DOR has 2 years if a taxpayer does not self-report. 830 CMR 62C.30.1(4)(b)(2)(b). The timeframes for offset are the same. 830 CMR 62C.30.1(5)(a). Assessments are limited to those directly attributable to the federal change. 830 CMR 62C.30.1(4)(b)(2)(c).	The Massachusetts 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). Decisions in administrative appeals before the Department's Office of Appeals are not published. Appellate Tax Board rulings are published for formal appeals, when requested by the parties.	

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MI	The tax tribunal is a quasi-judicial agency which, for administrative purposes only, is in the department of treasury. While the tribunal is dedicated to handling tax disputes, its members are not required to have tax expertise by statute. Mich. Comp. Laws Ann. § 205.721. Proceedings are de novo. Mich. Comp. Laws Ann. § 205.735. Further, the Michigan Court of Claims has a "tax docket," and all tax cases are assigned to the Chief Judge.	Prepayment is not required to come before the Tax Tribunal, the Court of Claims, or for subsequent appeals to the Court of Appeals or Michigan Supreme Court. Mich. Comp. Laws Ann. § 205.22. Public Act 79 of 2015 removed the prepayment requirement for taxpayers wishing to proceed to the Court of Claims for resolution of their tax disputes.	Generally equal. 4 years for both. Assessment – Mich. Comp. Laws Ann. § 205.27a (2). Refunds – Mich. Comp. Laws Ann. §§ 205.30(2), 205.27a (2). However, the statute is 90 days for claims based on constitutional or federal law. Mich. Comp. Laws Ann. §§ 205.27a(7).	Equal. Prime rate plus 1%. Underpayments – Mich. Comp. Laws Ann. § 205.23(2). Overpayments – Mich. Comp. Laws Ann. §§ 205.30(3), 205.23(2). However, interest does not accrue until 45 days after refund claim is filed. Mich. Comp. Laws Ann. § 209.30(3).	60 days after receipt to seek informal hearing at DOR on notice of intent to assess. Mich. Comp. Laws Ann. § 205.21(2) (c). 60 days to appeal assessment to Michigan Tax Tribunal; 90 days to pay under protest and appeal to Court of Claims. Mich. Comp. Laws Ann. § 205.22(1).	Original: Last day of 4th month following close of taxable year. Mich. Comp. Laws Ann. § 208.1505(1). Extended: 8 months. Mich. Comp. Laws Ann. § 208.1505(3), (4). Not automatic; must file tentative return and copy of federal extension request by original due date. Id.	No definition of final determination. Taxpayers have 120 days to report. Mich. Comp. Laws Ann. § 206.687(2). The time for the state to make an assessment or taxpayers to claim a refund is unclear. Whether the state or a taxpayer may adjust items beyond federal changes is unknown.	The Department of Treasury issues both Letter Rulings (published) and Technical Advice Letters. A technical advice letter is an informal document issued in response to a taxpayer's request. They are not published and may be relied upon only by the taxpayer requesting its issuance. They are not binding. Mich. Comp. Laws Ann. § 205.6a. Tax Tribunal decisions are published online chronologically. Court of Claims opinions are not published, but are a matter of public record.	The Michigan Legislature has passed retroactive legislation expressly intended to reverse state high court decisions. See Gillette Commercial Operations N. Am. & Subsidiaries v. Dep't of Treasury, 878 N.W.2d 891 (Mich. Ct. App. 2015), appl. for leave to appeal denied, 880 N.W.2d 230 (Mich. 2016) (addressing 2014 P.A. 282); GMC v. Dep't of Treasury, 803 N.W.2d 698 (Mich. App. 2010) (addressing 2007 P.A. 103); GMAC LLC v. Dep't of Treasury, 781 N.W.2d 310 (Mich. Ct. App. 2009) (addressing 2007 P.A. 105); Ford Motor Credit Co. v. Dep't of Treasury, 2010 WL 99050, at *1 (Mich. Ct. App. 2010), cert. denied, 178 L.Ed.2d 826 (U.S. 2011).

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MN	The Tax Court is an independent agency of the executive branch. The Tax Court is a court of record. Tax expertise is required. Minn. Stat. Ann. § 271.01. A review of any final order may be had upon certiorari by the Supreme Court. Minn. Stat. Ann. § 271.10.	Taxpayers are required to pay only the uncontested portion of the tax at the time of appeal. Minn. Stat. Ann. § 271.09.	Equal. 3.5 years for both. Assessment – Minn. Stat. Ann. § 289A.38, Subd. 1. Refund – Minn. Stat. Ann. § 289A.40, Subd. 1.	Equal. 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 after the notice date. Minn. Stat. Ann. § 270C.35, Subd. 4.	Original: due on federal filing date. Minn. Stat. Ann. § 289A.18, Subd. 1(2). Extended: 7 months. Minn. Stat. Ann. § 289A.19, Subd. 2. Automatic: no application required.	No definition of final determination. Taxpayers have 180 days to report. Minn. Stat. Ann. § 289A.38, Subd. 7. Generally, the state has 1 year from report to assess. Minn. Stat. § 289A.38, Subd. 9. The time for taxpayers to seek refunds or offsets is unknown. State's assessment is limited to federal changes only if the DOR has completed a prior field audit. Minn. Stat. § 289A.38, Subd. 9.	The Minnesota DOR does not have an official letter ruling program, but issues informal letters at 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 (are not published in chronological order).	
MS	The Board of Tax Appeals is an independent agency whose members "shall possess a special knowledge of taxation and revenue in the State." Miss. Code Ann. §27-4-1. Appeals from the Board are heard by the Chancery Court. Miss. Code Ann. §27-7-7.	Prepayment or bond is not required for appeals to the Board of Tax Appeals. Unless otherwise ordered by the chancery court upon motion by the agency, no taxpayer appealing an order of the Board of Tax Appeals is required to post security or a bond, or otherwise pay any contested taxes, interest, penalties or other amounts. Miss. Code Ann. §27-7-7(3).	Generally equal. 3 years for both. However, if an examination has commenced, an assessment may be made within one additional year. Claims for refund must be made within three years from the due date, or three years from the extension date. Assessment – Miss. Code Ann. § 27-7-49(1). Refund – Miss. Code Ann. § 27-7-313.	Equal. 0.7% after Jan. 1, 2017, declining to 0.5% after Jan. 1, 2019. Miss. Code Ann. § 27-7-51; 27-7-315(2). Underpayments – Interest runs from the due date of the return for the year for which the refund is claimed. Miss. Code Ann. § 27-7-51(2). Overpayments – Interest starts to run 90 days after the later of: 1) the due date of the return, 2) the filing date of the return, 3) the date a claim for refund is filed, 4) or the date the DOR, the Board of Tax Appeals or court determines a refund is due. Miss. Code Ann. § 27-7-315(2).	60 days from the date written notice is mailed or delivered to the taxpayer. Miss. Code Ann. § 27-7-41 and Extended: 6 months. Miss. Code Ann. § 27-7-50 and Form 83-100 instructions pg. 4. Automatic: if no tax liability exists on the due date of the return: Miss. Admin. Code 35.III.1.1(101). If a tax liability exists, must file Form 83-180 for payment. Form 83-100 instructions pg. 4.	Original: 15th day of the 3rd month following close of taxable year. Miss. Code Ann. § 27-7-41 and Extended: 6 months. Miss. Code Ann. § 27-7-50 and Form 83-100 instructions pg. 4. Automatic: if no tax liability exists on the due date of the return: Miss. Admin. Code 35.III.1.1(101). If a tax liability exists, must file Form 83-180 for payment. Form 83-100 instructions pg. 4.	No definition of final determination. Miss. Code Ann. § 27-7-49(4). Taxpayers have 30 days to report. Miss. Code Ann. § 27-7-51(4). State has 3 years from date of federal change to assess. Miss. Code Ann. § 27-7-49(3). The time for taxpayers to seek refunds or offsets is unknown. State assessment limited to federal changes. Miss. Code Ann. § 27-7-49(4).	The DOR issues private letter rulings but does not publish them or make them available publicly. It also issues declaratory opinions that are available upon request, but these are rarely sought or issued. Miss. Admin. Code § 35.1.01(108). The 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).	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
MO	The Administrative Hearings Commission is an independent agency assigned to the Office of Administration. Commissioners are not required to have tax expertise (and generally do not), and hear all types of executive agency appeals. Mo. Ann. Stat. § 621.015. Appeals of the Commission's tax decisions go directly to the Supreme Court of Missouri. Missouri Constitution, art. v, § 3.	Prepayment or bond is not required. Mo. Ann. Stat. § 621.050.	Equal. 3 years for both. Assessment – Mo. Ann. Stat. §§ 143.711(1), 144.220(3). Refund – Mo. Ann. Stat. §§ 143.801(1), 144.190(2). See also section 143.801(1).	Unequal. 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(2). For business taxes, no interest is paid if the refund is issued within 120 days of the later date of filing of the return, claim, or the date accurate and complete documentation is submitted by taxpayer. Mo. Ann. Stat. § 32.069.1.	Income Tax: 60 days after mailing date to protest a notice of deficiency. Mo. Ann. Stat. §§ 143.621, 143.631.1. If a protest is filed and the DOR issues a final decision adverse to the taxpayer, the taxpayer has 30 days from date of mailing to appeal the final decision to the Administrative Hearing Commission. Mo. Ann. Stat. § 143.651.	Original: 15th day of 4th month following close of taxable year. Mo. Ann. Stat. § 143.511. Extended: 6 months. Form MO-1120 instructions; Mo. Ann. Stat. § 143.551(2). Automatic: Submit a copy of the approved federal extension with the return.	Final determination is defined. 12 CSR 10-2.105(3). Taxpayers have 90 days to report. Mo. Ann. Stat. § 143.601 and 12 CSR 10-2.105(2). State has 1 year from the filing date to assess. Mo. Rev. Stat. § 143.711(4). Taxpayers have 1 year and 90 days after final determination date to claim a refund. 12 CSR 10-2.105(6). State's assessment is limited to federal changes. 12 CSR 10-2.105(6).	The DOR publishes redacted versions of letter rulings and maintains an online, searchable database with rulings dating to 2013 (private letter rulings expire after three years and may not be relied upon by other taxpayers). 12 CSR 10-1.020. Administrative Hearing Commission decisions are published on the Commission's website, along with filings submitted in connection with the appeal.	Retroactivity limits: The Missouri Constitution provides limitations on legislative enactment of retroactive legislation. Mo. Const., art. I, § 13. (minus one point) New issues to support claims for refund only may not be raised at the Administrative Hearing Commission. In claims for refund, if the basis for the claim is not raised in the actual claim itself, the taxpayer is precluded from raising the issue at the Commission level. Constitutional issues must be raised at the Commission level, even though the Commission may not decide those issues.

