AN ACT

To amend and reenact R.S. 47:201.2(C)(3)(b)(iv) and (v), relative to state partnership audit adjustments; to provide for the calculation methodology for distributive shares reported to tiered partners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:201.2(C)(3)(b)(iv) and (v) are hereby amended and reenacted to read as follows:

§201.2. Reporting adjustments to federal taxable income and federal partnership audit adjustments

* * *

C. * * *

(3) Partnership election to pay on behalf of partners. Subject to the limitations in Subparagraph (c) of this Paragraph, an audited partnership making an election under this Paragraph shall:

* * *

(b) No later than one hundred eighty days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners:

* * *

(iv) For the total distributive shares of the remaining final federal adjustments reported to tiered partners:

(aa) Determine the amount of the adjustments which is of a type that it would be subject to sourcing to the state under Subpart F of this Part and then determine the
portion of this amount that would be sourced to the state applying the provisions of this Section.

(bb) Determine the amount of the adjustments which is of a type that it would not be subject to sourcing to Louisiana by a nonresident partner under R.S. 47:290(B).

(cc) Determine the portion of the amount determined in Subclause (b) of this Item that can be established, under regulation issued by the secretary, to be properly allocable to nonresident indirect partners or other partners not subject to tax on the adjustments; or that can be excluded under procedures for modified reporting and payment method allowed under Paragraph (5) of this Subsection.

(v) Multiply the total of the amounts determined in Subparagraphs (a) and (b) of this Paragraph by the highest tax rate under R.S. 47:32 for individuals and R.S. 47:300.1 for trusts and estates.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.