



1 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
2 elected to each house concurring, that there shall be submitted to the electors of the state of  
3 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
4 amend Article VII, Section 3(A) of the Constitution of Louisiana, to read as follows:

5 §3. Collection of Taxes

6 Section 3(A). The legislature shall prohibit the issuance of process to restrain  
7 the collection of any tax. It shall provide a complete and adequate remedy for the  
8 prompt recovery of an illegal or unconstitutional tax paid by a taxpayer.

9 \* \* \*

10 Section 3. Be it further resolved that this proposed amendment shall be submitted  
11 to the electors of the state of Louisiana at the statewide election to be held on October 12,  
12 2019.

13 Section 4. Be it further resolved that on the official ballot to be used at the election,  
14 there shall be printed a proposition, upon which the electors of the state shall be permitted  
15 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
16 follows:

17 Do you support an amendment to require a ~~complete~~ remedy in law to  
18 taxpayers for the prompt recovery of any unconstitutional tax and to extend  
19 the jurisdiction of the Board of Tax Appeals to hear matters related to the  
20 constitutionality of taxes? (Amends Article VII, Section 3(A); Adds Article  
21 V, Section 35)

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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)]

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HB 428 Original

2019 Regular Session

Dwight

**Abstract:** Extends the jurisdiction of the Board of Tax Appeals to matters related to the constitutionality of taxes, fees, or other claims against the state and authorizes the legislature to provide remedies in law related to unconstitutional taxes paid by taxpayers.

Present constitution authorizes the legislature to provide a complete and adequate remedy for the prompt recovery of an illegal tax paid by a taxpayer.

Proposed constitution retains present constitution and authorizes the legislature to provide a remedy in law for unconstitutional taxes paid.

Proposed constitution extends the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes, fees, or other matters related to its jurisdiction.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 12, 2019.

(Amends Const. Art. VII, §3(A); Adds Const. Art. V, §35)