

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 186 by Senator Reese

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S." delete the remainder of the line and insert "47:6016.1(B)(8)(a)
3 and (11), (E)(1)(c), (2), and (5)(d), and the introductory paragraph of (H)(1) and to enact
4 R.S. 47:6016.1(E)(1)(g) and (5)(e), relative to the New Markets"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "definition of" delete the remainder of the line and insert "qualified
7 active low-income community business;"

8 AMENDMENT NO. 3

9 On page 1, line 4, after "definition of" delete the remainder of the line and delete lines 5 and
10 6 and insert "qualified low-income community investment; to provide for the application
11 requirements to be designated a qualified equity investment; to provide for the denial of
12 applications under certain circumstances; to provide relative to the deposit required under
13 certain circumstances; to provide for equity investment authority after a certain date; to
14 provide for an effective date; and to provide for related matters."

15 AMENDMENT NO. 4

16 On page 1, line 8, after "R.S." delete the remainder of the line and insert:
17 "47:6016.1(B)(8)(a) and (11), (E)(1)(c), (2), and (5)(d), and the introductory paragraph of
18 (H)(1) are hereby amended and reenacted and R.S. 47:6016.1(E)(1)(g) and (5)(e) are hereby
19 enacted"

20 AMENDMENT NO. 5

21 On page 1, delete lines 15 through 17 and on page 2, delete lines 1 through 13 and insert the
22 following:

23 " * * *
24 (8) "Qualified active low-income community business" has the meaning
25 given such term in Section 45D of the Internal Revenue Code of 1986, as amended,
26 and 26 CFR 1.45D-1.

27 (a) With respect to qualified equity investments issued on or after August 1,
28 2020, a qualified active low-income community business shall also be engaged in an
29 industry assigned a primary North American Industry Classification System code
30 within sector 11, 21, 23, 31, 32, 33, 42, 48, 49, 54, 56, 62, 72, or 81 and have total
31 employees that do not exceed the greater of two hundred fifty and the number of
32 employees set forth for the business's North American Industry Classification
33 System code sector in 13 CFR 121.201, **provided that the secretary of the**
34 **department may waive the size limitation if Louisiana Economic Development**
35 **determines that the investment will be beneficial to the job and economic**
36 **growth of the state.**

37 * * *
38 (11) "Qualified low-income community investment" means any capital or
39 equity investment in, or loan to, any qualified active low-income community
40 business. With respect to any one qualified active low-income community business,
41 the maximum amount of qualified low-income community investments made in that
42 business, on a collective basis with all of its affiliates that may be counted towards
43 satisfaction of Subparagraph (10)(b) of this Subsection is ten million dollars for
44 qualified equity investments issued prior to August 1, 2020, ~~and~~ five million dollars
45 for qualified equity investments issued on or after August 1, 2020, **and before**

August 1, 2025, and ten million dollars for qualified equity investments issued on or after August 1, 2025, whether issued by one or several qualified community development entities. Any amounts returned or repaid by such qualified active low-income community business to a qualified community development entity may be reinvested in such qualified active low-income community business by such qualified community development entity and not be counted against the ten million dollar limit provided for in this Paragraph. **The caps on qualified low-income community investments per qualified low-income community business shall only apply to awards of qualified equity investment authority on a per application round basis authorized pursuant to Paragraph (E)(5) of this Section.**

* * *

E.(1) A qualified community development entity that seeks to have an equity investment designated as a qualified equity investment and eligible for tax credits under this Section shall apply to the department. On a form prescribed by the department, the qualified community development entity shall include each of the following in or attached to its application:

* * *

(c) A certificate executed by an executive officer of the applicant attesting that **either:**

(i) the The allocation agreement remains in effect and has not otherwise been revoked or cancelled by the Community Development Financial Institutions Fund,

(ii) The allocation agreement has expired but was not revoked or cancelled by the Community Development Institutions Fund and the applicant or its affiliates have received a prior certification of qualified equity investment authority pursuant to this Section after August 1, 2020.

* * *

(g) If the applicant, including affiliates, has received a prior certification of qualified equity investment authority, a certificate executed by an executive officer of the applicant attesting that the applicant, including affiliates, has not been subject to a deposit forfeiture pursuant to Subsection H of this Section.

(2) Within thirty days after receipt of a completed application containing the information set forth in Paragraph (1) of this Subsection, including the deposit ~~as~~ **if** required in Subsection H of this Section, the department shall grant or deny the application in full or in part. If the department denies any part of the application, it shall inform the qualified community development entity of the grounds for the denial. **The department shall deny all applications that do not satisfy Subparagraph (1)(g) of this Subsection.** If the qualified community development entity provides additional information required by the department or otherwise completes its application within fifteen days of the notice of denial, the application shall be considered completed as of the original date of the submission. If the qualified community development entity fails to provide the information or complete its application within the fifteen- day period, the application remains denied and must be resubmitted in full with a new submission date, and the department shall refund the performance deposit.

* * *

(5)(a)

* * *

(d) A total of one hundred fifty million dollars of qualified equity investment authority shall be available for certification and allocation for applications beginning August 1, 2025. The department shall accept applications beginning on August 1, 2025, for allocation and certification of up to one hundred fifty million dollars of qualified equity investments.

(e) If a pending request cannot be fully certified due to these limits of qualified equity investment authority, the department shall certify the portion of qualified equity investment authority that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

* * *

H.(1) A qualified community development entity that seeks to have an equity investment designated as a qualified equity investment and eligible for tax credits pursuant to this Section shall pay a deposit in the amount of five hundred thousand dollars payable to the department, **provided that this requirement shall not apply to qualified community development entities, including affiliates, that**

