

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 583** HLS 19RS 853

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 19, 2019 5:06 PM	Author: DWIGHT
Dept./Agy.: Board of Tax Appeals	Analyst: Benjamin Vincent
Subject: Jurisdiction of the Board of Tax Appeals	

TAX APPEALS/BOARD RE INCREASE SG EX See Note Page 1 of 1
Provides relative to jurisdiction of the Board of Tax Appeals and appeals

Proposed law expands the jurisdiction of the Board of Tax Appeals (BTA), authorizes BTA to determine the constitutionality of a statute or ordinance, and authorizes BTA to provide legal remedy in cases where taxes are claimed to violate an Act of Congress, the Constitution of either the U.S., or the Constitution of the State of Louisiana.

Proposed law authorizes aggrieved taxpayers to petition the board for declaratory judgment related to constitutionality of laws or ordinances, or the validity of regulations.

Proposed law expands BTA jurisdiction to petitions for declaratory judgment on constitutionality of laws or ordinances, and the validity of regulations concerning a rule or any state or local tax or fee except for those within the jurisdiction of the LA Tax Commission.

Effective Jan 1, 2020, if the constitutional amendment in HB 428 is adopted at a statewide election on October 12, 2019.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

BTA reports minor administrative costs associated with expanded jurisdiction due to proposed law, including additional Board additional transcriptionist and records services. BTA reports that these will primarily be funded via increased filing fee and appeal record fee collections due to an anticipated increase in filings. While additional specific resource needs are speculative at this time, general fund expenditures and fee revenue expenditures are anticipated to increase consistent with the expanded jurisdiction of the Board contemplated by the bill.

REVENUE EXPLANATION

Proposed law appears to authorize the expansion of available opportunities for remedies for unconstitutional taxes paid. To the extent that additional claims are filed due to expanded jurisdiction, fees and self-generated revenues will increase. The effect of expanded BTA jurisdiction on net revenue collections is speculative. Presumably, additional avenues for taxpayer remedies in tax disputes ultimately works to reduce net collections, but that also depends on determinations by the BTA.

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}

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