

SENATE BILL NO. 259

BY SENATOR CARTER

1 AN ACT

2 To enact R.S. 47:1561.3, relative to the recovery of certain tax benefits; to provide relative
3 to the authority of the secretary of the Department of Revenue; to provide for terms
4 and conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:1561.3 is hereby enacted to read as follows:

7 **§1561.3. Special authority to recover nonrefundable tax credits**

8 **A. Except as provided in R.S. 47:1561.2, all tax benefits, including**
9 **nonrefundable tax credits, previously granted to a taxpayer but later**
10 **disallowed, may be recovered by the secretary through any collection remedy**
11 **authorized by R.S. 47:1561 and initiated within any of the following:**

12 **(1) Two years from December thirty-first of the year in which the benefit**
13 **was paid.**

14 **(2) Three years from December thirty-first of the year in which the taxes**
15 **for the filing period were due.**

16 **(3) The time period for which prescription has been extended, as**
17 **provided by R.S. 47:1580.**

18 **B. The only interest that may be assessed and collected on any recovered**
19 **tax benefits amount is interest at a rate three percentage points above the rate**
20 **provided in R.S. 9:3500(B), which shall be computed from the date of issuance**
21 **to the date payment is received by the secretary.**

1 **C. The provisions of this Section are in addition to and shall not limit the**
2 **authority of the secretary to assess or to collect under any other provision of**
3 **law.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____