

2023 Regular Session

SENATE BILL NO. 27

BY SENATOR CATHEY

TAX EXEMPTIONS. Provides for the Brownfields Investor Tax Credit. (8/1/23)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 47:6021(C)(1)(a) and (J), relative to the Brownfields Investor Tax Credit; to provide for the amount of the credit; to provide a date after which the credit is not allowed; to provide relative to transferability of the credit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6021(C)(1)(a) and (J) are hereby amended and reenacted to read as follows:

§6021. Brownfields Investor Tax Credit

* * *

C. Investor tax credit; specific projects.

(1)(a) ~~There~~ **For tax years beginning on or after January 1, 2024, there** is hereby authorized a credit against state income tax for the investment by a taxpayer in a voluntary remediation action or a voluntary remedial investigation as provided for in this Section by any person who is not a responsible person, as follows:

Except as provided for in Paragraph (2) of this Subsection:

1 (i) Any person who is the holder of investor tax credits shall be allowed a tax
2 credit of ~~fifteen~~ **twenty-five** percent of the total investment made in a voluntary
3 remedial investigation at a state-certified site as provided for in this Section.

4 (ii) Any person who is the holder of investor tax credits shall be allowed a tax
5 credit of ~~fifty~~ **twenty-five** percent of the total investment made in a voluntary
6 remediation action at a state certified site as provided for in this Section.

7 **(iii) Any tax credit awarded under this Section may be combined or**
8 **stacked with historic preservation tax credits for qualified historic preservation**
9 **costs associated with related remediation efforts.**

10 * * *

11 J. No tax credits shall be granted or allowed after ~~December 31, 2009~~
12 **December 31, 2033**. However, the transferability provisions of Subsection (I) of this
13 Section shall continue to be effective after ~~December 31, 2009~~ **December 31, 2033**,
14 for tax credits authorized prior to such date.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Curry Lann.

SB 27 Original DIGEST 2023 Regular Session Cathey

Present law authorizes a credit against state income tax for investment by a taxpayer in a voluntary remedial investigation or a voluntary remediation action in state-certified Brownfields sites. Prohibits granting or allowance of the credit after December 31, 2009.

Proposed law removes the sunset date of the credit and authorizes the investor tax credits for tax years beginning on or after January 1, 2024. Provides that no credits be granted or allowed after December 31, 2033. Provides that transferability provisions regarding the credit continue after December 31, 2033, for tax credits authorized prior to that date.

Proposed law retains definition of "Brownfields site" or "state-certified site" as an identified area of immovable property in the state for which a voluntary remediation action or a voluntary remedial investigation concerning the presence or potential presence of a hazardous substance or pollutant is authorized by the secretary of DEQ.

Proposed law retains definition of "voluntary remediation action" as risk-based cleanup of a voluntary remediation site performed in accordance with a voluntary remedial action plan approved by the secretary of DEQ.

Proposed law retains definition of "voluntary remedial investigation" as the determination of the nature and extent of potential threats to human health and the environment through data collection and site characterization and the development of remedial action goals, all as authorized and approved by the secretary of DEQ.

Present law authorizes a tax credit of 15% of the total investment made by the taxpayer in a voluntary remedial investigation at a state-certified site.

Proposed law increases the tax credit from 15% to 25% and otherwise retains present law.

Present law authorizes a tax credit of 50% of the total investment made by the taxpayer in a voluntary remediation action at a state-certified site.

Proposed law reduces the tax credit from 50% to 25% and otherwise retains present law.

Proposed law authorizes any tax credit awarded pursuant to present law to be combined or stacked with historic preservation tax credits for qualified historic preservation costs associated with related remediation efforts.

Present law provides for the transferability or sale of unused tax credits to a Louisiana taxpayer in certain circumstances.

Present law authorizes the transfer of credits after their termination date of December 31, 2009, for tax credits authorized prior to that date.

Proposed law authorizes the transfer of credits after the new termination date of December 31, 2033, for tax credits authorized prior to that date.

Effective August 1, 2023.

(Amends R.S. 47:6021(C)(1)(a) and (J))