

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Ways and Means to Engrossed Senate Bill No. 238 by Senator Morrell

1 AMENDMENT NO. 1

2 On page 2, delete line 2 in its entirety and insert the following:

3 **"includes a substantial understatement of a taxpayer's liability due to a**
 4 **frivolous or fraudulent"**

5 AMENDMENT NO. 2

6 On page 2, line 3, after "of this" delete the remainder of the line in its entirety and delete line
 7 4 in its entirety and insert the following:

8 **"Section, the following terms shall have the following meanings:**

9 **(a) "Substantial understatement" means when the understatement of**
 10 **the amount of tax payable or the overstatement of the amount of tax creditable**
 11 **or refundable exceeds the greater of ten percent of the tax required to be shown**
 12 **for the taxable period on the return, report, claim for refund, or other claim or**
 13 **one thousand dollars.**

14 **(b) "Frivolous position" means any position that is knowingly advanced**
 15 **in bad faith, is patently improper, reflects a desire to delay or impede the**
 16 **administration of Louisiana tax laws by using unreasonable, baseless,**
 17 **unsubstantiated or questionable facts or is identified by the Internal Revenue**
 18 **Service as frivolous.**

19 **(c) "Fraudulent position" means any position taken with the intent to**
 20 **evade taxes or that is a willful attempt to defraud or evade taxes that are due."**

21 AMENDMENT NO. 3

22 On page 2 line 7, after "of this" and before the comma "," delete "Subsection" and insert
 23 "Section"

24 AMENDMENT NO. 4

25 On page 2, delete lines 10 through 18 in their entirety and at the beginning of line 19, delete
 26 "(9)" and insert "(3)"

27 AMENDMENT NO. 5

28 On page 2, at the beginning of line 21, delete "(10)" and insert "(4)"

29 AMENDMENT NO. 6

30 On page 2, delete lines 23 through 27 in their entirety and at the beginning of line 28, delete
 31 "(13)" and insert "(5)"

32 AMENDMENT NO. 7

33 On page 3, line 3, after "described in" delete the remainder of the line in its entirety and
 34 insert "Subsection B of this"

1 AMENDMENT NO. 8

2 On page 3, delete lines 8 through 13 in their entirety and at the beginning of line 14, delete
3 "(3)" and insert "(2)"

4 AMENDMENT NO. 9

5 On page 3, delete lines 21 through 26 in their entirety and insert the following:

6 **"D. For purposes of this Section, the term "preparer" shall mean:**

7 **(1) Any person who prepares any return, report, claim for refund, or**
8 **other claim that is filed with the secretary of the Department of Revenue;**

9 **(2) Any person who owns or operates a business, the primary activity of**
10 **which is the preparation of any return, report, claim for refund, or other claim**
11 **that is filed with the secretary of the Department of Revenue, and employs one**
12 **or more persons in such business; or**

13 **(3) Any person who prepares a substantial portion of a return, report,**
14 **claim for refund, or other claim that is filed with the secretary of the**
15 **Department of Revenue and does not sign as the preparer, but rather has the**
16 **taxpayer sign as if the return, report, claim for refund, or other claim were**
17 **self-prepared.**

18 **(4) Nothing in this Subsection shall be construed to include in the**
19 **definition of "preparer" either of the following:**

20 **(a) Any employee who prepares a return, report, claim for refund, or**
21 **other claim for the employer by whom he is regularly and continuously**
22 **employed;**

23 **(b) An attorney or other tax advisor whose association with a return,**
24 **report, claim for refund, or other claim is limited to that of rendering advice to**
25 **a taxpayer or preparer and was not otherwise involved in preparing the return,**
26 **report, claim for refund, or other claim for which advice was rendered."**