

1 Section 3. Be it further resolved that on the official ballot to be used at the election,
2 there shall be printed a proposition, upon which the electors of the state shall be permitted
3 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
4 follows:

5 Do you support an amendment to allow the jurisdiction of the Board of Tax
6 Appeals to extend to matters related to the constitutionality of taxes? (Adds
7 Article V, Section 35)

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 428 Re-Reengrossed

2019 Regular Session

Dwight

Abstract: Provides that the Board of Tax Appeals has jurisdiction over matters related to taxes, fees, or other claims against the state and authorizes the legislature to extend the jurisdiction under certain circumstances.

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 provides that the Board of Tax Appeals has jurisdiction over all matters related to state and local taxes, fees, or other claims and against the state, and allows the legislature to extend the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes, fees, or other matters related to its jurisdiction by a two-thirds vote of elected members.

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

(Adds Const. Art. V, §35)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical amendments.
2. Provide that the jurisdiction of the Board of Tax Appeals is over all matters related to state and local taxes or fees.
3. Amend the ballot language to incorporate proposed law provision which authorizes the extension of the jurisdiction of the Board of Tax Appeals by a two-thirds vote of the legislature.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Add a technical amendment to the ballot language.

The House Floor Amendments to the reengrossed bill:

1. Remove proposed change to Article VII, Section 3(A) of the Constitution of Louisiana from Section 35 that would authorize the legislature to provide remedies in law related to unconstitutional taxes paid by taxpayers.
2. Remove the ballot language regarding support of a requirement of a complete remedy in law for unconstitutional taxes paid by a taxpayer.