

Regular Session, 2008

HOUSE BILL NO. 749

BY REPRESENTATIVE ELLINGTON

TAX/TAXATION: Requires timely payments of certain rebates and refunds

1 AN ACT

2 To enact R.S. 47:4307 and R.S. 51:2463, relative to refunds and rebates; to provide for  
3 timely payment of certain refunds and rebates; to provide for the payment of interest  
4 under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:4307 is hereby enacted to read as follows:

7 §4307. Refund requests; payment of refunds

8 A. The tax refunds authorized pursuant to the provisions of this Chapter shall  
9 be processed and paid in accordance with the provisions of this Section. Within  
10 ninety days from the date that a completed request for refund submitted by a  
11 taxpayer is received by a state or local taxing authority, the taxing authority shall  
12 review the refund request and issue a refund check to the taxpayer for allowed items  
13 and shall notify the taxpayer of any disallowed items. Within sixty days from receipt  
14 of the notification of disallowed items, the taxpayer may resubmit disallowed items  
15 to the taxing authority for reconsideration. The time periods for reconsideration of  
16 disallowed items in a refund request shall be the same as the time periods for  
17 consideration of the initial refund request.

18 B. Failure of a state or local taxing authority to timely process and pay a  
19 refund in accordance with the provisions of this Section shall entitle the taxpayer to  
20 interest on the amount of the allowed items contained in the refund request. Interest

1 shall begin to accrue on the date the refund request or reconsideration of disallowed  
2 items in a refund request is received by the taxing authority, and the rate shall be  
3 equal to the rate provided for in R.S. 47:1624.

4 Section 2. R.S. 51:2463 is hereby enacted to read as follows:

5 §2463. Rebate requests; payment of rebates

6 A. The rebates authorized pursuant to the provisions of this Chapter shall be  
7 processed and paid in accordance with the provisions of this Section. Within ninety  
8 days from the date that a completed rebate request submitted by an employer is  
9 received by the Department of Economic Development, the department shall review  
10 the rebate request and issue a rebate check to the employer for allowed items and  
11 shall notify the employer of any disallowed items. Within sixty days from receipt  
12 of the notification of disallowed items, the employer may resubmit disallowed items  
13 to the department for reconsideration. The time periods for reconsideration of  
14 disallowed items in a rebate request shall be the same as the time periods for  
15 consideration of the initial rebate request.

16 B. Failure of the department to timely process and pay a rebate in accordance  
17 with the provisions of this Section shall entitle the employer to interest on the  
18 amount of the allowed items contained in the rebate request. Interest shall begin to  
19 accrue on the date the rebate request or reconsideration of disallowed items in a  
20 rebate request is received by the department, and the interest rate shall be equal to  
21 the rate provided for in R.S. 47:1624.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ellington

HB No. 749

**Abstract:** Requires a state or local taxing authority to pay refunds for allowed items within 90 days of receipt of the refund request from a taxpayer under the Exemptions for Manufacturing Establishments program. Requires the Department of Economic Development to pay rebates for allowed items within 90 days of receipt of the rebate request from an employer under the Quality Jobs Program.

Proposed law, relative to the Exemptions for Manufacturing Establishments program, in the case of refunds, and the Quality Jobs Program, in the case of rebates, requires that within 90 days from the date that a completed refund request is received by a state or local taxing authority or the department, the taxing authority or department shall review the refund or rebate request and issue a refund or rebate check to the taxpayer or employer for allowed items and shall notify the taxpayer or employer of any disallowed items. Further authorizes that within 60 days from receipt of the notification of disallowed items, a taxpayer or employer may resubmit disallowed items to the taxing authority or department for reconsideration.

Proposed law provides that the time periods for reconsideration of a refund or rebate request shall be the same as the time periods for consideration of the initial refund or rebate request.

Proposed law provides that failure of a taxing authority or department to timely process and pay a refund or rebate request shall entitle the taxpayer or employer to interest on the amount of the allowed items contained in the rebate or refund request. Interest shall begin to accrue on the date the rebate or refund request or reconsideration of a rebate or refund request is received by the taxing authority or department and shall be equal to the rate provided for in R.S. 47:1624.

(Adds R.S. 47:4307 and R.S. 51:2463)