

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 404 by Representative Willard

1 AMENDMENT NO. 1

2 On page 1, line 3, after "1621(D)(1)" insert "and (K), 1624(A)(1)"

3 AMENDMENT NO. 2

4 On page 2, delete lines 15 through 17 and insert the following:

5 **"D. Notwithstanding any other provision of law to the contrary, the**
6 **interest provided for in R.S. 47:337.80 and 1624 shall not accrue on any**
7 **overpayment resulting from the payment of sales and use tax on exempt**
8 **purchases by a taxpayer holding a DP number until one hundred eighty days**
9 **after the later of the due date of the return, the filing date of the return or claim**
10 **for refund on which the overpayment is claimed, or the date the tax was paid."**

11
12 AMENDMENT NO. 3

13 On page 3, line 17, after "1621(D)(1)" insert "and (K), 1624(A)(1)"

14 AMENDMENT NO. 4

15 On page 5, between lines 20 and 21, insert the following:

16 **"K. No refund shall be made for any overpayment that is based on a tax**
17 **shelter, tax sham, tax evasion scheme, or any transaction which lacks a**
18 **legitimate business purpose or otherwise fails the economic substance doctrine**
19 **as determined by a final decision of a court of competent jurisdiction.**

20 * * *

21 §1624. Interest on refunds

22 A.(1) (a) ~~Except as otherwise provided in this Section and notwithstanding~~
23 ~~any other provision of law to the contrary, on all refunds or credits the secretary shall~~
24 ~~compute and allow as part of the refund or credit, interest at the annual rate~~
25 ~~established in R.S. 13:4202 from ninety days after the later of the due date of the~~
26 ~~return, the filing date of the return or claim for refund on which the overpayment is~~
27 ~~claimed, or the date the tax was paid.~~

28 (b) Except as otherwise provided in Subparagraph (2)(a) of this Subsection,
29 and notwithstanding any other provision of law to the contrary, ~~beginning January~~
30 ~~1, 2022~~, on all refunds or credits, the secretary shall compute and allow as part of the
31 refund or credit interest at the rate established for tax obligations in R.S.
32 47:1601(A)(2) from ninety days after the later of the due date of the return, the filing
33 date of the return or claim for refund on which the overpayment is claimed, or the
34 date the tax was paid.

35 (e)(b) An overpayment shall bear no interest if it is credited to the taxpayer's
36 account. No interest on refunds or credits shall be allowed if the secretary proves by
37 clear and convincing evidence that a person has deliberately overpaid a tax in order
38 to derive the benefit of the interest allowed by this Section. Payments of interest
39 authorized by this Section shall be made from funds derived from current collections
40 of the tax to be refunded or credited.

41 (c) **No interest shall accrue on any overpayment that is based on a tax**
42 **shelter, tax sham, tax evasion scheme, or any transaction which lacks a**
43 **legitimate business purpose or otherwise fails the economic substance doctrine**
44 **as determined by a final decision of a court of competent jurisdiction.**

45 * * *