

CONFERENCE COMMITTEE REPORT

House Bill No.41 by Representative Hammett

November 21, 2005

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill 41 by Representative Hammett recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 and 3 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on November 17, 2005 be adopted.
2. That Senate Committee Amendments No. 2 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on November 17, 2005 be rejected.
3. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, at the end of line 24, delete "Subparagraph" and insert "Items (2)(a)(i) or (ii)"

Respectfully submitted,

Senators:

Senator Willie Mount

Senator Robert Adley

Senator Ben Nevers

Representatives:

Representative Bryant O. Hammett, Jr.

Representative Billy Montgomery

Representative T. Taylor Townsend

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 41 by Representative Hammett

Keyword and summary of the bill as it left the House

TAX/CORP FRANCHISE: Provides for the computation of borrowed capital by corporations affected by Hurricane Katrina or Rita which have incurred extraordinary debt (Item #16)

Report adopts Senate amendments to:

1. Clarify that a corporation may have either 50% of its property located in or may receive at least 50% of its revenues from, the Hurricane Katrina or Hurricane Rita FDMA Individual Assistance Areas in order to be eligible for the exemption.

Report rejects a Senate amendment which would have:

1. Made the above ambiguous.

Report amends the bill to:

1. Make a technical change to remove the ambiguity.

Digest of the bill as it left the House

Abstract: Provides that corporations having 50% or more of their property in or revenue from the parishes most affected by Hurricanes Katrina and Rita may elect to compute the borrowed capital portion of their corporation franchise tax base at pre-hurricane levels.

Present law provides that the franchise tax is computed on the basis of the previous calendar or fiscal year closing.

Proposed law provides that corporations that had at least 50% of their property located in or that receive at least 50% of their revenues from the Hurricane Katrina or Hurricane Rita Federal Emergency Management Agency Individual Assistance Area and that have borrowed capital that is in excess of the borrowed capital on that corporation's books on the calendar or fiscal year closing immediately prior to August 28, 2005, will be considered to have incurred extraordinary debt as a result of a gubernatorial declared disaster of 2005 and therefore may elect to compute the borrowed capital portion of their franchise tax base either on the basis of the previous calendar or fiscal year closing or on the basis of the calendar or fiscal year closing immediately prior to August 28, 2005.

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

(Amends R.S. 47:609(A))