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

DIGEST 2020 Regular Session

SB 165 Original

Allain

<u>Present law</u> requires the Dept. of Revenue to issue tax clearances for many establishments, including applicants for alcohol permits, gaming establishments, lottery retailers, and for certain procurement contracts and vendors.

<u>Proposed law</u> provides uniformity to tax clearances issued by the department and otherwise retains present law.

<u>Present law</u> (R.S. 26:80 and R.S. 26:280) prohibits applicants for alcohol permits from obtaining a permit if they owe delinquent sales taxes, penalties, or interest.

<u>Proposed law</u> prohibits applicants for alcohol permits from obtaining a permit if they owe delinquent individual income tax and business taxes to the state or applicable parish or municipal taxes, penalties, interest, and fees, excluding contested amounts pursuant to applicable statutes, and excluding items for which the department or the appropriate local taxing authority has accepted a payment schedule of back taxes.

<u>Proposed law</u> provides where an assessment against an applicant has become final and collectible by distraint and sale, the approval of an applicant is prohibited until the applicant has filed the applicable tax returns, or resolved the assessment, or paid or made arrangements to pay the delinquent tax liability.

<u>Proposed law</u> requires the department to review a ten-year period from the date of application of individual income tax filings and business tax filings.

<u>Present law</u> (R.S. 27:28) prohibits the La. Gaming Control Board from granting licenses or permits, entering into casino operating contracts, or issuing other approvals to any person who is not current in filing all applicable tax returns and in the payment of all taxes, penalties, and interest owed to the state, excluding items under formal appeal.

<u>Proposed law</u> prohibits the La. Gaming Control Board from granting licenses or permits, entering into casino operating contracts, or issuing other approvals to any person who is not current in filing all individual income tax returns and business tax returns owed to the state and all applicable parish or municipal tax returns, and in the payment of all taxes, penalties, and interest, and fees owed to the state or any political subdivision, excluding items under formal appeal pursuant to applicable statutes or being paid in compliance with the terms of an installment agreement.

<u>Proposed law</u> requires that all applicants for a license, permit, casino operating contract, or other approval issued pursuant to the La. Gaming Control Law to be current in filing all individual income

tax returns and all business tax returns and in the payment of all taxes, interest, penalties and fees owed to all appropriate local taxing authorities and the state, excluding items under formal appeal pursuant to applicable statutes or being paid in compliance with the terms of an installment agreement.

<u>Proposed law</u> provides where an assessment against an applicant has become final and collectible by distraint and sale, the approval of an applicant is prohibited until the applicant has filed the applicable tax returns, or resolved the assessment, or paid or made arrangements to pay the delinquent tax liability.

<u>Proposed law</u> requires the department to review a ten-year period from the date of application of individual income tax filings and business tax filings.

<u>Present law</u> (R.S. 47:1678) requires tax clearances in certain procurement contracts indicating the proposed contractor is current in filing all tax returns and in payment of all taxes, interest, penalties, and fees owed to the state.

<u>Proposed law</u> clarifies that the proposed contractor is required to be current in filing all individual income tax returns and all business tax returns.

<u>Proposed law</u> requires the department to review a ten-year period from the date of application of individual income tax filings and business tax filings.

<u>Present law</u> (R.S. 47:9050) requires lottery retailer applicants to be current in filing all applicable tax returns and in payment of all taxes, interest, and penalties owed to the state, excluding items under formal appeal pursuant to applicable statutes, before a license is issued and before each renewal.

<u>Proposed law</u> requires lottery retailer applicants to be current in filing all individual income tax returns and all business tax returns and in payment of all taxes, interest, penalties, and fees owed to the state, excluding items under formal appeal pursuant to applicable statutes or being paid in compliance with the terms of an installment agreement before a license is issued and before each renewal.

<u>Proposed law</u> provides where an assessment against a lottery retailer has become final and collectible by distraint and sale, the approval is prohibited until the retailer has filed the applicable tax returns, or resolved the assessment, or paid or made arrangements to pay the delinquent tax liability and the secretary notifies the La. Lottery Corporation of the payment or arrangement to pay.

<u>Proposed law</u> requires the department to review a ten-year period from the date of application of individual income tax filings and business tax filings.

<u>Present law</u> (R.S. 47:9060) prohibits contracts with any vendor who has not first obtained a signed tax clearance from the secretary of the department indicating that the vendor is current in filing all applicable tax returns and in payment of all taxes, interest, penalties, and fees owed to the state,

excluding items under formal appeal pursuant to applicable statutes.

<u>Proposed law</u> prohibits contracts with any proposed vendor who has not first obtained a signed tax clearance from the secretary of the department indicating that the proposed vendor is current in filing all individual income tax returns and all business tax returns and in payment of all taxes, interest, penalties, and fees owed to the state, excluding items under formal appeal pursuant to applicable statutes or being paid in compliance with the terms of an installment agreement.

<u>Proposed law</u> provides where an assessment against a proposed vendor has become final and collectible by distraint and sale, the approval is prohibited until the proposed vendor has filed the applicable tax returns, or resolved the assessment, or paid or made arrangements to pay the delinquent tax liability and the secretary notifies the state chief procurement officer of the payment or arrangement to pay.

<u>Proposed law</u> requires the department to review a ten-year period from the date of application of individual income tax filings and business tax filings.

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

(Amends R.S. 26:80(A)(12) and (E) and 280(A)(11) and (E), R.S. 27:28(B)(3) and (J), 425(A) and (B), 426(A)(3), 427(B)(1)(e), and 447(B)(1), R.S. 47:1678(B)(intro para) and (E), 9050(B)(1) and (2), and 9060(D)(2); adds R.S. 27:28.1)