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MT	The State Tax Appeal Board is an independent agency. Mont. Code Ann. §§ 15-2-101 to 15-2-306. All members must possess knowledge and skills in the subject of taxation. Mont. Code Ann. § 15-2-102. Taxpayers may appeal a decision of the State Tax Appeal Board to the District Court. Mont. Code Ann. § 15-2-303.	Prepayment or bond is not required to appeal to the State Tax Appeal Board or to appeal the Board's decision to the District Court. Mont. Code Ann. §§ 2-4-702; 15-2-101.	Generally equal. 3 years from original due date for refunds. 3 years from later of original due date or date filed for assessments. Assessment – Mont. Code Ann. §§ 15-30-2606, 15-509(1), Refund – Mont. Code Ann. §§ 15-31-509(2), 15-30-2609.	Equal. 1% per month for corporate income tax. 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(12).	30 days following date of notice for most tax types. ARM 42.2.510. Mont. Code Ann. § 15-2-302(3).	Original: 15th day of 5th month following close of taxable year. Mont. Code Ann. § 15-31-111(2); CIT Booklet. Extended: 6 months. Mont. Code Ann. § 15-31-111(3) Automatic: no application required.	No definition of final determination. Taxpayers have 90 days to report. Mont. Code Ann. § 15-31-506. State has 1 year after amended return filed to assess. 3 years if changes not filed within 90 days reporting period. Refund claims must be filed before the federal waiver expires (or within 1 year from the date of overpayment). Mont. Code Ann. §§ 15-31-509(1)(b); 15-31-506. Tax adjustments are not limited to federal changes if a federal waiver exists.	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.	
NE	Final actions of the Tax Commissioner may be appealed in accordance with the Administrative Procedure Act to the district court for Lancaster County, Neb. Rev. Stat. § 77-27.127.	Tax payment is not required to protest an assessment. Neb. Rev. Stat. §§ 77-27.127; 84-917. The Tax Commissioner may not commence collection during appeals. See 316 Neb. Admin. Code Ch.36 § 004.01.	Equal. 3 years for both. Assessment – Neb. Rev. Stat. §§ 77-2786(1), 77-2709. Refund – Neb. Rev. Stat. §§ 77-2793(1), 77-2708.	Equal. Federal rate plus 3%. 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 after mailing. Neb. Rev. Stat. §§ 77-2709, 77-2778.	Original: Same as the federal return. Form 1120N instructions; Neb. Rev. Stat. § 77-2768. Extension: 6 months automatic without Form 7004N. 7 months with Form 7004N. Form 1120N instructions; Neb. Rev. Stat. § 77-2770.	Final determination is defined. Neb. Admin. R. & Regs. 24-046.04. Taxpayers have 60 days to report. Neb. Rev. Stat. § 77-2775(2). 2-year statute of limitations for assessments and refunds. Neb. Rev. Stat. § 77-2786(4) and Neb. Admin. R. & Regs. 316-24-046.06C). Adjustments limited to federal changes. Neb. Rev. Stat. § 77-2775(5).	A limited number of revenue rulings and General Information Letters are available on the Nebraska DOR's website with Taxpayer-specific information redacted, but private letter rulings are not published. Administrative decisions of the Tax Commissioner are not published.	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
NV	Disputes are generally first heard by an ALJ employed by the Nevada Department of Taxation and housed in the same office space as other Department of Taxation personnel. An ALJ decision can be appealed to the Nevada Tax Commission, an eight-member body appointed by the Governor. The Tax Commission is limited to the record established before the ALJ, with limited exceptions.	Taxpayers must pay the amount of determination or enter a payment agreement before appealing the Nevada Tax Commission's decision to District Court. Nev. Rev. Stat. § 360.395.	Equal. 3 years for both. Assessment – Nev. Rev. Stat. § 360.355. Refund – Nev. Rev. Stat. §§ 372.635, 374.640.	Unequal. Underpayment – 0.75% per month. Nev. Rev. Stat. §§ 360.295, 360.417. Overpayment – 0.25% per month. Nev. Rev. Stat. § 360.2937.	45 days after service of notice of determination to petition for a redetermination. Nev. Rev. Stat. § 360.360(1).	N/A	N/A	Taxpayers may submit a written request for an advisory opinion, which constitutes written guidance. The Department does not release advisory opinions in redacted form or otherwise. Nev. Admin. Code 360.190. To obtain such opinions requires a formal public records request and the appropriate redactions. Of note, the Department also publishes Technical Bulletins and a monthly newsletter called Tax Notes—while neither the Technical Bulletins nor Tax Notes are binding legal authority, the Department routinely cites to both as precedent in binding cases, and the ALJ and Tax Commission allow that practice. Neither the ALJ nor the Tax Commission publish rulings. Testimony of a member or employee of the Department, along with any records, files, and information directly involved in the proceeding, are not considered confidential and may be released upon a public records request.	The Commerce Tax reporting period for all taxpayers is the state fiscal year, which is July 1 through June 31. Exempt taxpayers and taxpayers under the \$4,000,000 liability threshold are required to provide detailed information (this is the bulk of taxpayers filing the Commerce Tax return).

