

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Feeney offered the following:

Amendment

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. (1) A state agency that collects taxes or regulates the activities of any profession, occupation, or business and that has knowledge that a person has violated one of the rules applicable to the payment of those taxes or applicable to the profession, occupation, or business may not institute a criminal, civil, or administrative proceeding against the person to impose a penalty for the violation or to compel compliance with the rule until it informs the person of the requirements of the rule and gives the person a reasonable time to comply. However, this prohibition does not apply if the violation constitutes a felony under state law or if the violator had prior actual knowledge of the requirements of the rule or if it would affect an agency's ability to obtain or retain a federally delegated or approved environmental program. This prohibition does not apply if the violator had

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1 prior actual knowledge of the requirements of the rule or if
2 the agency determines the violation constitutes an imminent
3 detriment to the public health, safety, and welfare.

4 (2) In any criminal, civil, or administrative
5 proceeding to impose a penalty for a violation of, or to
6 compel compliance with, the rule, it is a defense that the
7 state agency has a demonstrated pattern of failure to enforce
8 the rule with respect to substantially the same violation
9 committed by others.

10 Section 2. A state agency that collects taxes or
11 regulates the activities of any profession, occupation, or
12 business and that has actual knowledge that a person has
13 violated one of the rules applicable to the payment of those
14 taxes or applicable to the profession, occupation, or business
15 or, with the exercise of due diligence, should have known of
16 the violation, is estopped from enforcing the rule against the
17 person if the state agency had actual or imputed knowledge of
18 the violation for a period of more than 1 year and did not
19 give the violator notice of the requirements of the rule
20 within that time.

21 Section 3. This act does not apply to taxes, penalties
22 or interest imposed by statute.

23 Section 4. This act does not apply to rules directly
24 related to the practice of a profession, occupation, or
25 business subject to licensure by the state.

26 Section 5. This act shall take effect upon becoming a
27 law.

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 remove from the title of the bill: everything before the
2 enacting clause

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4 and insert in lieu thereof:

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A bill to be entitled

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An act relating to professions, occupations,

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and businesses; prohibiting specified state

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agencies from penalizing a person for violating

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specified rules of which he had no knowledge;

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prohibiting such agencies from enforcing rules

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applicable to the collection of taxes or to

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professions, occupations, or businesses when

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specified conditions are met; providing

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exceptions; providing a defense for enforcement

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actions in specified circumstances; providing

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exceptions; providing an effective date.

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