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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 663 by Representative Robideaux

#### **Keyword and oneliner of the instrument as it left the House**

REVENUE DEPARTMENT: Provides relative to the Louisiana Tax Delinquency Amnesty Act of 2013

#### **Report adopts Senate amendments to:**

1. Require a taxpayer who has either a final judgment rendered against him or who has exhausted all rights to protest taxes 90 days prior to an amnesty period, to apply for amnesty before the end of the amnesty period to avoid double penalties.
2. Increase the waiver of penalties and interest during the 2014 amnesty period from the waiver of 67% of penalties and 33% of the interest to the waiver of all of the penalties and 50% of the interest.
3. Provide for the disposition of the proceeds of the amnesty collections in FY 2014-2015 as follows:

The first \$100 M shall be deposited into the 2013 Amnesty Collection Fund to be appropriated for any public purpose.

The next \$4 M shall be appropriated to the Dept. of Economic Development to be allocated to the La. Regional Leadership Council to be used for regional economic and workforce development.

The remaining monies shall be credited to the 2013 Amnesty Collection Fund to be appropriated for any public purpose.

#### **Report rejects Senate amendments which would have:**

1. Allocated \$25 M of the amnesty collections from FY 2014-2015 to be appropriated to the Board of Regents for ordinary operating expenses.

**Report amends the bill to:**

1. Make technical changes.
2. Delete restriction that amnesty collections from FY 2013-2014 can only be available for appropriation in that fiscal year.

**Digest of the bill as proposed by the Conference Committee**

Present law authorizes the Dept. of Revenue (DOR) to develop and implement a tax amnesty program to be effective for the following periods of time, the specific dates of which shall be determined by the secretary of DOR (secretary):

- (1) A period of at least one month occurring between July 1, 2014, and Dec. 31, 2014.
- (2) A period of at least one month occurring between July 1, 2015, and Dec. 31, 2015.

The amnesty program applies to all taxes administered by DOR, except for motor fuel taxes, and penalties for failure to submit information reports that are not based on an underpayment of tax.

Proposed law provides that the amnesty program shall apply to taxes for all of the following:

- (1) Taxes for taxable periods that began before Jan. 1, 2014.
- (2) Taxes for which the department and the taxpayer have entered into an agreement to suspend the running of prescription until Dec. 31, 2014.
- (3) For the 2014 amnesty program: taxes due prior to Jan. 1, 2014, for which the department has issued an individual or a business proposed assessment, notice of assessment, bill, notice, or demand for payment not later than May 31, 2014.
- (4) For the 2015 amnesty program: taxes due prior to Jan. 1, 2015, for which the department has issued an individual or a business proposed assessment, notice of assessment, bill, notice, or demand for payment not later than May 31, 2015.

Present law authorizes the secretary to waive 15% of penalties owed if the amnesty application is approved during the 2014 amnesty period and 10% of penalties owed if the amnesty application is approved during the 2015 amnesty period. No interest is waived during these periods.

Proposed law changes the waiver of the penalties and interest for the 2014 and 2015 amnesty programs to the following:

- (1) Waiver of all of the penalties and 50% of the interest owed if amnesty is approved during the 2014 amnesty period.

- (2) Waiver of 33% of penalties and 17% of interest owed if amnesty is approved during the 2015 amnesty period.

Proposed law requires the doubling of penalties for any taxpayer who has a final judgment in accordance with R.S. 47:1565 or 1568 rendered against him by a court or who has exhausted all rights to protest taxes owed to the state pursuant to such statutes 90 days prior to either the 2014 or 2015 amnesty period, and who then fails to submit an amnesty application before the end of the applicable amnesty period.

Proposed law prohibits the department from accepting tax credits as payment of any tax, interest, penalty, or fee as a result of participation in the amnesty program.

Proposed law authorizes taxpayers who dispute a portion of the amount of a delinquent tax assessed by the department to participate in amnesty if the taxpayer remits the payment of that portion of the tax that is not in dispute, plus applicable interest and penalties, and otherwise complies with the requirements of proposed law. Further provides for the requirements of the department with respect to these taxpayers.

Present law prohibits the secretary from allowing taxpayers to enter into installment agreements for amnesty periods.

Proposed law changes present law to authorize installment agreements for the payment of delinquent taxes, interest, penalties, and fees. Further requires the taxpayer to submit an application to make installment payments and once approved by the secretary, requires the taxpayer to provide a down payment of no less than 20% of the total amount of delinquent tax, penalty, interest, and fees owed by the taxpayer at the time that the installment agreement is approved.

Proposed law requires all installment payments to be made through automated electronic transactions and for all payments to be received by the department no later than May 1st of the program year for which the taxpayer applies for amnesty.

Proposed law provides requirements relative to the forfeiture of monies paid if the taxpayer who is a party to an installment agreement fails to fulfill his obligation under the agreement.

Proposed law authorizes the secretary of DOR to procure amnesty program collection services for the administration and collection of installment agreements. The fee for such services shall be in accordance with the fees provided for in present law.

Proposed law authorizes the department to promulgate rules and regulations in accordance with the emergency rulemaking authority of the Administrative Procedure Act as are necessary to implement the provisions of proposed law relative to installment agreements.

Present law requires the secretary to retain from monies collected pursuant to the amnesty program, an amount equal to the costs for contractual information technology and amnesty

program administration services. Further authorizes the secretary to use the emergency procurement process to acquire amnesty program administration services and information technology services.

Proposed law retains present law but includes, without limitation, marketing, advertising, and public information services within the amnesty program administration service costs for which the secretary shall retain from monies collected from the amnesty program and for which the department may acquire using the emergency procurement process.

Proposed law prohibits, after conclusion of the amnesty period in 2015, DOR from implementing a new amnesty program before Jan. 1, 2025.

Proposed law provides for the disposition of the proceeds of the amnesty collections in FY 2014-2015 as follows:

1. The first \$100 M shall be deposited into the 2013 Amnesty Collection Fund to be appropriated for any public purpose.
2. The next \$4 M shall be appropriated to the Dept. of Economic Development to be allocated to the La. Regional Leadership Council to be used for regional economic and workforce development.
3. The remaining monies shall be credited to the 2013 Amnesty Collection Fund to be appropriated for any public purpose.

(Amends §§3.(C), (G), and (I) and 4(A) and (B)(1) of Act No. 421 of the 2013 R.S.; Adds §3.(M) and (N) to Act No. 421 of the 2013 R.S.)