



**Revenue Ruling
No. 01- 011
Effective January 1, 2002**

**Applications for Sales and Use Tax Rebate Under the Enterprise Zone Program Must
Be Submitted Before Legal Deadline**

The Louisiana Enterprise Zone Act (Revised Statute 51:1781 *et seq.*) provides a number of financial incentives and inducements for businesses that enter into contracts with the State of Louisiana under the Act. Among the incentives and inducements that Louisiana state and local government can provide is the rebate of sales and use tax paid on the material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise and machinery and equipment used in that enterprise. Rebates of state sales tax are issued by the Louisiana Department of Revenue. R.S. 51:1787(A)(1) provides a deadline for the submission of claims for rebate, as follows:

“Final application for the payment of any rebate of sales and use taxes granted pursuant to this Subsection must be filed no later than six months after receipt of the project completion report as provided by rule by the Department of Economic Development.”

The rules promulgated by the Department of Economic Development in connection with the Louisiana Enterprise Zone Act are also very clear in discussing the statutory deadline for the submission of applications for sales tax rebate. Section 13:I.701(C)(4) of the Louisiana Administrative Code provides, in pertinent part, as follows:

“Final requests for the payment of any refund must be filed, with the state (Department of Revenue and Taxation) and/or its local governmental subdivision no later than six months after the project’s completion or six months after the date of the governor’s signature on the contract, whichever is later.”

The Department of Revenue is not authorized to issue and, absent a judicial order, cannot issue a rebate of sales or use taxes under the Louisiana Enterprise Zone Act to any person who submits his/her application for rebate after the deadline specified in the above statute and rule. Neither the Louisiana Enterprise Zone Act nor the Louisiana Administrative Code promulgated in connection with the Act provides a specific means of appeal by persons who fail to timely submit applications. Persons who enter into Enterprise Zone contracts with the state, who anticipate state sales and use tax rebates under those contracts, must assure that their applications for rebate are timely submitted.

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Secretary

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A Revenue Ruling is written to provide guidance to the public and to Department of Revenue employees. It is issued under Section 61:III.101(C) of the Louisiana Administrative Code to apply principles of law to a specific set of facts. A Revenue Ruling does not have the force and effect of law and is not binding on the public. It is a statement of the department's position and is binding on the department until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.