

State of Louisiana
Department of Revenue

JOHN BEL EDWARDS
Governor



KEVIN J. RICHARD, CPA
Secretary

March 1, 2022

Via E-mail/R.R.R. to:

Apa.h-wm@legis.la.gov

The Honorable Stuart J. Bishop, Chairman
House Committee on Ways and Means
P.O. Box 94062
Baton Rouge, Louisiana 70804

Apa.s-r&f@legis.la.gov

The Honorable R.L. Bret Allain, II, Chairman
Senate Committee on Revenue and Fiscal Affairs
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: Louisiana Department of Revenue – Yearly Rule-Making Action Report

Chairman Bishop and Chairman Allain:

In accordance with La. R.S. 49:968(K), the Department of Revenue submits the following summary of actions taken by the department with respect to adoption, amendment, or repeal of proposed rules and of actions taken by the agency with respect to proposed fee adoptions, increases, or decreases. Included are actions taken from January 1, 2021 to December 31, 2021.

EMERGENCY RULES

LAC 61:I.1525 – Income Tax Withholding on Gaming Winnings

Adopted to require any person paying gaming winnings under the provisions of Act 141 of the 2020 Regular Session of the Louisiana Legislature and Act 80 of the 2021 Regular Session of the Louisiana Legislature to withhold Louisiana income tax.

Emergency Rule Effective Date: September 5, 2021

LAC 61:I.1525 – Income Tax Withholding on Gaming Winnings

Adopted to require any person paying gaming winnings under the provisions of Act 141 of the 2020 Regular Session of the Louisiana Legislature and Act 80 of the 2021 Regular Session of the Louisiana Legislature to withhold Louisiana income tax.

Emergency Rule Effective Date: October 8, 2021

Contributing to a better quality of life.

617 North Third Street, Post Office Box 44098, Baton Rouge, Louisiana 70804-4098
Telephone (225) 219-2780 • Fax (225) 219-2759
www.revenue.louisiana.gov

LAC 61:I.1515 – Withholding Tax Statements and Returns—Electronic Filing Requirements
Adopted to amend the rule on Mandatory Electronic Filing of Tax Returns to conform to the return reporting requirements set forth under R.S. 47:114.1 as authorized by Act 285 of the 2021 Regular Session of the Louisiana Legislature. Specifically, this Emergency Rule requires employers who file 50 or more Federal Form 1099-NEC to file such Forms electronically with accompanying LDR Form L-3, Form W-2s and any other informational returns. The promulgation of this rule on an emergency basis is necessary to expeditiously instruct taxpayers of the mandatory electronic filing requirement for Federal Form 1099-NECs.

Emergency Rule Effective Date: December 1, 2021

NONEMERGENCY RULEMAKING

LAC 61:III.1539 through 1546 - Mandatory Electronic Filing of Certain Excise Tax Returns and Payment of Taxes

Adopted to provide mandatory electronic filing and payment requirements for the Alcoholic Beverage Tax Return, State and Parish and Municipal Beer Tax Return, Return for Wines Shipped Direct to Consumers, Hazardous Waste Disposal Tax Return, Transportation and Communication Utilities Tax Return, and Report of Inspection and Supervision Fee for periods beginning on or after April 1, 2021.

Notice of Intent Promulgation: August 20, 2020
Public Hearing: September 28, 2020
Substantive Change Hearing: November 20, 2020
Oversight Report Submittal: January 5, 2021
Oversight Hearing: N/A
Final Rule Promulgation: February 20, 2021

LAC 61:I.4919 – Installment Agreement for Payment of Tax

Adopted to clarify that a continuing guaranty agreement may be required for installment agreements requested by limited liability companies, partnerships and limited partnerships, to extend the payment period for which an informal installment agreement is authorized, and to make technical changes.

Notice of Intent Promulgation: April 9, 2021
Public Hearing: May 26, 2021
Oversight Report Submittal: June 10, 2021
Oversight Hearing: N/A
Final Rule Promulgation: July 20, 2021

LAC 61:III.2121-2125 – Abatement of Presumed Accuracy-Related Penalties

Adopted to provide guidance on the exceptions to the presumption of penalties provided in LA R.S. 47:1604.1 and to provide procedures for requesting abatement of a presumed penalty.

