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**HOUSE COMMITTEE AMENDMENTS**

2018 Regular Session

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

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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)**"

1 AMENDMENT NO. 7

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

4 AMENDMENT NO. 8

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

7 AMENDMENT NO. 9

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

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

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

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

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

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

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

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