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NH	Final determinations of the Tax Commissioner's hearing officers are reviewed de novo by either: (1) the Board of Tax and Land Appeals ("BTLA") or (2) the Superior Court. N.H. Rev. Stat. Ann. § 71-B:11 and 21-J:28-b, IV. While the BTLA requires tax expertise (N.H. Rev. Stat. § 71-B:1), the expertise of the Board, and substantially all cases before the BTLA, relates to property taxes, not business taxes.	Generally, prepayment or bond is not required. However, the BTLA or Superior Court may require taxpayers to post bond if the Department of Revenue Administration makes a request based on risk of non-payment. N.H. Rev. Stat. Ann. § 21-J:28-b, V.	Unequal. Assessment – Later of 3 years from the date the return was filed or the last day prescribed for filing. N.H. Rev. Stat. Ann. § 21-J:29, I(a). Refund – Later of 3 years from due date of the tax or 2 years from date of payment. N.H. Rev. Stat. Ann. § 21-J:29, I(b). For a refund challenge on federal or state constitutional grounds, 120 days from due date of the tax. N.H. Rev. Stat. Ann. § 21-J:29, I(d).	Unequal. Underpayment – Federal underpayment rate as of Sept. 1 in the preceding calendar year plus 2%, N.H. Rev. Stat. Ann. § 21-J:28, II. Overpayment – Federal underpayment rate as of Sept. 1 in the preceding calendar year less 3%. N.H. Rev. Stat. Ann. § 21-J:28, III.	Yes. 60 days after notice of the assessment. N.H. Rev. Stat. Ann. § 21-J:28-b, I.	Original: 15th day of the 3rd month for organizations required to file a federal partnership tax return and the 15th day of the 4th month in the case of all other business organizations, following the close of the taxable period. N.H. Rev. Stat. Ann. §§ 77-A:6, I; 77-E:5. Extended: 7 months. N.H. Code Admin. R. Rev 307.09 and Rev 2407.07. Not automatic; apply using Form BT-EXT.	Final determination is defined. Rev. 307.10(b) (Business Profits Tax) and Rev. 2407.06 (Business Enterprise Tax). Taxpayers have 6 months to report. N.H. Rev. Stat. Ann. § 77-A:10 (Business Profits Tax); § 77-E:9 (Business Enterprise Tax). State tax adjustments for the state and taxpayers limited to federal changes. Rev. 307.11(g).	The Department publishes on its website "Declaratory Rulings" relating to specific taxpayers with taxpayer information redacted and Technical Information Releases ("TIRs") relating to general, non-binding guidance. A limited number of rulings are published on the Department's website (three rulings from 2013-2016) because this mechanism is rarely pursued. DRA Hearings Bureau does not publish decisions; BTLA decisions are published (searchable database only). DRA publishes significant BTLA and judicial decisions on its website.	Retroactivity limits: The New Hampshire Constitution provides limitations on legislative enactment of retroactive legislation. N.H. Const. part 1, art. 23. (minus one point)

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NJ	<p>Taxpayers may appeal to the New Jersey Tax Court. N.J.S.A. §§ 54:51A-13, 54:10A-19.2. Decisions of the Tax Court may be appealed to the Appellate Division of the Superior Court. N.J.S.A. § 2B:13-4. Tax Court judges are chosen based on their special qualifications, knowledge, and experience in matters of taxation. N.J.S.A. § 2B:13-6.</p>	<p>A complaint filed in the Tax Court generally will stay the collection of the state taxes at issue. N.J.S.A. 54:51A-15(a); N.J.A.C. 18:32-1.3(a)(4). Where the amount in controversy is \$10,000 or more, security is required only if the Director determines there is a substantial risk of the taxpayer's failure or inability to pay the liability. id.</p> <p>A stay of collection or enforcement will expire when the Tax Court enters its judgment. N.J.S.A. 54:51A-15(d); N.J.A.C. 18:32-1.3(a)(4). Taxpayers appealing a decision of the Tax Court must post a bond or deposit with the Appellate Division or pay the tax. See N.J. Ct. R. 2:9-5; see also N.J. Ct. R. 2:9-6.</p>	<p>Equal. 4 years for both. Assessment - N.J.S.A. 54:49-6(b). Refund - N.J.S.A. 54:49-14(a).</p>	<p>Unequal. Underpayment - Prime rate plus 3%. N.J.S.A. 54:49-3. Interest runs from the date tax was due. Overpayment - Prime rate. N.J.S.A. 54:49-15.1. Interest accrues from later of date of claim, date of payment of tax, or return due date. No interest on any overpayment paid within six months.</p>	<p>Yes, 90 days after issuance date of Notice of Assessment Related to the Final Audit Determination. N.J.S.A. 54:49-18(a).</p>	<p>Original: 15th day of 4th month following close of taxable year. N.J.S.A. 54:10A-15. Extended: 6 months for most corporations. 5 months for banks and financial corporations. N.J.S.A. 54:10A-19; N.J.A.C. 18:7-11.12. Not automatic: Must file Tentative Return Form CBT-200T. N.J.A.C. 18:7-11.12.</p>	<p>Final determination is not substantively defined. N.J.A.C. 18:7-11.2. Taxpayers have 90 days to report. N.J.S.A. 54:10A-13; N.J.A.C. 18:7-11.8. Time to make an assessment or request a refund is the same for the Division and taxpayers. N.J.A.C. 18:7-11.8(c); N.J.A.C. 18:7-13.8, Ex. 2. Unclear if non-federal changes can be made.</p>	<p>Letter Rulings are published on the Division of Taxation's website at the discretion of the Director. Recent Tax Court decisions are published on the Court's website for 10 business days, then searchable on Rutgers School of Law website. Decisions of the Conferences and Appeals Branch are not publicly released.</p>	<p>There is a limited ability for taxpayers to file a claim for refund if the assessment period is missed. N.J.S.A. 54:49-14.</p>

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NM	The Administrative Hearings Office is an independent agency administratively attached to the Department of Finance and Administration. N.M. Stat. Ann. § 7-1B-2. Tax expertise is required. N.M. Stat. Ann. § 7-1B-4. The taxpayer may appeal the hearing officer's decision to the Court of Appeals. N.M. Stat. Ann. § 7-1-25. The forum is dedicated to resolving tax disputes, although it also hears matters related to the Motor Vehicle Division.	Prepayment is not required to protest an assessment. N.M. Stat. Ann. § 7-1-24. No prepayment or bond required for Administrative Hearings Office hearings or for subsequent appeal. Taxpayers may choose to pay an assessment and claim a refund in state trial court.	Equal. 3 years for both. Assessment – N.M. Stat. Ann. § 7-1-18(E). Refund – N.M. Stat. Ann. § 7-1-26(D).	Equal. Federal underpayment rate. Overpayment – N.M. Stat. Ann. § 7-1-68(B). Underpayment – N.M. Stat. Ann. § 7-1-67(B). For interest accrues from first day after tax is due N.M. Stat. Ann. § 7-1-67(A). Interest on refunds not based on an assessment is paid from the date of claim for refund, if refund arises from an assessment. Interest is paid from date of overpayment.	Protests must be filed within 90 days of the date of the mailing to or service upon the taxpayer of the assessment. N.M. Stat. Ann. § 7-1-24(C).	Original: Federal due date. N.M. Stat. Ann. § 7-2A-9. The due date can be extended to the end of the month in which the taxpayer's federal return is due if the taxpayer uses an approved electronic media to file and pay the associated taxes. N.M. Stat. Ann. § 7-2A-9(C). Extended: 6 months. N.M. Stat. Ann. § 7-1-13(E). Automatic: Apply using Form RPD-41096. According to the second sentence of § 7-1-13(E), if a federal extension has been granted that extension "shall serve" to extend the time for filing the NM return as long as the approved federal extension is attached to the state return when filed.	Final determination is defined. N.M. Stat. Ann. § 7-1-13(F). Taxpayers have 180 days to report. N.M. Stat. Ann. § 7-1-13(C). The statute of limitations for the State and taxpayers are close. N.M. Stat. Ann. § 7-1-18(E) and N.M. Stat. Ann. § 7-1-26(D)(1)(d). Whether the state or taxpayers may adjust items beyond federal changes is unclear.	The New Mexico Taxation and Revenue Department issues "Revenue Rulings" that are binding upon the Department as taxpayer on the facts presented, unless there is a change in law or the Department withdraws the ruling. They are made public in redacted form on the Department's website. N.M. Stat. Ann. §§ 7-1-60 (binding effect); 9-11-6.2(B)(2) (authority to issue). All current, valid rulings are published in redacted form on Department's website. Decisions and orders of the Administrative Hearings Office hearing officers are published to the New Mexico Taxation and Revenue Department website chronologically with synopsis for each case and link to full text.	Taxpayers seeking a refund must refile their refund claim within 90 days if the Department fails to act on the claim within 120 days of the original filing. N.M. Stat. Ann. § 7-1-26(B)(2).

