

SENATE BILL NO. 182

BY SENATOR MORRELL

1 AN ACT

2 To amend and reenact R.S. 47:6006(B)(2) and (4), relative to tax credits; to provide with  
3 respect to refund limitations involving one consolidated federal income tax return;  
4 to provide for applicability; to provide for an effective date; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:6006(B)(2) and (4) are hereby amended and reenacted to read as  
8 follows:

9 §6006. Tax credits for local inventory taxes paid

10 \* \* \*

11 B. \* \* \*

12 (2) Each taxpayer allowed a credit under this Section shall claim the credit  
13 on its separately filed income or corporate franchise tax return, ~~however~~ ; **however**,  
14 for purposes of the application of the limitations on refundability of excess credit  
15 provided for in Subparagraphs (1)(a) through (c) of this Subsection, all taxpayers  
16 included in one consolidated federal income tax return filed under the Internal  
17 Revenue Code shall be treated as a single taxpayer. The secretary shall promulgate  
18 rules to ensure that taxpayers ~~affiliated with or related to any other entity through~~  
19 ~~common ownership by the same interests or as parent or subsidiary~~ **included in one**  
20 **consolidated federal income tax return** shall be considered one taxpayer for the  
21 purpose of the limitations on refunds provided for in Subparagraphs (1)(a) through  
22 (c) of this Subsection.

23 \* \* \*

24 (4) Notwithstanding any provision in this Section to the contrary, for a  
25 manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, ~~and for all~~  
26 ~~related parties, affiliates, subsidiaries, parent companies, or owners of such~~  
27 ~~manufacturer for the inventory held that is related to the business of such~~

1           ~~manufacturer~~; if the amount of the credit authorized pursuant to Subsection A of this  
2           Section exceeds the amount of tax liability for the tax year, the excess credit may  
3           only be carried forward as a credit against subsequent Louisiana income or  
4           corporation franchise tax liability for a period not to exceed five years and shall not  
5           be refundable. The secretary shall promulgate rules to ensure that taxpayers ~~affiliated~~  
6           ~~with or related to any other entity through common ownership by the same interests~~  
7           ~~or as a parent or subsidiary~~ **included in one consolidated federal income tax**  
8           **return** shall be considered one taxpayer for the purpose of the limitations on  
9           refundability provided for in this Paragraph. This rulemaking authority shall be in  
10          addition to the rulemaking authority provided for elsewhere in this Title.

\* \* \*

12          Section 2.(A) The provisions of Section 1 of this Act shall apply to all claims for  
13          credits authorized pursuant to R.S. 47:6006 on any return filed on or after July 1, 2017,  
14          regardless of the taxable year to which the return relates.

15          (B) The provisions of Section 1 of this Act shall not apply to an amended return filed  
16          on or after July 1, 2017, provided that credits authorized pursuant to R.S. 47:6006 were  
17          properly claimed on an original return filed prior to July 1, 2017.

18          Section 3. This Act shall become effective upon signature by the governor or, if not  
19          signed by the governor, upon expiration of the time for bills to become law without signature  
20          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22          effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_