

2008-0210

INTRODUCED BY: LARRY COCHRAN, COUNCILMAN, DISTRICT V

RESOLUTION NO. 5542

A resolution opposing House Bills 440, 442, 453, 646, and 747 and Senate Bills 289 and 329 introduced during the 2008 Regular Legislative Session

WHEREAS, the St Charles Parish School Board administers the sales and use tax under the ordinances in effect in St. Charles Parish, Louisiana, and the Uniform Local Sales Tax Code (ULSTC) adopted as Act 73 of 2003, the Constitution of the State of Louisiana and other laws, and collects sales and use tax for all local taxing authorities within the Parish, and,

WHEREAS, local administration and collection of sales and use taxes are the best means to protect a very important revenue source, and,

WHEREAS, State Representative/Speaker of the House Jim Tucker and State Representative Nicholas J. Lorusso are proposing to have the State Department of Revenue collect, administer and enforce local sales and use taxes as described in the pre-filed House Bills 440, 442, 453 and 646 of the 2008 Regular Session, and,

WHEREAS, State Representative Joel Robideaux and Senators Robert Kostelka and Robert Adley are proposing to impose legislation limitations upon local governments that reduces the ability to effectively and efficiently collect sales taxes and enforce compliance through audits and litigation as described in the pre-filed House Bills 747 and Senate Bills 289 and 329 of the 2008 Regular Session, and,

WHEREAS, auditing done by the locals and the state helps provide a level playing field among businesses and ensures that our parishes, cities and school boards collect revenues it would otherwise not collect if limited by House Bills 440, 442, 453, 646 and 747 and Senate Bills 289 and 329, and,

WHEREAS, House Bills 440, 442, 453, 646 and 747 and Senate Bills 289 and 329 are bad legislation and its limitations would significantly impact revenues by increasing expenses and decreasing collections, and,

WHEREAS, it is necessary that St Charles Parish specifically state that the Louisiana Association of Tax Administrators, a non profit organization organized under the Laws of the State of Louisiana, does not have the express or written authority to represent or act in any way as an agent of this parish, nor represent the views or positions of this taxing authority as it relates to local sales and use tax issues

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby urge and request every member of the St Charles Parish Legislative Delegation to vigorously OPPOSE HOUSE BILLS 440, 442, 453 and 646 authorizing the State Department of Revenue to collect, administer and enforce sales and use taxes levied by any political subdivision in the state and OPPOSE HOUSE BILL 747 and SENATE BILLS 289 and 329 imposing limitations on this parish or any local taxing authority in its collection of sales and use taxes and enforcement of compliance through audits and litigation and that any positions to the contrary by the Louisiana Association of Tax Administrators does not represent the views and positions of St Charles Parish

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to Governor Bobby Jindal, Senate President Joel T Chaisson, II, Representative Gary L. Smith, Jr, Representative Ernest D. Wooton, the Senate Revenue & Fiscal Affairs Committee, the House Ways & Means Committee, and the Police Jury Association of Louisiana

The foregoing resolution having been submitted to a vote, the vote thereon was as follows

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the resolution was declared adopted this 21st day of April, 2008, to become effective five (5) days after publication in the Official Journal.

Opposing HB & Senate Bills 2008

CHAIRMAN [Signature]
SECRETARY [Signature]
DLVD/PARISH PRESIDENT April 22, 2008
APPROVED [Signature] DISAPPROVED

PARISH PRESIDENT [Signature]
RETD/SECRETARY April 22, 2008
AT 3:15 pm RECD BY [Signature]