(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TAX CREDITS: Establishes the New Markets Jobs Tax Credit

DIGEST

Present law taxes insurers based on the amount of premiums, called a "premium tax".

Proposed law establishes the Louisiana New Markets Jobs Act for purposes of a tax credit which may be claimed against insurance premium tax. Eligibility for the credit is based on the investment of private capital in a low-income community business located in La.

Proposed law defines "qualified active low-income community business" (QALICB or business) as an entity which under federal law is defined as a business located in either a census tract with a poverty rate of at least 20% or a census tract with a median income that does not exceed 80% of the benchmark median income.

Proposed law defines a "qualified community development entity" (QCDE or entity) as a privately managed investment entity that has received New Market Tax Credit allocation authority.

Proposed law defines the types of investments required for tax credit eligibility.

Proposed law authorizes a total of $55,000,000 of investment authority for certification and allocation for the purpose of earning tax credits. The department shall begin accepting applications on August 1, 2013, for allocation and certification of up to $55,000,000 of QEI.

Proposed law provides that the amount of the tax credit shall be the product of multiplying the amount of the investment purchase price by the following percentages: 14% for the first year and the anniversary of the investment in the second year and 8.5% on the anniversaries in the third and fourth years. The total of all such credits taken cannot exceed the taxpayer's state premium tax liability for the tax year for which the credit is claimed; however, unused credits may be carried forward for up to 10 years. Unclaimed tax credits are transferable to one or more transferees.

Proposed law requires that investments eligible for the award of tax credits be certified by the Dept. of Revenue. If a QDE applies for certification of investments, the department shall inform such entity within 30 days of application whether there is certification or a denial of an application. In the case of a denial, the entity shall have the right to provide additional information regarding the application within 15 days of the denial.

Proposed law requires the issuance of investments within 30 days of receiving certification and that evidence thereof be provided to the Dept. of Revenue.

Proposed law provides for conditions under which the Dept. of Insurance shall recapture tax credits which include a recapture of federal tax credits by the federal government, or a failure to invest an amount equal to 100% of the purchase price of the investment within 12 months of the issuance of the investment.

Proposed law requires the payment of a deposit of $500,000 for an application for qualification of an investment. The deposit shall be paid to the Dept. of Revenue and deposited into the New Markets performance guarantee account which is established by proposed law. The deposit is returnable after compliance with the requirements of proposed law.

Proposed law requires reporting by a QCDE to the Dept. of Revenue within five days of the first anniversary of the initial credit allowance date, as well as annual reporting with regard to the number of employment positions created and retained as a result of the investments and the average annual salary of such positions.

Proposed law requires the Dept. of Revenue to notify the Dept. of Insurance of the name of any insurance company allocated tax credits, as well as the amount of any credits.

Proposed law authorizes the department to promulgate rules to implement the provisions of proposed law.

Proposed law applies to tax returns or reports originally due on or after January 1, 2014.

(Adds R.S. 47:6016.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Changes the time within which the application for a tax credit must be approved or denied from 30 to 20 days.

2. Changes the date for the start of the application process for the first period in which tax credits may be granted from November 1, 2013, to August 1, 2013.

3. Changes the date for the start of the application process for the second period in which tax credits may be granted from September 2, 2013, to August 1, 2014.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the reengrossed bill

1. Reduces the tax credit from $110 million dollars to $55 million dollars.

2. Changes the time within which the application for a tax credit must be approved or denied from 20 days to 30 days.

Committee Amendments Proposed by Senate Committee on Finance to the reengrossed bill

1. Changes the amount of the tax credit by changing the percentage by which the investment purchase price is multiplied and the time when the tax credit is determined from zero percent for the first year and the anniversaries of the investment in the next two years, 15% of the investment anniversary dates in the next three years, and zero percent thereafter to 14% for the first year and the anniversary of the investment in the second year and 8.5% on the anniversaries in the third and fourth years.

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