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NY	The Division of Tax Appeals ("DTA") is an independent, two-tier appellate system operated and administered by the Tax Appeals Tribunal ("TAT"). N.Y. Tax Law § 2002-2010. The record for further appeal is established at the ALJ level of the DTA. N.Y.C.R.R. 3000.15; N.Y.C.R.R. 3000.17. ALJ decisions are appealable to the TAT. N.Y. Tax Law §§ 2006, 2010(4); N.Y.C.R.R. 3000.17. The TAT comprises three commissioners with knowledge and skill in the area of taxation. N.Y. Tax Law § 2004.	Generally, prepayment or bond is not required. However, deficiencies of sales/use tax and corporate franchise tax must be paid to establish jurisdiction in the Appellate Division of the Supreme Court. N.Y. TAX LAW § 1090(a) (corporate tax), 1138(a)(4) (sales/use tax).	Generally equal. 3 years for both. Assessment – Assessment must be made within three years after return was filed. N.Y. Tax Law § 1083(a). Refund – Refund claims must be made within later of 3 years from return filing date, or 2 years from payment of tax. N.Y. Tax Law § 1087(a).	Unequal. Underpayment – Federal short-term rate plus 7%. N.Y. Tax Law § 1096(e)(2)(B). Interest accrues from the last date prescribed for the payment of taxes due under Articles 9 or 9-A. N.Y. Tax Law. § 1084(a). Overpayment – Federal short-term rate plus 2%. N.Y. Tax Law § 1096(e)(2)(A). Interest accrues from date of overpayment. N.Y. Tax Law § 1088(a).	Notice of determination may be appealed within 90 days from mailing. N.Y. Tax Law §§ 1089(b), 1138(a)(1).	Original: April 15 for calendar-year taxpayers. N.Y. Tax Law § 211(1). Extended: 6 months. N.Y. Tax Law §§ 193, 1462, 1515. Not automatic; apply using Form CT-5.	Final determination is defined. 20 N.Y.C.R.R. 6-1.3(b). Report due 90 days (120 days for combined reports) after the final determination, N.Y. TAX LAW § 211(3). Generally, the state may assess tax within 2 years after the filing date of the report. N.Y. Tax Law § 1083(c)(3); 20 N.Y.C.R.R. 8-1.2(b)(3). A taxpayer may file for refund or credit within 2 years from the 90th day after the federal determination. N.Y. Tax Law § 1087(c); 20 N.Y.C.R.R. 8-2.3. The state's assessment is limited the federal adjustment. N.Y. Tax Law § 1083(c)(3); 20 N.Y.C.R.R. 8-1.2(b)(3).	Yes. The Department of Taxation and Finance is required by statute to issue written advisory opinions that are binding on the Department only with respect to the person for whom the advisory is rendered. N.Y. Tax Law § 171. Advisory opinions are redacted to maintain taxpayer confidentiality, and are published on the Department's website, along with other taxpayer guidance. Yes. The Division of Tax Appeals publishes determinations of its administrative law judges and decisions of the Tax Appeals Tribunal on its website, which generally must be searched.	The Legislature has passed retroactive legislation several times, including after the issue was decided on the merits by a court. See <i>Caprio v. Dep't of Taxation & Fin.</i> , 37 N.E.3d 707, rehearing denied (N.Y. 2015) [2010 amendments to Tax Law § 632(a)(2) (L. 2010, ch. 57, § 1, part C)] and <i>James Square Assocs. LP v. Mullen</i> , 993 N.E.2d 374 (N.Y. 2013) [2009 amendments to General Municipal Law § 959 (L. 2009, ch. 57, part 5-1, § 3)]. Statutes specifically extend <i>qui tam</i> lawsuits to tax matters.

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NC	The Office of Administrative Hearings is an independent agency. N.C. Gen. Stat. Ann. § 105-241.15. The Chief ALJ may designate certain ALJs to preside over tax cases. N.C. Gen. Stat. Ann. § 7A-753. The Business Court (a special division of the Superior Court) hears nearly all tax appeals from OAH decisions. N.C. Gen. Stat. Ann. §§ 105-241.16; 7A-45.4. There is minimal opportunity to supplement the record established at the OAH during the Business Court appeal.	Prepayment or bond is not required to appeal to OAH. However, a taxpayer must pay the full amount of the tax, penalties, and interest due under an OAH Final Decision to appeal to the Superior Court. N.C. Gen. Stat. Ann. § 105-241.16.	Generally equal. 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. Id.	Equal. From minimum 5% to maximum 16% per year. N.C. Gen. Stat. Ann. § 105-241.21(a).	45 days to request DOR review after denial of refund or assessment mailed or delivered. N.C. Gen. Stat. Ann. § 105-241.11(a). After DOR final determination, 60 days to file petition with OAH. N.C. Gen. Stat. Ann. § 150B-23(f).	Original: 15th day of 4th month following close of taxable year. N.C. Gen. Stat. Ann. § 105-130.17(b). Extended: 6 months. N.C. Gen. Stat. Ann. §§ 105-130.17(d), 105-263(b). Not automatic; apply using Form CD-419.	No definition of final determination. Taxpayers have within 6 months to report. N.C. Gen. Stat. Ann. § 105-130.20. State has the later of 1 year from the federal change or 3 years from the date of the original return to assess. N.C. Gen. Stat. Ann. § 105-241.6(b)(1). The statute of limitations for obtaining a refund of an overpayment is one year after the filing of the amended return. N.C. Gen. Stat. § 105-241.6(b)(1). The DOR and a taxpayer are limited to the changes as a result of the federal determination. N.C. Gen. Stat. § 105-241.10(1) and (2).	Session Law 2016-103 (N.C. Gen. Stat. § 105-264.2) requires the DOR to publish on its website redacted copies of all "written determinations" (including alternative apportionment rulings, private letter rulings, and redetermination private letter rulings) issued on or after Jan. 1, 2010. Agency final decisions issued on or after Jan. 1, 2008 and for cases where petitions were filed with the OAH prior to Jan. 1, 2012 are published on the DOR's website. OAH final determinations (not redacted) for cases where petitions were filed on or after Jan. 1, 2012 are available on the OAH website and are generally posted on the DOR's website. Business Court decisions are posted to the Court's website (and references to such are generally on the DOR's website).	

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ND	Appeals from an administrative order are to district court. N.D. Cent. Code § 28-32-42 to 28-32-46, 57-38-39 to 57-38-40. Except as otherwise provided, the agency record constitutes the exclusive basis for administrative agency action and judicial review of an administrative agency action. N.D. Cent. Code § 28-32-44.5.	Prepayment or bond is not required for administrative appeals. However, appeal from an order of an administrative agency does not stay the enforcement of the agency's order unless the court to which the appeal is taken orders a stay, subject to such terms and conditions as the court may impose. N.D. Cent. Code §§ 28-32-42, 28-32-48, 57-01-11.	Generally equal. 3 years for both. Assessment - N.D. Cent. Code § 57-38-38(1). Refund - N.D. Cent. Code § 57-38-40. However, statute is shortened if challenge is constitutional. N.D. Cent. Code § 57-01-19.	Equal for income taxes, but unequal for sales/use taxes. Underpayment - Income and Sales/use taxes: 1% per month. N.D. Cent. Code §§ 57-38-45(1)(a); 57-39.2-18(1)(a) Overpayment - Income tax: 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).	Original: 15th day of 4th month following close of taxable year. N.D. Cent. Code § 57-38-34(2); Form 40 instruction booklet pg. 1. Extended: 6 months. Id. Automatic: no application required.	Final determination is defined. N.D. Admin. Code 81-03-01.1-09(1) (b). Taxpayers have 90 days to report. N.D. Admin. Code 81-03-01.1-09(1)(b); N.D. Cent. Code § 57-38-34.4(1). The DOR has 2 years after filing to assess. N.D. Cent. Code § 57-38-38(6)(a). The time for taxpayers to seek refunds or offsets is unknown. Whether taxpayer may adjust items beyond federal changes is unclear.	No letter rulings or administrative rulings are publicly published by the DOR.	
OH	The Ohio Board of Tax Appeals (BTA); Ohio Rev. Code Ann. § 5703.02. Only two of the three board members are required to have any tax experience. Ohio Rev. Code Ann. § 5703.03. Taxpayers may appeal to the Supreme Court or the Court of Appeals. Ohio Rev. Code Ann. §§ 5717.04.	Prepayment or bond is not required for the BTA or for subsequent appeals. Ohio Rev. Code Ann. § 5717.02.	Equal. 4 years for both. Assessment - Sales/use taxes: Ohio Rev. Code Ann. § 5739.16(A). CAT: Ohio Rev. Code Ann. § 5751.09(F). Refund - Sales/use taxes: Ohio Rev. Code Ann. § 5739.07(D). CAT: Ohio Rev. Code Ann. § 5751.09(F).	Equal. Federal short-term rate plus 3%, equally applied. Ohio Rev. Code Ann. § 5703.47.	60 days after service. Ohio Rev. Code Ann. §§ 5733.1(B), 5739.13(B), 5751.09(B).	N/A	Ohio municipalities are authorized to impose a net profit tax on businesses. No definition of final determination, Ohio Rev. Code Ann. § 718.41. Report must be filed within 60 days. Ohio Rev. Code Ann. § 718.12(F). Unclear if refund can be filed in report not filed within 60 days. Adjustments limited to federal changes. Ohio Rev. Code Ann. § 718.41.	The Department of Taxation publishes redacted Tax Commissioner Opinions unless the taxpayer requests the opinion remain confidential. Ohio Rev. Code Ann. § 5703.53. However, only 6 have been published since 2009; 2 in 2009 and 2 in 2014. 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.	

