
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Leonore Heavey.

DIGEST

SB 198 Engrossed

2019 Regular Session

Peacock

Present law provides that the transfer of funds from the local share of the catalog tax to the Department of State Civil Service, Board of Tax Appeals will be increased by \$5,000 a year on the first day of the fiscal year for each of the two fiscal years after 2016-17.

Proposed law changes the number of fiscal years the transfer of local funds will be increased after 2016-17 from two to six fiscal years.

Proposed law provides that if the proceeds from the local portion of the catalog tax are insufficient to cover the funds transfer that the remaining amount necessary to satisfy the funds dedication, it shall be considered an expense of the Louisiana Sales and Use Tax Commission for Remote Sellers and that payment shall be made via interagency transfer from the fee it charges for collection of local taxes.

Proposed law authorizes the Dept. of Revenue to use state catalog tax collections for the interagency transfer to the Board of Tax Appeals.

Present law authorizes the Board of Tax Appeals to administer oaths and issue orders and subpoenas and further provides for the enforcement of orders and subpoenas by duly commissioned persons, including the local sheriff or state police in certain circumstances.

Proposed law provides that service of papers filed with the board or orders of the board may also be made as provided by the Code of Civil Procedure or by registered mail.

Present law provides for the review of judgments of the Board of Tax Appeals.

Proposed law provides that in matters in which a local collector is appealing a ruling against another local collector that review is proper in the court of appeal for either the parish of the appellee or the parish that has the most connection to the matter.

Present law requires taxes paid under protest to be placed in escrow and be distributed by the fiscal agent only upon notice of a final, nonappealable judgment. The fiscal agent is selected by the Board of Tax Appeals with the approval of the Cash Management Review Board. The escrow account is subject to audit by the legislative auditor and an annual report is required.

Proposed law retains present law escrow provisions, but corrects the reference to the recipient of the annual report related local sales tax related transactions to the Uniform Local Sales Tax Board.

Proposed law authorizes advance deposits of local filing fees to be held in the escrow account

pending an order taxing costs in a case.

Present law provides for personal liability for officers, directors, managers, and members of corporations, limited liability companies, and limited partnerships who withhold wages from employees or collect sales and use tax and who willfully fail to remit these taxes to the collector.

Proposed law retains present law and authorizes the collector to bring an action before the Board of Tax Appeals or other court of competent jurisdiction to enforce the obligation of taxpayers to remit taxes to the state they have actually collected from others, and authorizes a money judgment for any amounts that were actually collected from others and not remitted to the state.

Proposed law authorizes the Board of Tax Appeals or court to render a judgment for the payment of tax, interest, penalties, attorney's fees, and costs when the collector prevails in an action against a taxpayer that collects, but fails to remit withholding and sales and use taxes.

Present law provides for the suspension of prescription for the assessment of taxes.

Proposed law provides that solely for final adjustments actually made to federal income tax, the period during which prescription is suspended for state income taxes shall run concurrent to the period for which the tax period remains open under federal income tax law.

Present law provides for the prescription of refund claims.

Proposed law provides a specific prescriptive period for income tax refunds to veterans who received a federal refund pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016. It allows this refund to be claimed on an amended return or by claiming a standard amount that will be proportionate to the federal standard amounts provided. The refund may be claimed until two years from the date the taxpayer received notice from Department of Defense that he is eligible for such at the federal level.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:302(K)(7)(b), 1403(B)(6)(a)(i), 1408(D)(1) and (E), 1439(C) and (F), 1574.1(E), and 1580(B)(3); adds R.S. 47:340(E)(4), 1436(B)(3), 1561.1(C), and 1623(G); repeals R.S. 47:1403(B)(6)(b))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Makes technical changes.
2. Provides for source of funds for interagency transfer from the Dept. of Revenue to the Board of Tax Appeals.