
DIGEST

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HB 992 Original

2022 Regular Session

Beaullieu

Abstract: Grants the La. Tax Commission sole authority to make a determination based on the merits and correctness of a timely filed claim for refund of ad valorem taxes erroneously paid in connection with public service property without consultation with the assessor.

Present law provides that, except for persons maintaining a legality challenge, any person who has a claim against a political subdivision for ad valorem taxes erroneously paid into the funds of that political subdivision may present the claim to the La. Tax Commission ("tax commission") within three years of the date of the payment of the tax. Present law requires the tax commission to consult the assessor of the parish in which the property is located, and if advised by the assessor that a refund is due, the tax commission shall examine the merits and correctness of each claim presented to it and shall make a determination within 30 days after receipt of the claim.

Present law requires, when a claim is approved by the tax commission, the tax commission to direct the collector to correct the assessment on the roll on file in his office and direct the recorder of mortgages to change the inscription of the tax roll. Further requires the commission to direct the refund and repayment of those taxes found to be erroneously paid.

Proposed law retains present law.

Proposed law grants the tax commission sole authority to make a determination based on the merits and correctness of a timely filed claim for refund of ad valorem taxes erroneously paid in connection with public service property valued for assessment purposes in accordance with present constitution without consultation with the assessor of the parish in which the public service property which is subject of the claim is located. Proposed law requires the tax commission's determination to be based solely on the merits and correctness of the claim filed without regard for the alternative or supplemental rights and procedures of challenging the correctness or legality of a valuation, assessment, or tax payment provided in present constitution or present law.

Proposed law requires the tax commission to direct the collector of the parish in which the public service property which is subject of the approved claim is located to refund and repay the full amount of the taxes found to be erroneously paid within 30 days of issuance of its final determination approving a claim.

Present law provides for actions that a collector of ad valorem taxes in each political subdivision may take upon receiving written notice from the tax commission that a particular refund or repayment is owed.

Proposed law retains present law but adds that if the claim is made for taxes erroneously paid on public service property, the collector shall immediately notify the affected tax recipient bodies to remit to the collector their pro rata share of the refund or repayment within 30 days of receipt of the notice. Further grants the collector an additional 30 days from receipt of funds from the tax recipient bodies to remit payment in full to the tax debtor. Failure of a tax recipient body or the collector to timely remit monies shall cause interest at the legal rate to accrue in favor of the tax debtor to be paid by the party failing to timely remit payment to the debtor.

Presented law authorizes an action of the assessor or of the tax commission rejecting or refusing to approve any claim made pursuant to the provisions of present law to be appealed by means of ordinary proceedings to the Board of Tax Appeals or to the district court having jurisdiction where the property which is the subject of the claim is located.

Proposed law retains present law but provides that if a person appeals the tax commission's judgment to reject or refuse to approve a claim made on public service properties in which the person claiming the right to a refund and repayment of taxes is found to be erroneously paid is successful as the result of a review by the Board of Tax Appeals, the determination by the Board of Tax Appeals shall be final and the tax commission shall have no further right to appeal to any district court or appeals court.

(Amends R.S. 47:2132(A), (B), and (D); Adds R.S. 47:2132(C)(4))