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OK	Taxpayers may appeal decisions of the three-member Oklahoma Tax Commission to the Oklahoma Supreme Court, or may opt to file an appeal in district court for a trial de novo. Okla. Stat. Ann. tit. 68, § 221; § 225.	There is no prepayment or bond required to protest to the Tax Commission, or appeal from a decision of the Tax Commission to the district court or the Supreme Court. Okla. Stat. Ann. tit. 68, § 221; § 225.	Generally equal. Assessment – 3 years. Okla. Stat. Ann. tit. 68, § 223(A). Refund – Generally, 3 years. Okla. Stat. Ann. tit. 68, § 227(b)(1). However, for sales or use tax, only 2 years for claims filed on or after August 26, 2016. Okla. Stat. Ann. tit. 68, § 227(b)(2).	Equal. 1.25% per month for assessments and refunds Underpayment – Okla. Stat. Ann. tit. 68, § 217(A). Overpayment – Okla. Stat. Ann. tit. 68, § 217(H)(3), for income tax refunds not paid within 45 days for returns filed electronically, and not paid within 90 days for all other returns. Excessively high interest rate does not reflect the time value of money.	Taxpayer has at least 60 days after mailing of proposed assessment. Okla. Stat. Ann. tit. 68, § 221(C).	Original: thirty (30) days after the federal due date. Okla. Stat. Ann. tit. 68, § 2368(G)(4), (5). Extended: 7 months. Okla. Stat. Ann. tit. 68, § 216. Automatic: only if no tax is owed. If tax is owed, Form 504 must be filed. Okla. Admin. Code § 710:50-3-4.	No definition of final determination is provided. Okla. Stat. Ann. tit. 68, § 2375 (H)(1). Tax Commission asserts any term used in the Oklahoma Income Tax Act has the same meaning as when used in a comparable context in the Internal Revenue Code. Okla. Stat. Ann. tit. 68, § 2353. Taxpayer has 1 year to file return. Okla. Stat. Ann. tit. 68, § 2375(H)(2). State has 2 years from filing date to assess. Okla. Stat. Ann. tit. 68, § 2375(H)(2). Taxpayers have 1 year from final determination to request a refund (or 3 years from the payment date). Okla. Stat. Ann. tit. 68, §§ 2373, 2375(H)(3). State and taxpayers may seek adjustments beyond the scope of the federal changes (limited to matters of allocation and/or apportionment). Okla. Stat. Ann. tit. 68, § 2375(H)(4).	The Tax Commission issues letter rulings to taxpayers, in its discretion. Letter rulings are published with taxpayer information redacted. Okla. Admin. Code § 710:1-3-73(f). Tax Commission decisions are published with taxpayer information redacted, categorized by tax type. Okla. Stat. Ann. tit. 68, § 221(G); Okla. Admin. Code § 710:1-3-72.	

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OR	The Oregon Tax Court conducts de novo proceedings. Or. Rev. Stat. Ann. §§ 305.405, 305.501, 305.425. Tax Court judges must have been attorneys engaged in practice, but are not required by statute to possess tax expertise. Or. Rev. Stat. Ann. § 305.455.	Tax is not due in the Magistrate Division. Or. Rev. Stat. Ann. § 305.419(1). However, absent hardship, payment is required for special designation to the Regular Division (i.e., skip the Magistrate Division) or for subsequent appeal to the Regular Division. Or. Rev. Stat. Ann. § 305.419(3).	Equal. 3 years for both. Assessment – Or. Rev. Stat. Ann. § 314.410(1). Refund – Or. Rev. Stat. Ann. § 314.415(2)(a) (3 years from when return was filed or 2 years after tax paid, whichever is later). Several exceptions apply.	Equal. Rates vary by tax periods, but equally applied. Or. Rev. Stat. Ann. § 305.220(4). Underpayment – Or. Rev. Stat. Ann. § 305.220(1). Overpayment – Or. Rev. Stat. Ann. § 305.220(2). Interest starts 45 days after payment – Or. Rev. Stat. Ann. § 314.415(1).	90 days from date act, omission, order or determination of the Department aggrieves the taxpayer. Or. Rev. Stat. Ann. § 305.275(1)(a). 30 days from date of notice of deficiency for non-mandatory, informal conference at DOR. Or. Rev. Stat. Ann. § 305.265(5)(b)	Original: 15th day of the month following the due date of the federal return. Or. Rev. Stat. Ann. § 314.385(1)(b). Extended: 6 months. Form 20 instructions pg. 8; Or. Rev. Stat. Ann. § 314.385(1)(c). Automatic: no application required.	No definition of final determination, administrative rules only refer to federal RAR. OAR 150-314-0224. Taxpayers have 90 days to report. Or. Rev. Stat. Ann. § 314.380(2)(c). The assessment and period to claim refund is similar. 2 years after notice of the change. Or. Rev. Stat. § 314.410(4)(b); § 314.380(2)(b). The state (and taxpayers) are not limited to the IRS adjustments. OAR 150 314.0224(5)(4).	The Oregon DOR may issue declaratory rulings, but rarely exercises this authority and instead encourages questions for a written response under Or. Rev. Stat. Ann. § 305.105. These letters are not binding or published. All Tax Court decisions are searchable online or can be viewed in chronological order.	
PA	The Board of Finance and Revenue consists 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. Stat. Ann. § 1103; 2013 Pa. Act 52.	Prepayment or bond is not required, but "security" is required to stay collection action. Pa. R.A.P. 1731.	Equal. 3 years for both. Assessment – 72 Pa. Stat. Ann. § 7407.3(a). Refund – 72 Pa. Stat. Ann. § 10003.1. To request a refund for periods covered by an audit, taxpayers have 6 months from an assessment or determination, or 3 years from payment of the tax, whichever is later. Id.	Unequal. Underpayment – Federal underpayment rate defined in 26 U.S.C.A. § 6621. 72 Pa. Stat. Ann. § 806. Accrues from due date of tax. Overpayment – Generally, federal underpayment rate minus 2%. 72 Pa. Stat. Ann. § 806.1(b). Accrues from date of overpayment or payment due date, whichever is later. Id.	90 days from assessment mailing date. 72 Pa. Stat. Ann. § 9702(a).	Original: 30 days after federal due date for fiscal year taxpayers. 72 Pa. Stat. Ann. § 7403. Extended: equal to federal extension plus 30 days. 72 Pa. Stat. Ann. § 7405. Automatic: no application required. Id.	Final determination is not defined by statute. 61 Pa. Code § 153.54(d). Taxpayer has six months to report, 72 P.S. § 7406; however, conflicting regulation states it is only 30 days. 61 Pa. Code § 153.54(c). The time for the state to make an assessment or taxpayer to claim a refund is unknown. Whether the state or taxpayers may adjust items beyond federal changes is unknown.	A limited number of redacted letter rulings are available on the PA DOR's website, searchable, and sortable by tax type. Beginning with decisions issued in 2013, the Board of Finance and Revenue issues and publishes written decisions, including the conclusions reached and the facts on which the decision was based. Decisions are required to be indexed and published on a publicly accessible website maintained by the Board.	

