

2021 Regular Session

SENATE BILL NO. 81

BY SENATOR LUNEAU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REVENUE DEPARTMENT. Establishes reporting requirements for businesses and governmental entities using service providers. (7/1/21)

1 AN ACT

2 To amend and reenact R.S. 46:236.14(D)(2) and R.S. 47:1508(B)(23) and to enact R.S.

3 47:114.1, relative to reporting requirements to the Department of Revenue; to require

4 businesses and governmental entities that pay certain service providers to file annual

5 reports; to authorize the secretary of the Department of Revenue to promulgate rules;

6 to provide for extensions and waivers; to provide for an exception to the

7 confidentiality of the records of the secretary of the Department of Revenue; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:236.14(D)(2) is hereby amended and reenacted to read as follows:

11 §236.14. Employer reporting program

12 * * *

13 D.

14 * * *

15 (2) The Department of Children and Family Services shall secure either

16 electronically or by hard copy **all of the following:**

17 **(a) Wages** ~~wages~~ and unemployment compensation information which is

1 required to be submitted to the secretary of the United States Department of Labor
2 for entry into the state directory of new hires.

3 (b) Any information reported to the Department of Revenue in
4 accordance with R.S. 47:114.1.

5 * * *

6 Section 2. R.S. 47:1508(B)(23) is hereby amended and reenacted and R.S. 47:114.1
7 is hereby enacted to read as follows:

8 §114.1. Annual Information Return of Service Recipient

9 A. Beginning January 1, 2022, any service recipient who makes or is
10 required to make a return to the Internal Revenue Service, in accordance with
11 Section 6041A(a) of the Internal Revenue Code and treasury regulations
12 adopted thereunder and other administrative guidance issued by the Internal
13 Revenue Service, including the instructions to Internal Revenue Service Form
14 1099-NEC or successor form, relating to payments made to a service provider
15 as remuneration for services provided in this state, shall file a copy of the return
16 with the secretary as provided for in this Section.

17 B.(1) The return copy shall be filed with the secretary on or before the
18 28th day of February of each year for the preceding calendar year. The first
19 report shall be filed on or before February 28, 2022, for remunerations made
20 during calendar year 2021.

21 (2) Upon receipt of a written request from a service recipient in the
22 manner prescribed by the secretary, the secretary may grant a reasonable
23 extension of time, not exceeding thirty days, for filing the annual report.

24 (3) The secretary may waive the annual reporting requirement upon a
25 showing by the service recipient that the requirement creates an undue
26 hardship. A request for waiver shall be submitted to the secretary in the
27 manner prescribed by the secretary.

28 C. The secretary may promulgate rules and regulations in accordance
29 with the Administrative Procedure Act to implement the provisions of this

Department of Revenue regarding annual reports filed by service recipients.

Present law (R.S. 47:1508) requires the confidentiality of tax records and provides for exceptions.

Proposed law authorizes the secretary of the Department of Revenue to share or furnish information with the Department of Children and Family Services regarding annual reports filed by service recipients.

Effective July 1, 2021.

(Amends R.S. 46:236.14(D)(2) and R.S. 47:1508(B)(23); adds R.S. 47:114.1)

Summary of Amendments Adopted by Senate

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

1. Requires the Department of Children and Family Services to secure either electronically or by hard copy any information reported to the Department of Revenue regarding annual reports filed by service recipients.
2. Authorizes the secretary of the Department of Revenue to share or furnish information with the Department of Children and Family Services regarding annual reports filed by service recipients.
3. Makes technical changes.