

2017 Regular Session

HOUSE BILL NO. 651

BY REPRESENTATIVE BROADWATER

TAX/CORP INCOME: Provides relative to corporate income tax credits

1 AN ACT

2 To amend and reenact R.S. 47:287.759(A), 297(B) and (G)(2), 297.6(A)(1)(a), 6005(C)(1),
3 6013(A), 6020(D)(2)(a), 6022(D)(3)(introductory paragraph),
4 6034(C)(1)(a)(iii)(bb)(introductory paragraph) and (d)(ii), 6035(D), and
5 6037(B)(2)(b)(i) and (ii) and (c), R.S. 51:2354(B)(introductory paragraph) and (C),
6 and 2399.3(A)(2)(b)(introductory paragraph), and Sections 7 and 8 of Act No. 125
7 of the 2015 Regular Session of the Legislature, to enact R.S. 47:6022(D)(4) and
8 6034(C)(1)(a)(iii)(cc) and R.S. 51:2354(D) and 2399.3(A)(2)(c), and to repeal
9 Sections 4, 5, and 6 of Act No. 125 of the 2015 Regular Session of the Legislature,
10 as amended by Acts 28 and 29 of the 2016 First Extraordinary Session of the
11 Legislature; relative to income and corporate franchise tax credits; to reduce the
12 amounts of certain credits; to provide for the continued effectiveness of certain
13 previous reductions; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 47:287.759(A), 297(B) and (G)(2), 297.6(A)(1)(a), 6005(C)(1),
16 6013(A), 6020(D)(2)(a), 6022(D)(3)(introductory paragraph),
17 6034(C)(1)(a)(iii)(bb)(introductory paragraph) and (d)(ii), 6035(D), and 6037(B)(2)(b)(i)
18 and (ii) and (c) are hereby amended and reenacted and R.S. 47:6022(D)(4) and
19 6034(C)(1)(a)(iii)(cc) are hereby enacted to read as follows:

1 §287.759. Tax credit for employee and dependent health insurance coverage.

2 A. When any contractor or subcontractor in the letting of any contract for the
3 construction of a public work offers health insurance coverage as provided for in this
4 Section, ~~they~~ he shall be eligible for a three ~~and six tenths~~ percent income tax credit
5 on forty percent of the amount of the contract received in a tax year if eighty-five
6 percent of the full-time employees of each contractor are offered health insurance
7 coverage and each such general contractor or subcontractor pays seventy-five percent
8 of the total premium for such health insurance coverage for each full-time employee
9 who chooses to participate and pays not less than fifty percent of the total premium
10 for health insurance coverage for each dependent of the full-time employee who
11 elects to participate in dependent coverage.

12 * * *

13 §297. Reduction to tax due

14 * * *

15 B. The tax determined as provided in this Part shall be reduced by the
16 following: a credit for the elderly, a credit for contributions to candidates for public
17 office, an investment credit, a credit for foreign tax, a work incentive credit, jobs
18 credit, and residential energy credits. The amount of these credits shall be the lesser
19 of eighteen dollars or seven ~~and two tenths of one~~ percent of the same credits
20 allowed on the federal income tax return for the same taxable period.

21 * * *

22 G. There shall be an environmental equipment purchase tax credit to be
23 determined as follows:

24 * * *

25 (2) The tax credit shall be fourteen ~~and four tenths~~ percent of the purchase
26 price of the equipment if paid for in a single taxable year. If the equipment purchase
27 is financed over two or more taxable years, the tax credit in a taxable year shall be
28 fourteen ~~and four tenths~~ percent of that portion of the original purchase price paid
29 in that taxable year. For partnerships and Subchapter S Corporations, the tax credit

1 shall proportionately pass through to each partner or shareholder in the same
2 percentage in which other shares of income, gain, loss, deduction or credit are
3 distributed in accordance with the partnership or shareholder agreement.