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RI	Administrative appeals are decided by the 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.	Prepayment is 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.	Equal. 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.	Unequal. Underpayment – Prime rate plus 2%, but the rate cannot be less than 18% and or more than 21%. R.I. Gen. Laws §§ 44-11-7, 44-1-7. The rate for 2017 is 18%. Excessively high rate is not reflective of time value of money. Overpayment – Prime rate. R.I. Gen. Laws § 44-1-7.1(b). The rate for 2017 is 3.5%.	30 days after mailing of notice. R.I. Gen. Laws §§ 44-30-89(a), 8-8-25(b).	Original: Same as federal. Form RI 1120C; R.I. Gen. Laws § 44-11-3. Rhode Island Division of Taxation Advisory No. 2016-16. Extended: follows federal. R.I. Gen. Laws § 44-11-5. Rhode Island Division of Taxation Advisory No. 2016-16. Automatic: no application required.	No definition of final determination. Taxpayers have 60 days to report. R.I. Gen. Laws § 44-11-19. State has 3 years after due date of the return or date return actually filed, whichever is later, to assess. R.I. Gen. Laws § 44-11-7.1(a). Taxpayer has 3 years after receipt of notice of federal change to claim refund. R.I. Regs. § CT00-5(I)(A). Whether the state or a taxpayer may adjust items beyond federal changes is unknown.	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	Taxpayers may appeal to the Administrative Law Court (S.C. Code Ann. § 12-60-450), which is composed of six judges elected by the General Assembly. S.C. Code Ann. § 1-23-500. Tax expertise is not required. S.C. Code Ann. § 1-23-520.	No prepayment is required for appeal to the ALC for taxes other than property taxes. 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 Court of Appeals. S.C. Code Ann. § 12-60-3370.	Equal. 3 years for both. Assessment – S.C. Code Ann. § 12-54-85(A). Refund – S.C. Code Ann. § 12-54-85(F)(1).	Unequal. Underpayment – Federal underpayment rate. S.C. Code Ann. § 12-54-25(D). Overpayment – 3% less than the federal underpayment rate. Interest on refunds is paid from the later of payment, return due date, or the last day for paying the tax if no return is required. S.C. Information Letter No. 16-7.	90 days to appeal a division decision or proposed assessment, beginning on the date of the assessment date or date of assessment. S.C. Code Ann. § 12-60-450(A). 30 days to appeal a department determination, beginning on the date of the determination. CID-25 (8/07).	Original: 15th day of 4th month. S.C. Code Ann. § 12-6-4970(A). Extended: 6 months. S.C. Code Ann. § 12-6-4980(B). Not automatic: apply using Form SC1120-T (providing "the Department extension"). S.C. Code Ann. § 12-6-4980(A).	No definition of final determination. Taxpayers have 180 days to report. S.C. Code Ann. § 12-54-85(D)(2). The time for the state to make an assessment or a taxpayer to claim a refund based on the federal adjustment is unknown. Whether the state or a taxpayer may adjust items beyond federal changes is unknown.	Advisory opinions, which include revenue rulings, and private letter rulings (with taxpayer information redacted), are published by the 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	The Secretary of Revenue may accept, reject, or modify proposed decisions of the Office of Hearing Examiners and issue a final decision. S.D. Codified Laws § 1-26D-4. The final decision of the Secretary may be appealed to the Circuit Court, which must accord "great weight" to the findings and inferences made by the agency on questions of fact. S.D. Codified Laws § 1-26-36.	If the Secretary accepts the final decision of the hearing examiner, prepayment or bond is required to appeal. However, if the Secretary rejects or modifies the hearing examiner's decision, prepayment or bond is not required, if the Secretary's decision is affirmed by the circuit court, prepayment or bond is required for further appeal. S.D. Codified Laws § 10-59-9.	Equal. 3 years for both. Assessment – S.D. Codified Laws § 10-59-16. Refund – S.D. Codified Laws § 10-59-19.	Equal. 1% per month. Underpayment – S.D. Codified Laws § 10-59-6. Overpayment – S.D. Codified Laws § 10-59-24.	60 days from the date of the certificate of assessment. S.D. Codified Laws § 10-59-9.	No corporate income tax. The only income tax is the bank franchise tax. Original: Financial Institution return is due 15 days after federal income tax return is due. S.D. Codified Laws § 10-43-30. Extended: 6 months with federal extension form. S.D. Codified Laws § 10-43-30.1. Automatic: no application required (S.D. Codified Laws § 10-43-30.1 sets forth the actions needed to receive an extension).	No definition of final determination. For banking tax, taxpayers have 120 days to report. S.D. Codified Laws §§ 10-43-50.1, 10-43-50.2 create a limited exception to the general 3-year statute of limitation for the collection or refund of bank franchise tax. The exception only applies to changes from a federal audit or adjustment.	Upon request, the Department will issue written advice to a taxpayer, and the taxpayer can rely on this written advice. S.D. Codified Laws § 10-59-27. The written advice is specific to the taxpayer and not published. Administrative hearing decisions are not published.	"There is no bar to assessment or collection... [for] any tax, penalty or interest first legally due and payable within three years of the date of mailing of a notice of intent to audit..." S.D. Codified Laws § 10-59-16.
TN	Suits challenging an assessment or disputing the Department's denial of a refund claim are heard by the Chancery Court of Davidson County or the Chancery Court of the county in which the taxpayer has its principal place of business. Tenn. Code Ann. §§ 67-1-1801 to 67-1-1807.	Bond, letter of credit, or affidavit is required in the amount of 150% of the assessment. Tenn. Code Ann. § 67-1-1801(c).	Equal. 3 years for both. Assessment – Tenn. Code Ann. § 67-1-1501(b) Refund – Tenn. Code Ann. § 67-1-1802(a)(1)(A).	Equal. Interest rate is published in Tenn. Admin. Register, and is equally applied for underpayment (Tenn. Code Ann. § 67-1-801(a)) and overpayment (Tenn. Code Ann. § 67-1-801(b)).	90 days. Tenn. Code Ann. § 67-1-1801(b)(1).	Original: 15th day of fourth month following close of taxable year. Tenn. Code Ann. § 67-4-2015(a). Extended: 6-month extension. Not Automatic: 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. No statutory time provided on when federal changes must be reported by taxpayer. Taxpayer may claim refunds within 3 years of date of reporting. Tenn. Code Ann. § 67-1-1802 (a)(3). DOR limited in issuing assessments "resulting from such [federal] revision" within 2 years of reporting. Tenn. Code Ann. § 67-1-1501(b)(3).	Private letter rulings and revenue rulings are published at the discretion of the Commissioner, with sufficient taxpayer information redacted to protect confidentiality. Tenn. Code Ann. § 67-1-109. The DOR's Hearing Office does not issue its determinations, but instead summarizes selected final conference letters in an annual report.	Retroactivity limits: The Tennessee Constitution provides limitations on legislative enactment of retroactive legislation. Tenn. Const. art. I, § 20. (minus one point) Assessment for additional tax is deemed made by recording the liability at DOR. The assessment is valid regardless of whether notice is provided to the taxpayer. Tenn. Code Ann. § 67-1-1438(b).