Notice of Intent Promulgation: June 20, 2021
Public Hearing: July 28, 2021
Oversight Report Submittal: August 5, 2021

Oversight Hearing: N/A
Final Rule Promulgation: September 20, 2021

LAC 61:I.4909 – Claim for Refund Requirements

Adopted to require taxpayers to provide certain documentation and information in support of a claim for refund or credit.

Notice of Intent Promulgation: June 20, 2021
Public Hearing: July 28, 2021
Oversight Report Submittal: August 5, 2021
Oversight Hearing: N/A
Final Rule Promulgation: September 20, 2021

**LAC 61:III.1547 and 1548 – Consolidated Filer Sales Tax Returns, Form R-1029—
Electronic Filing and Payment Requirement**

Adopted to require electronic filing and payment requirements for consolidated filers who are filing the Louisiana Sales Tax Return, Form R-1029.

Notice of Intent Promulgation: August 20, 2021
Public Hearing: September 30, 2021
Oversight Report Submittal: October 7, 2021
Oversight Hearing: N/A
Final Rule Promulgation: November 20, 2021

**LAC 61:III.1535 and 1536 – Mandatory Electronic Filing of Industrial Hemp-Derived CBD
and Consumable Hemp Products Tax Returns and Payment of Tax**

Adopted to revise the terminology in the regulation consistent with the changes to the tax statutes made by Act 336 of the 2021 Regular Session. Act 336 changed the name of the tax to Consumable Hemp Products Tax and expanded its applicability.

Notice of Intent Promulgation: August 20, 2021
Public Hearing: September 22, 2021
Oversight Report Submittal: October 5, 2021
Oversight Hearing: N/A
Final Rule Promulgation: November 20, 2021

LAC 61:I.1921 – Louisiana Youth Jobs Tax Credit

Proposes to adopt the regulation to implement Act 454 of the 2021 Regular Session of the Louisiana Legislature relative to the Youth Jobs Tax Credit.

Notice of Intent Promulgation: December 20, 2021
Public Hearing: January 25, 2022
Oversight Report Submittal: February 7, 2022
Oversight Hearing: N/A
Anticipated Effective Date: March 20, 2022

LAC 61:I.4427 – Sales and Use Tax Exemption for Charitable Construction of Animal Shelters

Proposes to adopt the regulation to provide guidance on the procedures for receiving the sales and use tax exemption provided in R.S. 47:305.59(B) as enacted by Act 299 of the 2021 Regular Session.

Notice of Intent Promulgation: December 20, 2021
Public Hearing: January 28, 2022
Oversight Report Submittal: February 8, 2022
Oversight Hearing: N/A
Anticipated Effective Date: March 20, 2022

LAC 61:I.1525 – Income Tax Withholding on Gaming Winnings

Proposes to amend the regulation to require any person paying gaming winnings under the provisions of Act 141 of the 2020 Regular Session of the Louisiana Legislature and Act 80 of the 2021 Regular Session of the Louisiana Legislature to withhold Louisiana income tax.

Notice of Intent Promulgation: December 20, 2021
Public Hearing: January 26, 2022
Oversight Report Submittal: February 7, 2022
Oversight Hearing: N/A
Anticipated Effective Date: March 20, 2022

LAC 61:I.1304, 1305, 1520 and 61:III.1527 – Nonresident Professional Athletes

Proposes to amend the regulations to repeal language pertaining to obsolete team composite tax returns and composite payments, which allowed professional athletic teams to report Louisiana individual income tax on behalf of all nonresident team members. These amendments would also effectively modify certain reporting requirements related to the Sports Facility Assistance Fund and make an existing regulation consistent with R.S. 47:1604.1, which modifies penalty rates for fraud, negligence and large tax deficiencies.

Notice of Intent Promulgation: December 20, 2021
Public Hearing: January 26, 2022
Oversight Report Submittal: February 7, 2022
Oversight Hearing: N/A
Anticipated Effective Date: March 20, 2022

If you have any questions or need additional information, please contact the Policy Services Division at (225) 219-2780.

Sincerely,



Danielle B. Clapinski
Director, Policy Services Division