4 * * *

5 §297.6. Reduction to tax due; rehabilitation of residential structures

6 A.(1) There shall be a credit against individual income tax liability due under
7 this Title for the amount of eligible costs and expenses incurred during the
8 rehabilitation of an owner-occupied residential or owner-occupied mixed use
9 structure located in a National Register Historic District, a local historic district, a
10 Main Street District, a cultural products district, or a downtown development district,
11 or such owner-occupied residential structure that has been listed or is eligible for
12 listing on the National Register, or such structure that has been certified by the State
13 Historic Preservation Office as contributing to the historical significance of the
14 district, or a vacant and blighted owner-occupied residential structure located
15 anywhere in the state that is at least fifty years old. The tax credit authorized
16 pursuant to this Section shall be limited to one credit per structure rehabilitated. The
17 total credit shall not exceed eighteen thousand five hundred dollars per structure. In
18 order to qualify for that credit, the rehabilitation costs for the structure must exceed
19 ten thousand dollars.

20 (a) If the credit is for the rehabilitation of an owner-occupied residential
21 structure, the credit shall be eighteen ~~and one-half of one~~ percent of the eligible costs
22 and expenses of a rehabilitation for which an application for credit has been filed for
23 the first time after July 1, 2011, and on or before July 1, 2015. The credit shall be
24 eighteen and one-half percent of the eligible costs and expenses of a rehabilitation
25 for which an application for credit has been filed for the first time after July 1, 2015,
26 and on or before July 1, 2017, and the credit shall be eighteen percent of the eligible
27 costs and expenses of a rehabilitation for which an application for credit has been
28 filed for the first time after July 1, 2017. If the residential structure is owned and
29 occupied by two or more individuals, the applicable percentage shall be based on the

1 sum of all owner-occupants who contribute to the rehabilitation, and the credit will
2 be divided between the owner-occupants in proportion to their contribution to the
3 eligible costs and expenses.

4 * * *

5 §6005. Qualified new recycling manufacturing or process equipment and service
6 contracts

7 * * *

8 C.(1) A taxpayer who purchases qualified new recycling manufacturing or
9 process equipment or qualified service contracts, or both, as defined in this Section
10 and certified by the secretary of the Department of Environmental Quality to be used
11 or performed exclusively in this state shall be entitled to a credit against any income
12 and corporation franchise taxes imposed by the state in an amount equal to fourteen
13 ~~and four-tenths of one~~ percent of the cost of the new recycling manufacturing or
14 process equipment or qualified service contract, or both, less the amount of any other
15 tax credits received for the purchase of such equipment or contract, or both.

16 * * *

17 §6013. Tax credits for donations made to public schools

18 A. There shall be allowed a credit against the corporate income tax and the
19 corporation franchise tax for qualified donations made to a public school. The credit
20 shall be an amount equal to twenty-eight ~~and eight-tenths~~ percent of the appraised
21 value of the qualified donation. Any such credit shall be taken as a credit against the
22 corporate income or corporation franchise tax for the taxable year in which the
23 donation is made. The total of all such credits taken in a taxable year shall not exceed
24 the total tax liability for that taxable year.

25 * * *

26 §6020. Angel Investor Tax Credit Program

27 * * *

28 D. Tax credit

29 * * *

1 §6037. Tax credit for "green job industries"

2 * * *

3 B. Income tax credits for state-certified green projects:

4 * * *

5 (2)

6 * * *

7 (b) The base investment credit for state-certified green projects shall be for
8 the following amounts:

9 (i) If the total base investment is greater than one hundred thousand dollars
10 and less than or equal to three hundred thousand dollars, a company shall be allowed
11 a tax credit of seven ~~and two tenths of one~~ percent of the base investment made by
12 that company.

13 (ii) If the total base investment is greater than three hundred thousand dollars
14 and less than or equal to one million dollars, a company shall be allowed a tax credit
15 of fourteen ~~and four tenths of one~~ percent of the base investment made by that
16 company.