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TX	Administrative tax appeals are to the Tax Division of the State Office of Administrative Hearings (SOAH), independent of Comptroller. However, the Comptroller retains the right to reject SOAH decisions. Tex Gov't Code § 2003.101. Appeals to district court are de novo.	Prepayment is required unless the taxpayer demonstrates an inability to prepay the tax and the court grants relief. Tex. Tax Code Ann. §§ 112.051 & 112.108. However, the prepayment requirement has been called into question by court decisions under the open courts provision of the Texas Constitution.	Equal. 4 years for both. Assessments -- Tex. Tax Code Ann. §§ 111.201 & 111.205; Refunds -- §§ 111.1107; 111.206; 111.201.	May be equal. Underpayment -- prime rate plus 1%. Tex. Tax Code Ann. § 111.060(b). Overpayment -- lesser of the annual rate earned on state treasury deposits during December of the previous calendar year or the prime rate plus 1%. § 111.064(a).	30 days. Tex. Tax Code Ann. § 111.009(b).	Original: May 16th. Tex. Tax Code Ann. § 171.202(b). Extended: Nov. 15 Not Automatic: requires filing of Form 05-110. § 171.202.	Final determination is defined. Tex. Tax Code Ann. § 171.212(b). IRS and non-IRS changes must be reported within 120 days (Tex. Tax Code Ann. §§ 111.206 & 171.212(c); accordingly, changes do not appear to be limited to federal adjustments.	State Tax Automated Research System on Comptroller's website includes redacted letter rulings and administrative (SOAH) rulings. Includes new documents, advanced searches, and subject matter index.	Retroactivity limits: The Texas Constitution provides limitations on legislative enactment of retroactive legislation. Tex. Const. art. I, § 16. (minus one point) Statute of limitations does not apply if the "information contained in the [taxpayer's] report contains a gross error," meaning at least a 25% understatement of tax. Tex. Tax Code Ann. § 111.205.
UT	The State Tax Commission conducts de novo initial (informal) and formal hearings. Utah Code Ann. §§ 59-1-501 to -504. Appeals from formal hearings of the State Tax Commission go to the district court for a trial de novo. Utah Code Ann. § 59-1-601.	Prepayment or bond is not required for State Tax Commission hearings. Taxpayers seeking judicial review must post security with the commission. However, the commission "shall waive" the security requirements if the taxpayer has sufficient financial resources or collection is not jeopardized. The commission may not unreasonably deny a waiver, and its decision is subject to judicial review. Utah Code Ann. § 59-1-611.	Equal. 3 years for both. Assessment -- Utah Code Ann. § 59-7-519(1)(a). Refund -- Utah Code Ann. § 59-7-522(2).	Equal. 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 from date of mailing to file a petition. Supplemental information allowed later. Utah Code Ann. §§ 59-1-50; 359-1-504.	Original: 15th day of 4th month following close of taxable year. Utah Code Ann. § 59-7-505(2). Extended: 6 months. Form TC-20 instructions; Utah Code Ann. § 59-7-505(3). Automatic: no application required.	No definition of final determination. Taxpayers have 90 days to report. Utah Code Ann. § 59-7-519(3). If the change was not reported, the state has 3 years after the change to assess. Utah Code Ann. § 59-7-519(5). If the change was reported, the state has 3 years after the return is filed or 6 months after the federal waiver to assess. Id. The time for taxpayers to seek refunds or offsets is unknown. Whether the state or a taxpayer may adjust items beyond federal changes is unknown.	Private letter rulings are published on the STC website with taxpayer information redacted. STC decisions are published on its website with taxpayer information redacted.	

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VT	Final determinations of the Tax Commissioner may be appealed directly to Superior Court. The administrative hearing and decision establishes the record; a taxpayer is not entitled to a de novo trial in Superior Court upon appeal. Vt. Stat. Ann. tit. 32, §§ 5883-5888; § 9817; VDOT Organization and Rules of Procedure, § 4.	Prepayment or posting a bond is not required for income tax appeals to Superior Court. Vt. Stat. Ann. tit. 32, § 5886. However, prepayment or bond is required for sales and use tax and meals and rooms tax appeals to Superior Court. Vt. Stat. Ann. tit. 32, §§ 9817; 9275. In practice, the Department does not always require security to be provided and the form of security lies within the discretion of the Commissioner.	Equal. 3 years for both. Assessment – 3 years from due date of tax or 3 years from date return was filed if late. Vt. Stat. Ann. tit. 32, § 5882(a). Refund – 3 years from the return due date. Vt. Stat. Ann. § 5884(a).	Unequal. Underpayment – Federal overpayment rate plus 200 basis points. Vt. Stat. Ann. tit. 32, § 3108(a). Overpayment – Average prime rate for 12-month period beginning 10/1 of the previous year. Id.	60 days after date of mailing. Vt. Stat. Ann. tit. 32, § 5883. In practice, the Department also places the appeal deadline in the assessment notification.	Original: 15th day of 3rd month following year end (follows federal tax filing date). Vt. Stat. Ann. tit. 32, § 5862. Extended: 30 days beyond Federal extension date. Vt. Stat. Ann. tit. 32, § 5868. Not automatic: apply using Form BA-403.	No definition of final determination. Taxpayers have 60 days to report. Vt. Stat. Ann. tit. 32, § 5866(a); Form CO-411 instructions. State can issue an assessment 6 months from taxpayer's notification of the federal change. Vt. Stat. Ann. tit. 32, § 5882(b)(3). The time for taxpayers to seek refunds or offsets from federal changes is unclear. Whether the state or taxpayers may adjust items beyond the federal changes is not stated - in practice, neither party may adjust items beyond the federal changes.	The Department of Taxes publishes redacted Formal Rulings relating to specific taxpayers and Technical Bulletins relating to general, non-binding guidance on its website. No independent tax dispute forum exists. Select orders from the Department's Hearing Officer began to be published on the Department's website in 2015 ("Commissioner's Determinations").	

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VA	The Tax Commissioner makes final determinations in administrative appeals. Proceedings at Circuit Court are de novo. Va. Code Ann. §§ 58.1-1820 to -1825.	Prepayment or bond is not required for administrative appeals; prepayment or bond also not required for proceedings at Circuit Court, unless the Tax Commissioner succeeds in a motion to compel payment by meeting certain conditions. Va. Code Ann. § 58.1-1825.	Equal. 3 years for both. Assessment – Va. Code Ann. § 58.1-104. Refund – Va. Code Ann. § 58.1-1823.	Equal. Underpayment – Federal underpayment rate plus 2%. Va. Code Ann. § 58.1-15. Overpayment – Federal overpayment rate plus 2%. Va. Code Ann. § 58.1-15.	90 days from date of assessment. Va. Code Ann. § 58.1-1821.	Original: 15th day of 4th month following close of taxable year. Va. Code Ann. § 58.1-441(A). Extended: 6 months, not dependent on federal extension. Va. Code Ann. § 58.1-453(A). Automatic: no application required.	Final determination is defined. 23 Va. Admin. Code §§ 10-120-30(C), 10-20-180(B). Taxpayers have one year to report. Va. Code Ann. § 58.1-311. Assessments may be made by the Department within one year from the filing date of the amended return. Va. Code § 58.1-312(C). Va. Code § 58.1-1823 provides the procedure to file an amended return with the Department to claim a refund. With respect to federal changes, Va. Code § 58.1-1823 states taxpayers may file a refund claim provided that the refund does not exceed the amount of the decrease in Virginia tax attributable to such federal change or correction and the taxpayer complied with Va. Code § 58.1-1823 and P.D. 11-100. Ordinarily, the state may not make adjustments beyond the federal changes. Va. Code § 58.1-312(C).	The Department of Taxation publishes online redacted Rulings of the Tax Commissioner that include both redacted prospective guidance and redacted Rulings of the Tax Commissioner that address administrative appeals.	The Virginia legislature enacted 2014 S.B. 5001, which limits the related party expense add-back "subject to tax" and "conduit" add-back exceptions. Both limitations are retroactive to taxable years beginning on and after January 1, 2004. Virginia Department of Taxation uses private attorneys to prosecute tax cases.

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WA	The Washington Board of Tax Appeals (BTA) is an independent agency hearing appeals from final decisions of the Department of Revenue's Administrative Review and Hearings Division. While tax expertise is required (RCW Sec. 82.03.020), the BTA hears both property and excise tax matters, and members may lack expertise in excise tax matters.	The Department of Revenue is not foreclosed from collecting tax, even though payment of tax is not a jurisdictional requirement in the BTA; taxpayers may request a stay of collection from the DOR and post a bond. Payment is a jurisdictional requirement for appeals both directly to the superior court and from BTA decisions. RCW Sec. 82.32.180.	Equal. 4 years for both. Assessment – Wash. Rev. Code §§ 82.32.050(4), 82.32.100(3). Refund – Wash. Rev. Code § 82.32.060(1).	Equal. Federal short-term plus 2%. 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 after issuance of notice for excise taxes (includes sales/use and B&O taxes). Wash. Rev. Code § 82.32.160.	N/A	N/A	The state issues binding written guidance as provided in WAC 458-20-100(2)(b). The DOR does not publish its Tax Rulings (considered confidential tax information). BTA decisions are published to its website. The DOR's Administrative Review and Hearings Division applies certain criteria in deciding whether to publish opinions (addresses a novel area of law, a novel application of facts, or overrules a previous position). Approximately one-quarter of such decisions are currently being published.	The Washington Legislature has repeatedly passed retroactive legislation expressly intended to reverse state high court decisions. See <i>Dot Foods v. Dep't of Revenue</i> , 372 P.3d 747 (Wash. 2016) (addressing Laws of 2010, 1st Spec. Sess., ch. 23, §§ 401, 402) and <i>In re Estate of Hambleton v. State of Washington</i> , 335 P.3d 398 (Wash. 2014) (addressing Laws of 2013, 2d Spec. Sess., ch. 2, § 1). The Washington DOR asserts it is not bound by: 1) informal decisions of the Board of Tax Appeals for any other taxpayer or the same taxpayer for different tax years; 2) letter rulings regarding other taxpayers; 3) Department determinations; 3) industry guidelines posted on its website; and 4) regulations. In the case of both the BTA and Superior Court, it can take two years from the date of filing to have a trial and decision.

