

ACT No. 23

HOUSE BILL NO. 24

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, PINAC, ARNOLD, BALDONE, BRUNEAU, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, MONTGOMERY, ODINET, ROBIDEAUX, SCALISE, SCHNEIDER, JANE SMITH, TOWNSEND, WHITE, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DANIEL, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCDONALD, MORRELL, MORRISH, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, MOUNT, DARDENNE, NEVERS, AND QUINN

1 AN ACT

2 To amend and reenact R.S. 47:287.85(C)(2) and 293(3), relative to income tax of estates and
3 trusts, corporations, and individuals; to provide that the deduction from state income
4 taxes for federal income tax shall not be reduced by the amount of certain federal
5 disaster relief tax credits and deductions; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:287.85(C)(2) and 293(3) are hereby amended and reenacted to
9 read as follows:

10 §287.85. Federal income tax deduction

11 * * *

12 C.

13 * * *

1 (2) "Credits" as used in this Subsection does not include overpayments of
 2 prior year taxes allowed as a credit, estimated tax payments or similar prepayments,
 3 ~~or~~ credit for prior year alternative minimum tax which is allowed as a credit against
 4 the current regular federal income tax, or federal income tax credits determined by
 5 the secretary to be presidential disaster area disaster relief credits.

6 * * *

7 §293. Definitions

8 The following definitions shall apply throughout this Part, unless the context
 9 requires otherwise:

10 * * *

11 (3) "Federal income tax liability", for the purpose of this Part, means the
 12 total amount of tax due to the United States for the taxable period on the individual
 13 income tax return required to be filed by any taxpayer, except that:

14 (a) ~~social~~ Social security taxes and self-employment taxes shall not be
 15 included.

16 (b)(i) Beginning for taxable years beginning in 2005, the federal income tax
 17 liability shall be increased by all of the following:

18 (aa) Any federal income tax credits determined by the secretary to be
 19 disaster relief credits granted for the Hurricane Katrina or Hurricane Rita presidential
 20 disaster areas.

21 (bb) The amount by which an individual's federal income tax due to the
 22 United States for the taxable period was decreased as a result of claiming a deduction
 23 for casualty losses if the secretary determines that such loss was incurred as a result
 24 of Hurricane Katrina or Rita in a presidential disaster area.

25 (ii) Any determination to be made by the secretary as provided for in this
 26 Subparagraph and in R.S. 47:287.85(C)(2) shall be made in accordance with rules
 27 and regulations promulgated by the secretary and approved by the Senate Revenue
 28 and Fiscal Affairs Committee and the House Committee on Ways and Means
 29 meeting jointly.

30 * * *

1 Section 2. This Act shall be effective for all taxable periods beginning after
2 December 31, 2004.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____