17 * * *

18 (c) To the extent that base investment is expended on payroll for Louisiana
19 residents employed in connection with the construction of a state-certified green
20 project, a company shall be allowed an additional tax credit of seven ~~and two tenths~~
21 ~~of one~~ percent of the payroll; however, if the amount paid to any one person exceeds
22 one million dollars, the additional credit shall not include any amount paid to that
23 person that exceeds one million dollars.

24 * * *

25 Section 2. R.S. 51:2354(B)(introductory paragraph) and (C) and
26 2399.3(A)(2)(b)(introductory paragraph) are hereby amended and reenacted and R.S.
27 51:2354(D) and 2399.3(A)(2)(c) are hereby enacted to read as follows:

1 employer may be audited by the Department of Economic Development to verify
2 such eligibility.

3 * * *

4 §2399.3. Modernization tax credit

5 A.

6 * * *

7 (2)

8 * * *

9 (b) For credits approved on and after July 1, 2015, and before July 1, 2017,
10 the following shall apply:

11 * * *

12 (c) For credits approved on and after July 1, 2017, the following shall apply:

13 (i) The credits approved by the department shall be granted at the rate of four
14 percent of the amount of qualified expenditures incurred by the employer for
15 modernization with the credit divided in equal portions for five years, subject to the
16 limitations provided for in other Paragraphs of this Subsection.

17 (ii) The total amount of modernization tax credits granted by the Department
18 of Economic Development in any calendar year shall not exceed seven million two
19 hundred thousand dollars irrespective of the year in which claimed. The department
20 shall by rule establish the method of allocating available tax credits to applicants,
21 including but not limited to a first-come, first-served system, reservation of tax
22 credits for a specified time period, or other method which the department, in its
23 discretion, may find beneficial to the program. In the event that the total amount of
24 credits granted in any calendar year is less than seven million two hundred thousand
25 dollars, any residual amount of unused credits shall carry forward for use in
26 subsequent years and may be granted in addition to the seven million two hundred
27 thousand dollar limit for each year.

28 * * *

1 Section 3. Sections 7 and 8 of Act No. 125 of the 2015 Regular Session of the
2 Legislature, as amended by Acts 28 and 29 of the 2016 First Extraordinary Session of the
3 Legislature are hereby amended and reenacted to read as follows:

4 Section 7.(A) Except as provided for in Subsection (B) of this
5 Section, the provisions of Sections 1, 2, and 3 of this Act shall apply to a
6 claim for a credit on any return filed on or after July 1, 2015, ~~through the~~
7 ~~termination date in the Act that originated as House Bill No. 62 of the 2016~~
8 ~~First Extraordinary Session of the Legislature~~ regardless of the taxable year
9 to which the return relates.

10 (B) The provisions of Sections 1, 2, and 3 of this Act shall not apply
11 to an amended return filed on or after July 1, 2015, ~~through the termination~~
12 ~~date in the Act that originated as House Bill No. 62 of the 2016 First~~
13 ~~Extraordinary Session of the Legislature~~ relating to a credit properly claimed
14 on an original return filed prior to July 1, 2015.

15 (C) If a return is filed after July 1, 2015, ~~through the termination date~~
16 ~~in the Act that originated as House Bill No. 62 of the 2016 First~~
17 ~~Extraordinary Session of the Legislature~~ for which a valid filing extension
18 has been allowed prior to July 1, 2015, then any portion of the credit reduced
19 by the provisions of Sections 1, 2, or 3 of this Act shall be allowed as a credit
20 in the amount of one-third of the reduced portion of the credit on the
21 taxpayer's return for each of the taxable years beginning during calendar
22 years 2017, 2018, and 2019.

