

Beaulieu

## Synopsis of Senate Amendments

- ## Digest of Bill as Finally Passed by Senate

Present law authorizes the board to issue policy advice intended to provide guidance to taxpayers or dealers with respect to any local sales and use tax issue. A taxpayer or dealer may request a private letter ruling from the board by sending a certified letter to the board and to the respective local tax collectors. If a request for a private letter ruling involves a single local tax collector, the tax collector may elect to decline to participate in the private letter ruling process by notifying the board and the requesting party within 10 days of receipt of the request. If the board receives this notification, the board shall decline the request for the ruling.

Present law provides that a private letter ruling shall bind the decision or discretion of a local tax collector; however, a party to the dispute may seek a review of the ruling within 20 days of the date of its certified mailing by filing a petition to the Local Tax Division of the BTA. The only grounds for overturning a private letter ruling on appeal shall be that the ruling is contrary to law or a controlling ordinance, conflicts with pre-existing jurisprudence, or otherwise is clearly arbitrary and capricious. Any private letter ruling that is appealed shall be stayed until the appeal is resolved by final judgment or by settlement.

Proposed law changes present law by providing that any policy advice issued after Jan. 1, 2025, shall bind the decision or discretion of a local collector except that a local collector may seek a review of the policy advice within 20 *calendar* days of the date of issuance by filing a petition to the Local Tax Division of the BTA. Further requires the Local Tax Division of the BTA to conduct a de novo review of the private letter ruling advice and the judgment rendered by the Local Tax Division of the BTA may be appealed by either the taxpayer or the local tax collector.

Proposed law retains requirement that if a policy advice is appealed, the matter is stayed until the appeal is resolved by final judgment.

Proposed law repeals authorization that if a request for a private letter ruling involves a single local tax collector, the tax collector may elect to decline to participate in the private letter ruling process by notifying the board and the requesting party within 10 days of receipt of the request.

Present law provides for the establishment of the BTA to hear and decide, at minimum expense to the taxpayer, questions of law and fact arising from disputes or controversies between a taxpayer and state and local collectors in the enforcement of any tax, excise, license, permit or any other tax, fee, penalty, receipt or other law administered by a collector, and to exercise other jurisdiction as provided in present law.

Proposed law retains present law but specifies that the BTA shall *timely* hear and decide questions of law and fact arising from disputes or controversies between taxpayers and state and local collectors.

Present law provides for the membership, terms, and duties of members of the BTA. The BTA shall be composed of three members who shall be attorneys with tax law experience and who shall be qualified electors of the state. At least two board members shall be certified as a Tax Law Specialist by the La. Board of Legal Specialization or possess a Masters of Law in Taxation or Tax Law. Each member shall be appointed by the governor.

Proposed law retains present law adds a requirement that members of the BTA adhere to Canons 1 through 3 of the Code of Judicial Conduct.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:337.51(A)(1), 337.102(D), and 1401; Adds R.S. 47:337.51.1 and 1402(A)(3))