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HOUSE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Representative Stokes to Engrossed House Bill No. 359 by Representative Ivey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "79," delete the remainder of the line and at the beginning of line 3,
3 delete "and to repeal R.S. 47:294", and insert the following:

4 "93(B), 241, 293(3) and (10), 294, 295(B), 300.1, 300.6(A), and 300.7(A), to enact
5 R.S. 47:55(6) and 293(9)(a)(xviii), and to repeal R.S. 47:55(5), 293(4) and (9)(a)(ii),
6 296.1(B)(3)(c), and 298,"

7 AMENDMENT NO. 2

8 On page 1, line 8, after "restrictions;" delete the remainder of the line and delete line 9 in its
9 entirety and insert the following:

10 "to reduce the amount of the deduction allowed for excess federal itemized personal
11 deductions; to provide for personal exemptions and credits for dependents; to repeal
12 the deductibility of federal income taxes paid for purposes of calculating individual
13 income tax; to repeal the deductibility of federal income taxes paid for purposes of
14 calculating income tax on estates and trusts; to provide for the rates and brackets for
15 estates and trusts; to provide for"

16 AMENDMENT NO. 3

17 On page 1, line 12, after "Section 1." delete the remainder of the line and delete lines 13
18 through 18 in their entirety and on page 2, delete lines 1 through 7 in their entirety and insert
19 the following:

20 "R.S. 32(A), 79, 93(B), 241, 293(3) and (10), 294, 295(B), 300.1, 300.6(A), and
21 300.7(A) are hereby amended and reenacted and R.S. 47:55(6) and 293(9)(a)(xviii)
22 are hereby enacted to read as follows:"

23 AMENDMENT NO. 4

24 On page 2, at the beginning of line 17, delete "Three" and insert "Three and ninety-five one
25 hundredths of one"

26 AMENDMENT NO. 5

27 On page 2, delete lines 20 and 21 in their entirety and insert the following:

28 "§55. Deductions from gross income; taxes generally

29 In computing net income, there shall be allowed as deductions all taxes paid
30 or accrued within the taxable year except:

31 * * *

1 collector of revenue. ~~Proper adjustment shall be made for the actual tax rates~~
2 ~~applying to different classes of income and for all differences in the computation of~~
3 ~~net income for purposes of federal income taxation as compared to the computation~~
4 ~~of net income under this Chapter. Where the allocation of the tax is to be based on~~
5 ~~a ratio of the amount of net income of a particular class, both the numerator and the~~
6 ~~denominator of the fraction used in determining the ratio shall be computed on the~~
7 ~~basis that such net income is determined for federal income tax purposes.~~

8 B. The net income of a corporation subject to the tax imposed by this
9 Chapter shall be the sum of the net allocable income earned within or derived from
10 sources within this state, as defined in R.S. 47:243, and the net apportionable income
11 derived from sources in this state, as defined in R.S. 47:244, less the amount of
12 federal income taxes attributable to the net allocable income and net apportionable
13 income derived from sources in this state. The amount of federal income taxes to be
14 so deducted shall be that portion of the total federal income tax which is levied with
15 respect to the particular income derived from sources in this state to be computed in
16 accordance with rules and regulations of the collector of revenue. Proper adjustment
17 shall be made for the actual tax rates applying to different classes of income and for
18 all differences in the computation of net income for purposes of federal income
19 taxation as compared to the computation of net income under this Chapter. Where
20 the allocation of the tax is to be based on a ratio of the amount of net income of a
21 particular class, both the numerator and the denominator of the fraction used in
22 determining the ratio shall be computed on the basis that such net income is
23 determined for federal income tax purposes.

24 * * *

25 AMENDMENT NO. 10

26 On page 7, delete lines 17 through 25 in their entirety and insert the following:

27 "Part, means the following percentages one hundred percent of the amount by which
28 the federal itemized personal deductions, excluding Louisiana state income tax
29 refunds, exceed the amount of federal standard deductions which is designated for
30 the filing status used for the taxable period on the individual income tax return
31 required to be filed;. No deduction shall be allowed on the first twelve thousand five
32 hundred dollars of excess federal itemized personal deductions for filers using a
33 federal filing status of single, married filing single, or head of household and twenty-
34 five thousand dollars for taxpayers using a federal filing status of married filing joint
35 or qualifying widower with dependent child returns.

36 (a) ~~For tax years beginning during calendar year 2007, fifty-seven and one~~
37 ~~half percent of such excess federal itemized personal deductions.~~

38 (b) ~~For tax years beginning during calendar year 2008, sixty-five percent of~~
39 ~~such excess federal itemized personal deductions.~~

40 (c) ~~For all tax years beginning on and after January 1, 2009, one hundred~~
41 ~~percent of such excess federal itemized personal deductions.~~

42 * * *

43 (9)(a) "Tax table income", for resident individuals, means adjusted gross
44 income plus interest on obligations of a state or political subdivision thereof, other

1 than Louisiana and its municipalities, title to which obligations vested with the
2 resident individual on or subsequent to January 1, 1980, and less:

3 * * *

4 (xviii) Louisiana state income tax refunds which are included in federal
5 adjusted gross income.

