

SENATE FILE 202

BY WELSH

FILED FEB 7 1985

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the payment of certain taxes by delinquent  
2 taxpayers and limiting the applicability of the provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 202

1 Section 1. This Act shall be known and may be cited as the  
2 "Iowa Tax Delinquency Amnesty Act".

3 Sec. 2. When used in this Act, unless the context other-  
4 wise requires:

5 1. "Department" means the Iowa department of revenue.

6 2. "Income or excise tax" means the state individual or  
7 corporate income taxes imposed under chapter 422, division II  
8 or III, or state excise taxes, including but not limited to,  
9 the cigarette and tobacco tax under chapter 98, motor fuel and  
10 special fuel tax under chapter 324, railway vehicle fuel tax  
11 under chapter 324A, sales, services and use tax under chapters  
12 422, division IV and 423, franchise tax under chapter 422,  
13 division V, or inheritance tax under chapter 450.

14 3. "Taxpayer" means a person subject to or required to  
15 collect and remit to the department a state of Iowa income or  
16 excise tax.

17 4. "Taxable period" means the period of time for which an  
18 income or excise tax is imposed on the taxpayer or the period  
19 of time during which the taxpayer is required to collect and  
20 remit an income or excise tax to the department.

21 Sec. 3. The department shall establish an amnesty program  
22 for taxpayers owing an income or excise tax. Amnesty tax  
23 forms shall be prepared by the department which shall provide  
24 for specification by the taxpayer of the income or excise tax  
25 and the taxable period for which amnesty is being sought.

26 The amnesty program shall be for the six-month period be-  
27 ginning July 1, 1985 and ending December 31, 1985.

28 The amnesty program shall provide that upon written ap-  
29 plication by a taxpayer and payment by the taxpayer of all  
30 income or excise tax due from the taxpayer to the state for a  
31 taxable period ending prior to July 1, 1984, the department  
32 shall not seek to collect interest or penalties which may be  
33 applicable and the department shall not seek civil or criminal  
34 prosecution for a taxpayer for the period of time for which  
35 amnesty has been granted to a taxpayer. Failure to pay all

1 taxes due to the state shall invalidate any amnesty granted  
2 pursuant to this Act. Amnesty shall only be granted for the  
3 income or excise tax specified in the application and for the  
4 taxable periods specified in the application and only if all  
5 amnesty conditions are satisfied by the taxpayer.

6 Amnesty shall not be granted to a taxpayer who is a party  
7 to a criminal investigation or to a civil or criminal litiga-  
8 tion which is pending in a court of this state for nonpayment,  
9 delinquency or fraud in relation to an income or excise tax  
10 imposed by the state.

11 The department shall adopt rules as necessary to implement  
12 this Act.

13 The income or excise tax revenues collected pursuant to the  
14 amnesty program shall be credited to that fund as required by  
15 law.

16 EXPLANATION

17 The bill allows delinquent taxpayers to pay any income or  
18 excise taxes that the taxpayers owe without penalty or  
19 interest being assessed and without being subject to civil or  
20 criminal prosecution. This amnesty program is only effective  
21 for six months beginning July 1, 1985 and ending December 31,  
22 1985. The taxes must have been delinquent for taxable periods  
23 ending before July 1, 1984. The taxes involved are the state  
24 individual and corporate income taxes and such state excise  
25 taxes as the cigarette and tobacco tax, the motor and special  
26 fuel tax, the sales and use tax, the franchise tax, the  
27 inheritance tax, and the railway vehicle fuel tax.

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