The original instrument was prepared by Leonore Heavey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

## DIGEST

SB 241 Engrossed

## 2022 Regular Session

Allain

<u>Present law</u> requires the payment under protest of the disputed amount of tax when a taxpayer challenges the correctness of an ad valorem tax assessment or the legality of an ad valorem tax assessment.

<u>Proposed law</u> provides that a taxpayer challenging the correctness of an assessment who has timely filed an appeal with the Louisiana Tax Commission shall either make a payment under protest of the disputed amount of the tax or post security for the disputed amount.

<u>Proposed law</u> provides for an alternative method of providing security in lieu of a payment under protest in the case of a taxpayer filing a legality challenge with a court or the Board of Tax Appeals.

<u>Proposed law</u> authorizes the taxpayer, on or before the date on which the taxes are due, to file a rule to set bond or other security with the court or the board which shall be set for hearing within 30 days.

<u>Proposed law</u> authorizes the court or the board to order that a portion of the disputed amount be paid under protest and the balance secured by the posting of a bond or other security.

<u>Proposed law</u> authorizes the collector to file a reconventional demand against the taxpayer in the cause of action in which a bond or alternative security is provided and further provides that the collector may procure an appraisal or conduct discovery concerning the value and validity of security offered.

<u>Proposed law</u> requires that the posting of a bond or other security for ad valorem tax challenges shall be consistent with the provisions for providing security in connection with a suspensive appeal under the Code of Civil Procedure.

<u>Proposed law</u> does not apply to amounts of tax that are not in dispute and are not the subject of a correctness or legality challenge.

Effective August 1, 2022.

(Amends R.S. 47:2134(E)(1); adds R.S. 47:1989(G) and 2134(F))

Summary of Amendments Adopted by Senate

## Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

- 1. Adds provision that <u>proposed law</u> does not apply to amounts of tax that are not in dispute and are not the subject of a correctness or legality challenge.
- 2. Adds internal references for clarification.
- 3. Provides for technical changes.