

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 559** HLS 21RS 927

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 1, 2021	12:27 PM	<b>Author:</b> PRESSLY
<b>Dept./Agy.:</b> Board of Tax Appeals		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Adjudication of local sales & use tax matters		

TAX OR SEE FISC NOTE GF EX Page 1 of 1  
Provides relative to the authority of local collectors to adjudicate local sales and use tax matters and the jurisdiction of the Board of Tax Appeals

Proposed law adds to present law under R.S. 47:33.40, "Power to conduct hearings" the following: "Hearings conducted pursuant to provisions of this section shall be conducted in an informal manner, shall not constitute an adjudication nor a trial on the merits, and the provisions of the Code of Civil Procedure shall not be applicable." Under the same section of the law, this legislation provides that the collector may produce a record of the hearing and use the record to make a final determination of tax, penalty, and interest due. Any record of the hearing produced by the collector shall be used solely for administrative purposes by the collector and shall not be used as a trial court record in the Board of Tax Appeals or any other court. Under the "jurisdiction of the board" section of the law, the legislation adds the board shall have original jurisdiction and shall conduct hearings in accordance with the provisions of R.S. 47:1410(A). Proposed law adds under "the findings of fact, decisions, and opinions, in all cases and matters, including matters from the Local Tax Division", the board shall act as a trial court in the finding of facts and issuing of conclusions of law and shall conduct a trial de novo with a full evidentiary hearing. This legislation states that the provisions of this legislation are procedural and interpretative. Proposed law is effective upon the signature of the governor.

<b>EXPENDITURES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable increase in expenditures in the Board of Tax Appeals (BTA). The agency reports that there are portions of the bill that are perceived as codifying present law, and there are portions that will require an increase in hearings for matters that would otherwise be resolved without a full evidentiary hearing (ex. summary judgment). BTA reports that any workload increase that may result in increased expenditures would be paid from the SGF for the administrative program, and from increased IAT or SGR for local cases. The magnitude of such impacts are indeterminable.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in SGR as the agency anticipates an increase in the number of cases filed.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Alan M. Boxberger*

**Alan M. Boxberger**  
**Staff Director**