

By: Darby

H.B. No. 3232

A BILL TO BE ENTITLED

AN ACT

relating to the penalty imposed on certain delinquent oil and gas severance taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.351, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), a person is not subject to a penalty under Subsection (a) if:

(1) the delinquent tax results from the person's filing of an amended report with the comptroller for a timely filed original report under Section 201.203 or 201.2035;

(2) the person timely paid the full amount of tax due as indicated in the original report;

(3) the amount of additional tax due as a result of all amended reports for the original report does not exceed 25 percent of the tax due as indicated in the original report;

(4) the person resolves all errors identified by the comptroller on the amended or original report that could affect the amount of tax due on that report not later than the 60th day after the date on which the amended or original report, as applicable, is filed; and

(5) the person files the amended report not later than the 730th day after the date on which the original report was due and remits the full amount of the additional tax due with the

1 amended report.

2 SECTION 2. Section 202.301, Tax Code, is amended by adding
3 Subsection (c) to read as follows:

4 (c) Notwithstanding Subsections (a) and (b), a person is not
5 subject to a penalty under Subsection (a) if:

6 (1) the delinquent tax results from the person's
7 filing of an amended report with the comptroller for a timely filed
8 original report under Section 202.201 or 202.202;

9 (2) the person timely paid the full amount of tax due
10 as indicated in the original report;

11 (3) the amount of additional tax due as a result of all
12 amended reports for the original report does not exceed 25 percent
13 of the tax due as indicated in the original report;

14 (4) the person resolves all errors identified by the
15 comptroller on the amended or original report that could affect the
16 amount of tax due on that report not later than the 60th day after
17 the date on which the amended or original report, as applicable, is
18 filed; and

19 (5) the person files the amended report not later than
20 the 730th day after the date on which the original report was due
21 and remits the full amount of the additional tax due with the
22 amended report.

23 SECTION 3. Sections 201.351(c) and 202.301(c), Tax Code, as
24 added by this Act, apply to delinquent tax owed as a result of an
25 amended report filed with the comptroller on or after the effective
26 date of this Act, regardless of the date on which the original
27 report was due.

1 SECTION 4. This Act takes effect January 1, 2018.