23 Section 8.(A) The provisions of Sections 1, 2, and 3 of this Act shall
24 become effective on July 1, 2015. ~~In the event the Act that originated as~~
25 ~~House Bill No. 62 of the 2016 First Extraordinary Session of the Legislature~~
26 ~~is enacted and becomes effective, the provisions of Sections 1, 2, and 3 of~~
27 ~~this Act shall remain in effect through the termination date in the Act that~~
28 ~~originated as House Bill No. 62 of the 2016 First Extraordinary Session of~~
29 ~~the Legislature.~~

1 ~~(B) The provisions of Sections 4, 5, and 6 of this Act shall become~~
 2 ~~effective upon the termination date of Sections 1, 2, and 3 of this Act, as~~
 3 ~~provided in this Section.~~

4 Section 4. Sections 4, 5, and 6 of Act No. 125 of the 2015 Regular Session of the
 5 Legislature are hereby repealed in their entirety.

6 Section 5. The Louisiana State Law Institute is hereby directed to redesignate R.S.
 7 51:2399.3(A)(2)(c), (d), and (e) as designated prior to the effective date of this Act to R.S.
 8 51:2399.3(A)(2)(d), (e), and (f).

9 Section 6. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 651 Reengrossed

2017 Regular Session

Broadwater

Abstract: Provides relative to corporate income tax credits.

Proposed law amends certain income and sales tax credits and exemptions as follows:

- (1) (R.S. 47:287.759) Income tax credits for employee and dependent health insurance from 3 6/10ths% to 4% on 40% of the amount of the contract received in a tax year if 85% of the full-time employees of each contractor are offered health insurance and each contractor or sub-contractor pays 75% of the premium for each full-time employee.
- (2) (R.S. 47:297(B)) Income tax credits for elderly, contributions to candidate for public office, investments, foreign taxes, work incentive, jobs and residential energy credits from 7 2/10ths% to 7%.
- (3) (R.S. 47:297(G)) Income tax credit for environmental equipment purchase from 14 4/10ths% to 14%.
- (4) (R.S. 47:297.6) Income tax reduction for rehabilitation of owner-occupied residential structures from 18 ½% to 18% of the eligible costs and expenses.
- (5) (R.S. 47:6005) Sales tax exemption for purchase of new recycling manufacturing or process equipment and service contracts from 14 4/10ths% to 14% of the cost of the equipment or contract.

- (6) (R.S. 47:6013) Corporate income and franchise tax credit for donations made to a public school from 28 8/10ths% to 28%.
- (7) (R.S. 47:6020) Angel Investor Tax Credit from 25 2/10ths% to 25% of the amount of investment.
- (8) (R.S. 47:6022) Corporate Income tax credit for digital interactive media and software from 7 2/10ths% to 7%.
- (9) (R.S. 47:6034) Income tax credit for musical and theatrical production where total base investment is between \$100,000 and \$300,000 from 7 2/10ths% to 7%; and where the total base investment is between \$300,000 and \$1 million from 14 4/10ths% to 14%; and if the base investment is spent on payroll for Louisiana residents, an additional credit from 7 2/10ths% to 7%.
- (10) (R.S. 47:6035) Corporate income tax credit for conversion of vehicles to alternative fuel from 7 2/10ths% to 7% of the cost of the motor vehicle.
- (11) (R.S. 47:6037) Income tax credit for green jobs industries where total base investment is between \$100,000 and \$300,000 from 7 2/10ths% to 7%; and where the total base investment is between \$300,000 and \$1 million from 14 4/10ths% to 14%; and if the base investment is spent on payroll for Louisiana residents, an additional \$1 million credit from 7 2/10ths% to 7%.
- (12) (R.S. 51:2354) Technology commercialization credit from 28 8/10ths% to 29% of the money invested in commercialization costs for one business location; and a credit for new jobs created from 4 32/100ths% to 4%.
- (13) (R.S. 51:2399.3) Modernization credit approved on or after July 1, 2015, from 3 6/10ths% to 4%.

