

ACT No. 396

2021 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE RISER

1 AN ACT

2 To amend and reenact R.S. 47:32(C), 241, 287.12, 287.69, 287.442(B), and 287.732.2(B)
3 and to repeal R.S. 47:55(5), 287.79, 287.83, 287.85, and 287.732.2(C), relative to
4 corporation income tax; to provide relative to the deductibility of federal income
5 taxes; to repeal deductibility of federal income taxes paid for purposes of calculating
6 corporate income taxes; to decrease the number of tax brackets applicable to
7 corporation income tax; to lower the rates of corporation income tax; to provide for
8 applicability; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 47:32(C), 241, 287.12, 287.69, 287.442(B), and 287.732.2(B) are
11 hereby amended and reenacted to read as follows:

12 §32. Rates of tax

13 * * *

14 C. On corporations. The tax to be assessed, levied, collected, and
15 paid upon the net taxable income of every corporation shall be computed at
16 the ~~rate of:~~ rates provided for in R.S. 47:287.12.

17 ~~(1) Four percentum upon the first twenty-five thousand dollars of net~~
18 ~~income.~~

19 ~~(2) Five percentum upon the amount of net income above twenty-five~~
20 ~~thousand dollars but not in excess of fifty thousand dollars.~~

21 ~~(3) Six percentum on the amount of net income above fifty thousand dollars~~
22 ~~but not in excess of one hundred thousand dollars.~~

23 ~~(4) Seven percentum on the amount of net income above one hundred~~
24 ~~thousand dollars but not in excess of two hundred thousand dollars.~~

1 has expired. If the applicable prescriptive period has expired, the additional tax paid
2 by the taxpayer in the case of an underpayment or the refund or credit received by
3 the taxpayer in the case of an overpayment shall be for the taxable year such tax was
4 paid, such refund was received, or such credit was allowed, as the case may be.

5 ~~(ii)~~(b) When a federal refund results from transactions or conditions which
6 arise after the close of the taxable year for which the refund is made, such federal
7 refund shall be taken into account, for purposes of this Part, for the taxable year in
8 which arose the transactions or conditions causing the refund.

9 ~~(e)~~(2) Taking federal adjustments into account. A payment of additional
10 federal tax upon income which has borne Louisiana tax shall be taken into account
11 by decreasing taxable income. That portion, if any, of such additional federal tax
12 payment which would be disallowed as a deduction under either R.S. 47:287.81 or
13 R.S. 47:287.83 shall be excluded from such adjustment. Refunds or credits of federal
14 overpayments, including refunds or credits created by the carryback of a federal net
15 operating loss, shall be taken into account by increasing Louisiana net income or
16 decreasing the Louisiana net loss, as the case may be. That portion, if any, of the
17 federal refund or credit of an overpayment which has not previously been charged
18 against or deducted from Louisiana net income shall be excluded from such
19 adjustment.

20 ~~(d)~~(3) Adjustments made to the Louisiana return. Adjustments to a return
21 filed pursuant to this Part, whether initiated by the secretary or the taxpayer, shall be
22 taken into account in the taxable year for which the return was filed in accordance
23 with rules, regulations, or forms prescribed by the secretary.

24 ~~(2)~~(4) If a deduction is claimed and allowed in any period, the same
25 deduction cannot again be claimed in a subsequent period in which it otherwise
26 would be properly deductible, unless the taxpayer, prior to the running of
27 prescription with respect to the first period, shall have amended his return for that
28 period so as to eliminate the deduction and shall have paid any additional tax which

1 Legislature is adopted at a statewide election and becomes effective and if both of the Acts
2 that originated as House Bill No. 278 and Senate Bill No. 161 of this 2021 Regular Session
3 of the Legislature are enacted and become law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____