

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 47:1511 and 47:1576.3.

HISTORICAL NOTE: Promulgate by the Department of Revenue, Policy Services Division, LR 49:

### Family Impact Statement

The proposed Rule has no known or foreseeable impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the proposed Rule has no known or foreseeable impact 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.
4. The behavior and personal responsibility of children.
5. The ability of the family or a local government to perform this function.

### Poverty Impact Statement

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

### Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:978.5.

### Provider Impact Statement

The proposed Rule has 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 Brandea Averett, 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., November 27, 2022.

### Public Hearing

A public hearing will be held on November 28, 2022 at 10 a.m. in the LaBelle located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Kevin J. Richard, CPA  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Fresh Start Proper Worker Classification Initiative

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

The proposed rule provides procedures and requirements for applying for relief under the Fresh Start Proper Worker Classification Initiative established by Act 406 of the 2022 Regular Session. The program allows certain employers who have misclassified employees to voluntarily reclassify those employees in exchange for relief from withholding tax, interest and penalties that may have been due for prior periods. The proposed rule will not result in material implementation costs or savings to state or local governmental units. To the extent

the Department incurs additional costs, they will be absorbed in the existing budget.

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

The proposed rule will have no direct impact on annual state or local revenue collections by the Department of Revenue.

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

The proposed rule will have minimal direct economic impact on directly affected persons, small businesses, or non-governmental groups. Affected businesses are employers who have been misclassifying employees as independent contractors and consistently treating them as independent contractors. Additional paperwork will be required for employers applying for relief through the Fresh Start Program initiative, but the costs are not expected to be material. Electronic filing is also required, which is expected to be accommodated under normal business operations for most. Any business obtaining relief provided by the program will avoid withholdings, penalties and interest to the extent the program allows.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule does not affect competition or employment.

Kevin J. Richard, CPA  
Secretary of Revenue  
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Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Revenue Policy Services Division

Income Tax Return Filing Extensions  
(LAC 61:III.2501, 2503, 2505, and 2507)

Under the authority of R.S. 47:103(D), 287.614(D), 612, 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:III.2501, 2503, 2505, and 2507 relative to income and franchise taxes filing extensions.

Act 410 of the 2022 Regular Legislative Session authorizes an automatic six-month filing extension for individual income, fiduciary income and partnership taxpayers unable to file their income tax return by the original due date of the return. The Act also authorizes a six-month extension for corporation income tax if the taxpayer timely requested an extension for federal income tax purposes. The primary purpose of these proposed amendments is to provide guidance to taxpayers seeking an extension for filing income and franchise tax returns.

### Title 61

### REVENUE AND TAXATION

#### Part III. Administrative and Miscellaneous Provisions Chapter 25. Returns

#### §2501. Individual Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer may request a state filing extension by submitting one of the following:

- a. a paper Louisiana Department of Revenue form requesting a filing extension;
  - b. a paper copy of the taxpayer's Internal Revenue Service form requesting an extension to file a federal income tax return for the same taxable period; or
  - c. an electronic application.
3. An electronic application may be submitted by:
- a. the Department of Revenue's web site;
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, estimated taxes due must be paid on or before the original due date.

D. For taxable periods prior to January 1, 2022 a tax preparer subject to the electronic filing mandate under LAC 61:III.1501.B must file an electronic application for a state filing extension for individual income taxes.

E. Failure to file the return by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1137 (June 2009), amended LR 36:73 (January 2010), LR 39:103 (January 2013), LR 45:1809 (December 2019), amended LR 49:

### **§2503. Corporation Income and Franchise Tax Filing Extensions**

A. *Louisiana Revised Statute* Title 47, Section 287.614(D) provides that the secretary may grant a reasonable extension of time to file a state corporation income and franchise tax return, not to exceed seven months, from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:
- a. the Department of Revenue's web site at [www.revenue.louisiana.gov/extensions](http://www.revenue.louisiana.gov/extensions);
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022 the secretary shall grant a reasonable extension of time to file a state corporation income and franchise tax return for the same extended period of time as the taxpayer's federal extension, or six-months, whichever is later, with no state extension request required.

1. A taxpayer who files a corporation franchise tax return without a corporate income tax return is ineligible for a filing extension pursuant to R.S. 47:612.

2. A taxpayer must mark the box on the CIFT-620, *Louisiana Corporation Income and Franchise Tax Return*, noting that they have timely applied for a federal extension for the same taxable period.

a. If approved for a federal extension, a taxpayer should retain a copy of their approval determination letter Federal Form 6513, *Extension of Time to File*.

b. Failure to obtain an approved federal extension shall result in the Louisiana extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

i. If a taxpayer requested reconsideration of a denied federal extension and the extension is subsequently approved, the taxpayer must attach all documents required by the IRS for approving the reconsideration request to their return in addition to a statement from the IRS or the taxpayer that the reconsidered extension request has been approved.

ii. If a taxpayer requested reconsideration of a denied federal extension and the extension request remains denied, the taxpayer must file their return without further delay and attach the IRS statement informing the taxpayer that their reconsidered extension request remains denied.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income and franchise taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D), 612 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013), amended LR 49:

### **§2505. Filing Extensions for Partnerships**

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:
- a. the Department of Revenue's web site at [www.revenue.louisiana.gov/extensions](http://www.revenue.louisiana.gov/extensions);
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The

extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D), 1511 and 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), LR 48:1106 (April 2022), amended LR 49:

### **§2507. Fiduciary Income Tax Filing Extensions**

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension for filing a fiduciary return, estates and trusts must make the request on or before the due date of the tax return.

