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HOUSE FLOOR AMENDMENTS

2015 Regular Session

Amendments proposed by Representative Barrow to Engrossed House Bill No. 721 by Representative Ivey

1 AMENDMENT NO. 1

2 Delete the set of House Floor Amendments proposed by Representative Barrow and adopted
3 by the House of Representatives on May 28, 2015.

4 AMENDMENT NO. 2

5 Delete House Floor Amendment Nos. 1 and 4 of the set of Floor Amendments proposed by
6 Representative Ivey and adopted by the House of Representatives on May 28, 2015.

7 AMENDMENT NO. 3

8 On page 1, line 2, after "reenact" and before "114(F)(3)," delete "R.S. 47:105(H)," and insert
9 "R.S. 47:"

10 AMENDMENT NO. 4

11 On page 1, line 3, after "1603(A)(2) and (3)," delete the remainder of the line and at the
12 beginning of line 4, delete "R.S. 47:47:337.74," and insert "and 1604.1 and to enact R.S.
13 47:1508(B)(37),"

14 AMENDMENT NO. 5

15 On page 1, line 5, after "penalties;" delete the remainder of the line and insert "to authorize
16 the disclosure of certain information"

17 AMENDMENT NO. 6

18 On page 1, line 9, after "Section 1." and before "114(F)(3)," delete "R.S. 47:105(H)," and
19 insert "R.S. 47:"

20 AMENDMENT NO. 7

21 On page 1, line 10, after "1603(A)(2) and (3)," delete "1604.1, and 1604.2" and insert "and
22 1604.1"

23 AMENDMENT NO. 8

24 On page 1, delete lines 12 through 19 in their entirety and on page 2, delete lines 1 through
25 7 in their entirety

26 AMENDMENT NO. 9

27 On page 2, delete lines 19 through 24 in their entirety and insert the following:

1 ~~"2016, waivers of all penalties exceeding twenty-five thousand dollars shall be~~
2 ~~subject to oversight by the House Committee on Ways and Means and the Senate~~
3 ~~Committee on Revenue and Fiscal Affairs. This provision shall not"~~

4 AMENDMENT NO. 10

5 On page 3, delete lines 11 through 16 in their entirety and insert the following:

6 "1, 2016, waivers of all penalties exceeding twenty-five thousand dollars shall be
7 subject to oversight by the House Committee on Ways and Means and the Senate
8 Committee on Revenue and Fiscal Affairs. This provision shall not"

9 AMENDMENT NO. 11

10 On page 4, line 3, after "January 1, 2016," delete the remainder of the line and delete lines
11 4 and 5 in their entirety and insert the following:

12 "the sharing or furnishing of a complete record of all waiver of penalties that exceed
13 twenty-five thousand dollars with the House Ways and Means and Senate Revenue
14 and Fiscal Affairs Committees. Any taxpayer who accepts the"

15 AMENDMENT NO. 12

16 On page 6, line 1, after "January 1, 2016," delete the remainder of the line and delete lines
17 2 through 6 in their entirety and insert the following:

18 "waivers of all penalties exceeding twenty-five thousand dollars shall be subject to
19 oversight by the House Committee on Ways and Means and the Senate Committee
20 on Revenue and Fiscal Affairs. This"

21 AMENDMENT NO. 13

22 On page 6, line 23, after "not have" and before "intent" insert "willful"

23 AMENDMENT NO. 14

24 On page 6, at the beginning of line 29, delete "reckless" and insert "willful"

25 AMENDMENT NO. 15

26 On page 7, delete lines 1 through 3 in their entirety and insert the following:

27 "equal to twenty percent of the deficiency. However, in the case of individual
28 income tax, if a taxpayer understates tax table income by an amount equal to twenty-
29 five percent or more of adjusted gross income but the secretary finds that the
30 taxpayer did not have willful intent to disregard the tax laws of this state, the
31 secretary shall assess a penalty of fifteen percent of the deficiency."

32 AMENDMENT NO. 16

33 On page 7, line 6, after "demonstrated a" and before "disregard" delete "reckless" and insert
34 "willful"

35 AMENDMENT NO. 17

36 On page 7, line 7, after "equal to" delete the remainder of the line and delete lines 8 through
37 29 in their entirety and insert the following:

1 "twenty percent of the deficiency. However, in the case of a tax other than
2 individual income tax, if a taxpayer understates tax liability by twenty-five percent
3 or more, but the secretary finds that the taxpayer did not have willful intent to
4 disregard the tax laws of this state, the secretary shall assess a penalty of fifteen
5 percent of the deficiency.

6 D. For purposes of this Section, the following terms shall have the following
7 meanings unless the context clearly indicates otherwise:

8 (1) "Adjusted gross income" means gross income as defined in Section 62
9 of the Internal Revenue Code.

10 (2) "Willful disregard" means the standard used to evaluate "willful failure
11 to collect or pay federal tax" pursuant to Section 7202 of the Internal Revenue Code.
12 The secretary shall use the standard of "willful disregard" when determining whether
13 a penalty shall be imposed by the secretary for an understatement of taxable income
14 or other tax liability by a taxpayer."