

2018 Regular Session

SENATE BILL NO. 259

BY SENATOR CARTER

COMMERCIAL REGULATIONS. Provides relative to collection of certain disallowed tax benefits from taxpayers. (8/1/18)

1 AN ACT

2 To enact R.S. 47:1561.3, relative to the recovery of certain tax benefits; to provide relative
3 to the authority of the secretary of the Department of Revenue; to provide for terms
4 and conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:1561.3 is hereby enacted to read as follows:

7 **§1561.3. Special authority to recover nonrefundable tax credits**

8 **A. Except as provided in R.S. 47:1561.2, all tax benefits, including**
9 **nonrefundable tax credits, previously granted to a taxpayer but later**
10 **disallowed, may be recovered by the secretary through any collection remedy**
11 **authorized by R.S. 47:1561 and initiated within any of the following:**

12 **(1) Two years from December thirty-first of the year in which the benefit**
13 **was paid.**

14 **(2) Three years from December thirty-first of the year in which the taxes**
15 **for the filing period were due.**

16 **(3) The time period for which prescription has been extended, as**
17 **provided by R.S. 47:1580.**

- 1 **B. The only interest that may be assessed and collected on recovered**
2 **benefits amounts is interest at a rate three percentage points above the rate**
3 **provided in Civil Code Article 2924(B)(1), which shall be computed from the**
4 **date of issuance to the date payment is received by the secretary.**
- 5 **C. The provisions of this Section are in addition to and shall not limit the**
6 **authority of the secretary to assess or to collect under any other provision of**
7 **law.**
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The original instrument was prepared by Michelle D. Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by James Benton III.

DIGEST

SB 259 Engrossed 2018 Regular Session Carter

Present law provides for the procedure for the secretary of the Department of Revenue to collect rebates or refundable tax credits previously granted to a taxpayer, but later disallowed.

Proposed law makes all tax benefits, including nonrefundable tax credits, subject to the same procedure for the collection of disallowed rebates or refundable tax credits.

Effective August 1, 2018.

(Adds R.S. 47:1561.3)

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.