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WV	The West Virginia Office of Tax Appeals (OTA) hears appeals of decisions or orders of the Tax Commissioner. W.Va. Code § 11-10A-8. The OTA is a "quasi-judicial agency which, for administrative purposes only, is in the department of tax and revenue." W.Va. Code § 11-10A-8. Tax expertise is required. W.Va. Code §§ 11-10A-6; 11-10A-7.	Prepayment or bond is not required for appeals to the Office of Tax Appeals (OTA). W.Va. Code Sec. 11-10A-18. However, for subsequent appeal of OTA decisions to the circuit court, "within ninety days after the appeal is filed, or sooner if ordered by the circuit court, the petitioner shall file with the clerk of the circuit court a cash bond or a corporate surety bond approved by the clerk." W.Va. Code Sec. 11-10A-19.	Equal. 3 years for both. Assessment – W. Va. Code § 11-10-15(a). Refund – W. Va. Code § 11-10-14(l)(1).	Unequal. Prime rate plus three percentage points as annually fixed by Tax Commissioner. W. Va. Code § 11-10-17a (c). Underpayment – Additional 1.5% over base rate. W. Va. Code § 11-10-17(a). Overpayment – W. Va. Code §§ 11-10-17(a), 11-10-17(d). Interest on overpayments runs from date of filing of claim. No interest paid if refund issued within 6 months of claim.	60 days after service. W. Va. Code § 11-10-8(a).	Original: 15th day of 3rd month. W. Va. Code § 11-24-13(a). Extended: 6 months. W. Va. Code § 11-24-18; CNF120 instructions pg. 3. Automatic: no application required.	No definition of final determination. Taxpayer has 90 days to report. W.Va. Code § 11-24-20. Generally, the state has 90 days after notice of federal return or 3 years from the initial return. W. Va. Code § 11-10-15(c)(2). The state has 60 days from date of receipt if it receives notice within 60 days of the expiration of the original statute of limitations. W. Va. Code § 11-10-15(c)(3). The time for taxpayers to seek offsets or refunds is unknown. Whether the state or a taxpayer may adjust items beyond the federal changes is unknown.	The DOR does not offer and does not publish letter rulings. Office of Tax Appeals decisions (redacted) are available on the Office of Tax Appeals' website.	

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
WI	The Wisconsin Tax Appeals Commission (TAC) hears appeals of the Department of Revenue's decisions on redetermination of assessments and claims for refund. Wis. Stat. Ann. §§ 71.88, 73.01. Tax expertise is required.	Prepayment or bond is not required at the Tax Appeals Commission (TAC). Wis. Stat. Ann. § 73.01(5)(a). Appeals from the TAC go to the Circuit Court, which may order a stay of enforcement of the TAC's decision at its discretion. Wis. Stat. Ann. § 227.52.	Equal. 4 years for both. Assessment – Wis. Stat. Ann. § 71.77(2). Refund – Wis. Stat. Ann. § 71.75(2).	Unequal. Underpayment – 12% per year. Wis. Stat. Ann. § 71.82(1)(a). Overpayment – 3% per year. No interest on refunds paid within 90 days of the later of due date or return filing date. Wis. Stat. Ann. § 71.82(1)(b).	60 days after receipt. Wis. Stat. Ann. § 71.88(1).	Original: 15th day of the 3rd month. Wis. Stat. Ann. §§ 71.24(1), 71.44(1)(a). Extended: 7 months. Wis. Stat. Ann. §§ 71.24(7), 71.44(3). Automatic: no separate Wisconsin extension is required.	Final determination is defined. Wis. Admin. Code Tax § 2.105(4)(a) 1. Taxpayers have 90 days to report. Wis. Stat. Ann. § 71.76. State has 90 days after receipt of report of adjustments to assess taxpayer. Wis. Admin. Code Tax § 2.105(3)(b). Taxpayers also have 90 days to seek refunds. Wis. Stat. Ann. §§ 71.76, 71.77 (7)(b). Assessments made after the original statute of limitations are limited to federal adjustments. Wis. Admin. Code Tax § 2.105(5)(c) 1.	The Department of Revenue publishes redacted Private Letter Rulings in the Wisconsin Tax Bulletin. Wisconsin Tax Appeals Commission decisions are published on the Wisconsin State Bar website.	2013 Wis. Act 20, enacted July 1, 2013, reduced the interest rate for overpayments on sales, use, income and franchise taxes from 9% to 3%, effective for any refund paid after the date of the enactment of 2013 Wis. Act 20, regardless the tax year to which the refund applied. 2013 Wis. Act 20, §§ 1440e; 9334(4i).

State	Independent tax dispute forum?	Pay-to-Play requirement?	Even-handed statutes of limitations?	Even-handed interest rates?	Number of days to protest an assessment	Corporate return due date and extensions	Reporting Federal corporate tax changes	Transparency in tax guidance and rulings	Retroactivity and other fairness issues
WY	The Wyoming State Board of Equalization consists of three members appointed by the Governor, and hears appeals of final decisions of the Department of Revenue. The board may contract with an attorney licensed in the state of Wyoming to perform the functions of a presiding officer, provided the attorney is knowledgeable of and qualified in the particular areas of taxation which are the subject of the appeal. Wyo. Stat. Ann. §§ 39-11-102.1, 39-11-109.	Prepayment or bond is not required for an appeal to the Board of Equalization. However, taxpayers must prepay or obtain a stay order to appeal to the District Court. Rules, Wyoming Board of Equalization, Ch. 2, Secs. 5 and 35.	Equal. 3 years for both. Assessment – Wyo. Stat. Ann. § 39-15-110(b). Refund - Wyo. Stat. Ann. § 39-15-110(a).	Unequal. 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. See generally Wyo. Stat. Ann. § 39-11-109 (f) (i)	30 days from date assessment letter sent. State Board of Equalization Rules, Chapter 2, Sec 5 (e).	N/A	N/A	The Wyoming 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 Senior Tax & Legislative Counsel, and Fredrick J. Nicely is COST's Senior Tax Counsel. The authors would like to express their gratitude to Jessica Ledingham, recipient of the 2016 Georgetown University Law Center Fellowship at COST, and Gordon Yu, COST Research Fellow, for their dedicated efforts in researching and compiling the survey results used to develop this report. COST Vice President & General Counsel Karl Frieden, COST Tax Counsel (West Coast) Nikki Dobay, COST Tax Counsel Pat Reynolds, and COST Senior Manager, Legislation, David Sawyer also contributed to and reviewed this report.
2. For a list of the "opt out" jurisdictions, see the Alabama Tax Tribunal's website, at <http://taxtribunal.alabama.gov/documents/pdf/OptOutSheet10-15-15.pdf>.
3. *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); *The Best and Worst of State Tax Administration: COST Scorecard on Tax Appeals & Procedural Requirements*, 2013 STT 241-39 (Dec. 1, 2013).
4. 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.
5. Many of these principles are reflected in the Multistate Tax Commission's "Model Uniform Statute for Reporting Federal Tax Adjustments with Accompanying Model Regulation," adopted Aug. 1, 2003, available at http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Uniformity/Uniformity_Projects/A_-_Z/ReportingFederalTaxAdj.pdf.
6. See Jennifer Carr and Cara Griffith, *Measuring Transparency in State Tax Administration*, 2012 STT 232-4 (Dec. 3, 2012).