

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 241

2022 Regular Session

Allain

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TAX/TAXATION. Provides for alternatives in lieu of payment under protest for certain ad valorem taxes. (8/1/22)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Remove requirement that a taxpayer either make a payment under protest of the disputed amount of the tax or post security for the disputed amount of the ad valorem tax while a correctness challenge is pending.
2. Remove the tax commission's right of an appeal to a district court following a determination by the Board of Tax Appeals (BTA) that the tax commission's decision to refuse to approve a claim for a refund and repayment of taxes erroneously paid in connection with public service property was incorrect matters pending before the BTA or eligible for appeal on July 1, 2022.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 241 Engrossed

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Present law 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.

Proposed law provides that a taxpayer challenging the correctness of an assessment is not required to make a payment under protest or post security while the correctness challenge is pending.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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.

Proposed law 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 present law (Code of Civil Procedure).

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

Present law provides that action of the assessor or of the tax commission rejecting or refusing to approve any claim may 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 an appeal of the action of the tax commission following its rejection or refusal to approve a claim made in which a person claiming the right to a refund and repayment of taxes found to be erroneously paid in connection with public service property is successful as the result of a review by the Board of Tax Appeals, that 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 located in East Baton Rouge Parish or having jurisdiction where the public service property which would comprise the subject of the appeal is located.

Effective July 1, 2022.

(Amends R.S. 47:2132(D), 2134(E)(1); Adds R.S. 47:1989(G) and 2134(F))

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