

2018 Regular Session

HOUSE BILL NO. 368

BY REPRESENTATIVE STOKES

TAX COMMISSION, STATE: Authorizes the La. Tax Commission to establish a statewide homestead exemption audit program

1 AN ACT

2 To enact R.S. 47:1837(H), relative to the Louisiana Tax Commission; to authorize the
3 establishment of a statewide homestead exemption audit program; to provide for
4 program implementation and administration; to authorize the imposition of a fee; to
5 authorize rulemaking; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:1837(H) is hereby enacted to read as follows:

8 §1837. Duties and responsibilities

9 * * *

10 H. Statewide Homestead Exemption Audit Program.

11 (1) The tax commission may establish a statewide homestead exemption
12 audit program. Provisions governing the execution, administration, and enforcement
13 of and collections made under this program shall be established through the
14 promulgation of rules and regulations in accordance with the Administrative
15 Procedure Act.

16 (2) The tax commission may impose a fee equal to ten percent of the total
17 amount of taxes, penalties, and interest which may be due and owed by a taxpayer
18 through this program. The total amount of taxes, penalties, interest, and fees shall
19 be assessed against the taxpayer, to be collected by the tax collector, and remitted to

1 the tax commission for deposit into its expense fund. The tax commission shall use
 2 all monies collected under this program for purposes and support of the program.

3 (3) The tax commission is authorized to employ any agents, assistants,
 4 auditors, clerks, inspectors, investigators, or other experts to assist in program
 5 execution and enforcement. The tax commission is authorized to enter into contracts
 6 with these persons; however, the total fees paid pursuant to the contracts shall not
 7 exceed the total fees collected by the tax commission under Paragraph (2) of this
 8 Subsection. The selection of a contractor shall be made in accordance with the
 9 Louisiana Procurement Code.

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 368 Reengrossed

2018 Regular Session

Stokes

Abstract: Authorizes the La. Tax Commission to establish a statewide homestead exemption audit program, and for such purpose to hire contractors to be paid from fees imposed by the commission on taxes, penalties, and interest due through activities of the program.

Present law provides with respect to the duties and responsibilities of the La. Tax Commission (commission).

Proposed law retains present law and authorizes the commission to establish a statewide homestead exemption audit program (program). Provisions governing the execution and administration of the program shall be established by rule of the commission promulgated in accordance with the Administrative Procedure Act.

Proposed law provides that if any taxes, penalties or interest are due under the program, the commission may charge the taxpayer a fee equal to 10% of the total amount of taxes, penalties, and interest due. Fee monies collected by the commission shall be payable by the taxpayer to the commission and shall be deposited into the commissions's expense fund for use by the commission for purposes and support of the audit program.

Proposed law authorizes the hiring of persons including agents, auditors, clerks, and investigators through contracts to assist in program execution and enforcement. However, the total fees paid pursuant to the contracts shall not exceed the total fees collected by the tax commission under proposed law. Further requires the tax commission to select contractors in accordance with the La. Procurement Code.

(Adds R.S. 47:1837(H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Change the nature of the program from audit of all property tax exemptions to audit of homestead exemption.
2. Remove authority for contingency fee contracts.

The House Floor Amendments to the engrossed bill:

1. Require the tax commission to use monies collected under proposed law for purposes and support of the audit program.
2. Require the tax commission to select contractors in accordance with the La. Procurement Code.