

2018 Regular Session

HOUSE BILL NO. 805

BY REPRESENTATIVE JOHNSON

REVENUE DEPARTMENT: Requires the Department of Revenue to annually report certain tax expenditure information

1 AN ACT

2 To amend and reenact R.S. 47:1508(B)(2) and to enact R.S. 47:1517.2, relative to tax
3 expenditure reporting; to provide for the duties of the Department of Revenue with
4 respect to the confidentiality of certain taxpayer information; to authorize the
5 disclosure of certain taxpayer information under certain circumstances; to provide
6 for the annual reporting of certain tax expenditures; to provide for certain limitations;
7 to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:1508(B)(2) is hereby amended and reenacted and R.S. 47:1517.2
10 is hereby enacted to read as follows:

11 §1508. Confidentiality of tax records

12 * * *

13 B. Nothing herein contained shall be construed to prevent:

14 * * *

15 (2) The publication of statistics so classified as to prevent the identification
16 of any return or report and the items thereof. However, the secretary shall disclose
17 the name of any taxpayer who has filed an income or corporate franchise tax return
18 and the amount of any tax expenditure claimed by the taxpayer on his return in

1 excess of two hundred fifty thousand dollars in accordance with the provisions of
2 R.S. 47:1517.2.

3 * * *

4 §1517.2. Annual reporting of income and franchise tax expenditures

5 No later than the first day of April each year, the secretary of the Department
6 of Revenue shall prepare and submit an annual report to the Joint Legislative
7 Committee on the Budget detailing each tax expenditure administered by the
8 department that was claimed by a taxpayer on an income or franchise tax return
9 pursuant to the provisions of Part II-A of Chapter 1 and Chapter 5 of Subtitle II of
10 Title 47 of the Louisiana Revised Statutes of 1950. The annual report shall include
11 the name of the taxpayer, to the extent allowed under state and federal laws, and the
12 amount of any tax expenditure claimed by the taxpayer reported in the following
13 ranges:

14 (1) From not less than two hundred fifty thousand dollars up to five hundred
15 thousand dollars.

16 (2) From five hundred thousand dollars up to one million dollars.

17 (3) From one million dollars up to one million five hundred thousand dollars.

18 (4) From one million five hundred thousand dollars up to two million dollars.

19 (5) More than two million dollars.

20 Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor
21 and subsequently approved by the legislature, this Act shall become effective on July 1,
22 2018, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 805 Original

2018 Regular Session

Johnson

Abstract: Requires the Dept. of Revenue (DOR) to annually report to the Joint Legislative Committee on the Budget details on tax expenditures administered by DOR that are claimed on income and franchise tax returns.

Present law requires the records and files held and maintained by the secretary of DOR or certain records and files maintained pursuant to a tax ordinance of any political subdivision be confidential and privileged and shall not be divulged except in the administration and enforcement of tax laws.

Present law authorizes the secretary of DOR to publish tax statistics but requires the secretary to classify the information so as to prevent the identification of any return or report of items contained on a return.

Proposed law retains present law but adds an exception to the publication of tax statistics for the disclosure of the name of any taxpayer who has filed an income or corporate franchise tax return and the amount of any tax expenditure claimed by the taxpayer on his return in excess of \$250,000 pursuant to proposed law.

Proposed law requires DOR to annually report to the Joint Legislative Committee on the Budget a report detailing income and franchise tax expenditures administered by the department. The report is required to include the name of the taxpayer and the amount received by the taxpayer in ranges that vary from \$250,000 to greater than \$2 million.

Effective July 1, 2018.

(Amends R.S. 47:1508(B)(2); Adds R.S. 47:1517.2)