2. For taxable periods beginning on or after January 1, 2019, an estate or trust must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:  
a. the Department of Revenue's web site;  
b. tax preparation software; or  
c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended LR 49:

### **Family Impact Statement**

The proposed amendment of LAC 61:III.2501, LAC 61:III.2503, LAC 61:III.2505, and LAC 61:III.2507, regarding income tax filing extensions, 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 Statement**

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

### **Small Business Analysis**

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

### **Provider Impact Statement**

The proposed amendment 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**

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m., Monday, November 28, 2022.

### **Public Hearing**

A public hearing will be held on Tuesday, November 29, 2022, at 2 p.m. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Income Tax Return Filing Extensions**

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

The purpose of this proposed rule amendment to LAC 61:III.2501, 2503, 2505 and 2507 is to implement Act 410 of the 2022 Regular Session relative to the extension filing of Louisiana income tax returns. Act 410 implements an automatic six-month extension for the filing of individual, fiduciary, and partnership income tax returns and provides an extension for corporation income tax returns if one was timely requested for federal purposes. It is worth noting that Act 410 only provides an extension for filing; the time to pay any taxes due is not extended beyond the original due date of the return. The proposed amendment provides the administrative requirements on what applies to the different types of income and what taxpayers must do, if anything, in order to receive the six-month extension provided for in Act 410. No material

impact to costs of state or local governmental units is expected as a result of this rule change.

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

Act 410 provides an automatic six-month extension for individual income, fiduciary income and partnership income taxpayers without any action required. Act 410 also provides a six-month extension to corporation income taxpayers who timely request an extension to file their federal income tax return. The state net revenue impact of the proposed rule changes for implementation of Act 410 is estimated to be an annual revenue loss of approximately \$1.9 million. This loss is the late filing penalties that would have otherwise been due between the return's original filing deadline and the return's extended due date under the Act. No material impact on the revenue collections of local governmental units is anticipated.

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

Taxpayers will no longer be required to submit a separate request for a state filing extension therefore reducing the number of filings they need to perform. The savings could be material for larger accounting firms depending on the number of clients in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated.

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Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Treasury  
State Bond Commission**

Virtual Meetings  
(LAC 71:III.2501)

The State Bond Commission proposes to adopt LAC 71:III.2501-2507 as authorized by La. R.S. 42:29(E) regarding virtual meetings. In 2020, the Legislature authorized the State Bond Commission to hold virtual meetings on an experimental basis. In 2022, the Legislature removed the sunset provision; thus, allowing the State Bond Commission to continue to hold up to four meetings per year virtually. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed Rule provides the manner in which the public will be notified that the State Bond Commission will be holding a virtual meeting. The proposed Rule also provides for the various ways in which the public may submit comments either prior to the virtual meeting or during the virtual meeting. Lastly, the proposed Rule outlines the procedures that will be followed by the State Bond Commission during a virtual meeting.

**Title 71**

**TREASURY—PUBLIC FUNDS**

**Part III. Bond Commission—Debt Management**

**Chapter 25. Virtual Meetings**

**§2501. Definitions**

*Anchor Location*—shall be Conference Room 173 on the First Floor of the Capitol Annex Building or any other

physical location from which the meeting originates as provided in R.S. 42:29(F).

*Chairman*—shall mean the chairman of the State Bond Commission, or his designee.

*Quorum*—shall mean a majority of members of the State Bond Commission, including those present at either the anchor location or participating in the meeting via electronic means.

*Recording Secretary*—shall mean the member of the State Bond Commission staff responsible for recording the meeting.

*Virtual Meeting*—shall have the same meaning as “Meeting via electronic means” as provided in R.S. 42:17.1(D)(1).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

**§2503. Notifying the public of a virtual meeting**

A. The State Bond Commission shall post the agenda for the virtual meeting in accordance with the Louisiana Open Meetings Law, R.S. 42:11. The agenda for the virtual meeting shall specifically identify the meeting as a virtual meeting, or a meeting that will be conducted via electronic means, and shall include the following:

1. the anchor location for the virtual meeting;
2. an electronic link to access the virtual meeting;
3. instructions for joining the virtual meeting;
4. email address for the public to submit electronic comments prior to the virtual meeting;
5. the final date and time by which members of the public may submit electronic comments prior to the virtual meeting.

B. The electronic link, instructions for joining the virtual meeting, and email address to submit comments, as provided in LAC 71:III.2503.A.2, 3 and 4, shall be placed on the State Bond Commission website once the agenda is posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

**§2505. Public comment prior to and during a virtual meeting**

A. Members of the public wishing to participate in a virtual meeting may do so in any of the following manners:

1. a computer using computer video and audio;
2. a computer using computer video and phone audio;
3. a smartphone using video and audio;
4. a phone using audio only;
5. a smart device (iPad, tablet, etc.) using the device's video and audio;
6. a smart device (iPad, tablet, etc.) using the device's video and phone audio;
7. attend in person at anchor room.

B. Members from the public wishing to provide public comment on any agenda item prior to the virtual meeting may do so by emailing those comments to the email designated on the agenda and the State Bond Commission website. Such public comment(s) shall include the following information:

1. the individual's name;
2. entity/company represented (if applicable);
3. title/position (if applicable);