6 * * *

7 (10) "Tax table income", for nonresident individuals, means the amount of
8 Louisiana income, as provided in this Part, allocated and apportioned under the
9 provisions of R.S. 47:241 through 247, plus the total amount of the personal
10 exemptions and deductions already included in the tax tables promulgated by the
11 secretary under authority of R.S. 47:295, less the ~~proportionate amount of the federal~~
12 ~~income tax liability~~, excess federal itemized personal deductions, the temporary
13 teacher deduction, the recreation volunteer and volunteer firefighter deduction, the
14 construction code retrofitting deduction, any gratuitous grant, loan, or other benefit
15 directly or indirectly provided to a taxpayer by a hurricane recovery entity if such
16 benefit was included in federal adjusted gross income, the exclusion provided for in
17 R.S. 47:297.3 for S Bank shareholders, the deduction for expenses disallowed by
18 I.R.C. Section 280C, the deduction for net capital gains, Louisiana state income tax
19 refunds which are included in federal adjusted gross income, and personal
20 exemptions and deductions provided for in R.S. 47:294. The proportionate amount
21 is to be determined by the ratio of Louisiana income to federal adjusted gross
22 income. When federal adjusted gross income is less than Louisiana income, the ratio
23 shall be one hundred percent.

24 * * *

25 §294. Filing status; personal ~~Personal~~ exemptions; and credit for dependents

26 ~~All personal exemptions and deductions for dependents allowed in~~
27 ~~determining federal income tax liability, including the extra exemption for the blind~~
28 ~~and aged, will be allowed in determining the tax liability in this Part.~~ Taxpayers are
29 required to use the same filing status and claim the same exemptions on their return
30 required to be filed under this Part as they used on their federal income tax return.
31 The amounts to be taken into consideration shall be as follows:

32 ~~A. A combined personal exemption and standard deduction in the following~~
33 ~~amounts:~~

- 34 ~~a. Single Individual \$ 4500.00~~
- 35 ~~b. Married-Joint Return and a Qualified Surviving Spouse \$ 9000.00~~
- 36 ~~c. Married-Separate \$ 4500.00~~
- 37 ~~d. Head of Household \$ 9000.00~~

38 ~~B. An additional deduction of one thousand dollars shall be allowed for each~~
39 ~~allowable exemption in excess of those required to qualify for the exemption~~
40 ~~allowable under R.S. 47:294(A).~~

41 A. Personal Exemption. An exemption of one thousand dollars shall be
42 allowed for the taxpayer who is blind or who has sustained the loss of one or more
43 limbs or who has an intellectual disability or who is deaf. As used in this Section,
44 the term "blind" shall mean and refer to a person who, after examination by a
45 licensed physician skilled in diseases of the eye or by a licensed optometrist, has
46 been determined to have not more than 20/200 central visual acuity in the better eye
47 with correcting lenses, or an equally disabling loss of the visual field as evidenced
48 by a limitation to the field of vision in the better eye to such a degree that its widest
49 diameter subtends an angle of no greater than twenty degrees. The term "deaf" shall

1 be defined as in Subsection B of this Section. Each person claiming an exemption
2 under the provisions of this Section shall be able to prove a claim by certificate of
3 a qualified physician or optometrist.

4 B. Deductions for dependents. (1) A deduction of one thousand dollars shall
5 be allowed for each dependent allowed, in determining federal income tax liability,
6 who is blind or deaf or who has sustained the loss of one or more limbs or who has
7 an intellectual disability. For purposes of this Section, the word "deaf" shall mean
8 and refer to persons whose hearing is so impaired that it is insufficient for use in an
9 occupation or activity for which hearing is essential. The term "blind" shall be
10 defined as in Subsection A of this Section. The taxpayer claiming the deduction
11 authorized in this Subsection shall be able to prove a claim by certificate of a
12 qualified physician or optometrist issued for each dependent for which a deduction
13 is claimed.

14 (2) In addition to the deduction authorized in Paragraph (1) of this
15 Subsection, an additional deduction of one thousand dollars shall be allowed for each
16 dependent as allowed in determining federal income tax liability.

17 C. Limitation on portion of deduction allowable. There shall be allowed only
18 that portion of the deductions set forth in this Section which the net income of the
19 individual taxable under this Chapter bears to the total net income of the individual."

20 AMENDMENT NO. 11

21 On page 8, delete lines 11 through 17 in their entirety and insert the following:

22 "§300.1. Tax imposed

23 There is imposed an income tax for each taxable year upon the Louisiana
24 taxable income of every estate or trust, whether resident or nonresident. The tax to
25 be assessed, levied, collected, and paid upon the Louisiana taxable income of an
26 estate or trust shall be computed at the following rates:

27 (1) ~~Two percent on the first ten thousand dollars~~ No tax shall be assessed on
28 the first twelve thousand five hundred dollars of Louisiana taxable income.

29 (2) ~~Four percent on the next forty thousand dollars of Louisiana taxable~~
30 ~~income.~~

31 (3) ~~Six percent on Louisiana taxable income in excess of fifty thousand~~
32 ~~dollars.~~ Three and seventy-six one hundredths of one percent on Louisiana taxable
33 income in excess of twelve thousand five hundred dollars.

34 * * *

35 §300.6. Louisiana taxable income of resident estate or trust

36 A. Definition. "Louisiana taxable income" of a resident estate or trust means
37 the taxable income of the estate or trust determined in accordance with federal law
38 for the same taxable year, as specifically modified by the provisions contained in
39 Subsection B of this Section, ~~less a federal income tax deduction to be computed~~
40 ~~following the provisions of R.S. 47:287.83 and 287.85.~~

41 * * *

42 §300.7. Louisiana taxable income of nonresident estate or trust