Proposed law repeals the sunset date (June 30, 2018) for the 28% reductions to the following tax credits contained in Act No. 125 of the 2015 R.S., as amended by Act No. 29 of the 2016 1st ES, thereby providing for the continued effectiveness of the 28% reductions:

- (1) R.S. 25:1226.4 Atchafalaya Trace Heritage Area Development Zone tax credit
- (2) R.S. 47:34 Corporation tax credit
- (3) R.S. 47:35 Neighborhood assistance tax credit
- (4) R.S. 47:37 Credit for contributions to educational institutions
- (5) R.S. 47:227 Offset against tax; insurance premium
- (6) R.S. 47:265 Credits arising from refunds by utilities
- (7) R.S. 47:287.664 Credits arising from refunds by utilities
- (8) R.S. 47:287.748 Corporation tax credit; re-entrant jobs credit
- (9) R.S. 47:287.749 Jobs credit
- (10) R.S. 47:287.752 Credit for employment of first-time nonviolent offenders
- (11) R.S. 47:287.753 Neighborhood assistance tax credit
- (12) R.S. 47:287.755 Credit for contributions to educational institutions

- (13) R.S. 47:287.758 Credit for bone marrow donor expense
- (14) R.S. 47:287.759 Credit for employee and dependent health insurance coverage
- (15) R.S. 47:297 Reduction to tax due
- (16) R.S. 47:297.6 Credit for rehabilitation of residential structures
- (17) R.S. 47:297.9 Certain military service members and dependents hunting and fishing licenses
- (18) R.S. 47:6004 Employer Credit
- (19) R.S. 47:6005 Qualified new recycling manufacturing equipment and service contracts
- (20) R.S. 47:6008 Credit for donations to assist playgrounds in economically depressed areas
- (21) R.S. 47:6009 Louisiana Basic Skills Training Tax Credit
- (22) R.S. 47:6012 Employer tax credits for donations of materials, equipment, advisors, or instructors
- (23) R.S. 47:6013 Credit for donations to public schools
- (24) R.S. 47:6017 Credit for expenses paid by economic development corporations
- (25) R.S. 47:6018 Credit for purchasers from "PIE contractors"
- (26) R.S. 47:6020 Angel Investor tax credit program
- (27) R.S. 47:6022 Digital interactive media and software tax credit
- (28) R.S. 47:6023 Sound recording investor tax credit
- (29) R.S. 47:6025 Credit for La. Citizens Property Insurance Corp. assessment
- (30) R.S. 47:6026 Cane River heritage tax credit
- (31) R.S. 47:6032 Credit for certain milk producers
- (32) R.S. 47:6034 Musical and theatrical production income tax credit
- (33) R.S. 47:6035 Credit for conversion of vehicles to alternative fuel usage
- (34) R.S. 47:6036 Ports of Louisiana tax credit
- (35) R.S. 47:6037 Credit for "green job industries"
- (36) R.S. 51:1807 Incentives (Urban Revitalization)
- (37) R.S. 51:2354 Technology commercialization credit
- (38) R.S. 51:2399.3 Modernization tax credit
- (39) R.S. 51:3085 Community Development Financial Institution tax credit

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:287.759(A), 297(B) and (G)(2), 297.6(A)(1)(a), 6005(C)(1), 6013(A), 6020(D)(2)(a), 6022(D)(3)(intro. para.), 6034(C)(1)(a)(iii)(bb)(intro. para.) and (d)(ii), 6035(D), and 6037(B)(2)(b)(i) and (ii) and (c), R.S. 51:2354(B)(intro. para.) and (C), and 2399.3(A)(2)(b)(intro. para.), and §§7 and 8 of Act No. 125 of 2015 R.S.; Adds R.S. 47:6022(D)(4) and 6034(C)(1)(a)(iii)(cc) and R.S. 51:2354(D) and 2399.3(A)(2)(c); Repeals §§4, 5, and 6 of Act No. 125 of 2015 R.S.)