

BOBBY JINDAL
Governor



TIM BARFIELD
Secretary

State of Louisiana
Department of Revenue

January 4, 2016

Sent via Email To: apa.h-wm@legis.la.gov

The Honorable Joel C. Robideaux, Chairman
House Committee on Ways and Means
P.O. Box 90462
Baton Rouge, Louisiana 70804

RE: Proposed Regulation LAC 61:III.1701 (Administrative Fees)

Dear Representative Robideaux:

On November 12, 2015, a copy of the Notice of Intent for the above-referenced proposed rule was electronically mailed to you for review. The purpose for this rule is to promulgate LAC 61:III.1701 so as to implement the fees that Act 130 of the 2015 Regular Session of the Louisiana Legislature authorizes the Department to collect for searching for, authenticating, or certifying copies of documents in its records and files.

The Notice of Intent was published on page 2483 in the November 2015 issue of the *Louisiana Register*. A public hearing was held at the LaSalle building on Tuesday, December 29, 2015, and there were no attendees. Additionally, we received no comments from the public on the proposed rule.

This report is being made in accordance with R.S. 49:968(D)(1)(b) of the Administrative Procedure Act. Unless otherwise directed, our rule will be submitted for publication in the February 2016 issue of the *Louisiana Register*. Should you have any questions or need additional information, please contact Vanessa LaFleur, Director, Policy Services Division at Vanessa.lafleur@la.gov or (225) 219-2780.

Sincerely,

A handwritten signature in black ink, appearing to read "Jarrod Coniglio".

Jarrod Coniglio
Deputy Secretary

Enclosure

NOTICE OF INTENT

Department of Revenue Policy Services Division

Administrative Fees (LAC 61:III.1701)

Under the authority of R.S. 47:1507 and R.S. 47:1511, and, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:III.1701, Administrative Fees, to implement the fees authorized by Act 130 of the 2015 Regular Session of the Louisiana Legislature.

Act 130 of the 2015 Regular Session of the Louisiana Legislature amended and reenacted R.S. 47:1507 to provide for fees for searching for tax returns and other documents subject to R.S. 47:1508, authenticating records, and certifying copies of tax returns and other documents. In accordance with Act 130, this proposed Rule establishes the fees that must be paid to the department to search for, authenticate, or certify copies of returns or any other confidential documents in its records and files.

Title 61

REVENUE AND TAXATION

Part. III. Administrative Provisions and Miscellaneous

Chapter 17. Administrative Fees

§1701. Fees for Searching for Returns and Other Documents, Authenticating and Certifying Copies of Records

A. Definitions

Authenticated Copy—a copy of any public rule, decision or order of the secretary, paper or report bearing the original signature of the secretary of the Department of Revenue to establish that the copy is an exact duplicate of such rule, decision, order, paper or report in the records and files maintained by the secretary in the administration of subtitle II of the *Louisiana Revised Statutes* of 1950, as amended.

Certified Copy—a copy of any confidential and privileged document and which is signed by the secretary, or designee, and two witnesses before a notary public certifying that the copy is a true and correct copy of the original document in the records and files maintained by the secretary in the administration and enforcement of the tax laws of this state.

Search—an examination of the records and files maintained by the secretary in the administration and enforcement of the tax laws of this state in response to a request made by a taxpayer, or their authorized representative, for a copy of any tax return previously filed by the taxpayer or any other document subject to the provisions of R.S. 47:1508.

B. Fees

1. For authenticating a copy of any public rule, decision or order of the secretary, paper or report, the fee shall be \$25.

2. For a copy of any tax return previously filed by the taxpayer or any other document subject to the provisions of R.S. 47:1508, the fee to search for the return or document shall be \$15 for each year or tax period requested, regardless of whether the requested return or document is located.

3. For a certified copy of a return or other document, the fee shall be \$25 for each return or document which is to be certified.

4. All fees shall be paid in advance by check, money order, or other authorized method of payment, made payable to the Department of Revenue. Cash cannot be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1507 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:

Family Impact Statement

The proposed adoption of LAC 61:III.1701 relative to the establishment of fees for searching for tax returns and other confidential documents, authenticating records, and certifying copies of tax returns and other documents should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed regulation will have no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the provider to provide the same level of service;
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Annie L. Gunn, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., December 28, 2015.

Public Hearing

A public hearing will be held on December 29, 2015 at 10:00 a.m. in the River Room, located on the 7th floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Tim Barfield
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Administrative Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule implements the administrative fees authorized by Act 130 of the 2015 Regular Session for document searches and authentication. A fee of \$15 per return or report is imposed upon each search for tax returns and other

documents, regardless of results. If a certified copy or authentication is requested, the fee will be \$25 per return or report instead of \$15.

The process of implementing the new fees will require a small, indeterminable amount of resources. These costs consist of adjustments to the LDR software system and to existing forms to account for the changes. The increase in fees may discourage some individuals from choosing to request a search for these documents, leading to a small and indeterminable reduction in costs. Local governments will not be affected by this proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule introduces a fee of \$15 per return or report to search for a document, which increases to \$25 if the taxpayer requests a certified copy or authentication. LDR receives about 500 requests per year for copies and searching. Many requests are for four years of individual income tax returns. However, in the case of sales tax, the number of returns is much larger since the forms are filed monthly. If LDR imposes charges on 3,000 searches at \$15 each and 2000 copies at \$25 each, self-generated revenue collections would increase by \$95,000. Assuming some searches would require authentication, rounding to \$100,000 would be a reasonable estimate of yearly self-generated revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers requesting a search for documents will incur a fee of \$15 per return/report or \$25 for certified copies. To some small and indeterminable extent, the fee may discourage such requests.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule should not affect competition or employment.

Tim Barfield
Secretary
1511#090

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office