

2015 Regular Session

SENATE BILL NO. 90

BY SENATOR ADLEY

TAX/TAXATION. Prohibits all claims for and refunds of tax credits filed for tax years beginning during calendar year 2015, and defers such claims and refunds to tax years beginning during 2016. (gov sig)

1 AN ACT

2 To enact R.S. 47:287.13 and 296, relative to tax credits; to prohibit all claims for and

3 refunds of tax credits filed for tax years beginning during a certain calendar year; to

4 defer such claims and refunds to a future tax year; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:287.13 and 296 are hereby enacted to read as follows:

7 **§287.13. 2015 Tax Credit Deferral**

8 **Notwithstanding any other provision of law to the contrary:**

9 **(1) No claim for a tax credit filed for tax years beginning during calendar**

10 **year 2015, hereafter called "2015 Tax Years", shall be applied against corporate**

11 **income or corporate franchise tax due for that tax year and no refunds based**

12 **on such credits shall be made. However, such claims for tax credits for 2015 Tax**

13 **Years may be made for tax years beginning during calendar year 2016,**

14 **hereafter called "2016 Tax Years", and they shall be applied against the tax due**

15 **in that tax year along with any other tax credits claimed for the 2016 Tax Years**

16 **and refunds based on refundable credits shall be made.**

17 **(2) Any tax credits which a taxpayer was entitled to for a 2015 Tax Year**

1 which gave the taxpayer the right to carry forward and use the credit in a
2 future year may be carried forward an extra tax year.

3 (3) In the event a taxpayer does not have sufficient taxable income in the
4 2016 Tax Year which would have allowed the taxpayer to have the same tax
5 benefit which the taxpayer would have had if the taxpayer's 2015 Tax Year tax
6 credit would have been applied against the taxpayer's 2015 Tax Year income as
7 determined by the secretary of the Department of Revenue, then the secretary
8 has the discretion to make a refund to the taxpayer without regard as to
9 whether such tax credit is a refundable tax credit. The refund shall be paid from
10 the current collections of the taxes collected pursuant to this Chapter.

11 * * *

12 §296. 2015 Tax Credit Deferral

13 Notwithstanding any other provision of law to the contrary:

14 (1) No claim for a tax credit filed for tax years beginning during calendar
15 year 2015, hereafter called "2015 Tax Years", shall be applied against
16 individual income tax due for that tax year and no refunds based on such
17 credits shall be made. However, such claims for tax credits for 2015 Tax Years
18 may be made for tax years beginning during calendar year 2016, hereafter
19 called "2016 Tax Years", and they shall be applied against the tax due in that
20 tax year along with any other tax credits claimed for the 2016 Tax Years and
21 refunds based on refundable credits shall be made.

22 (2) Any tax credits which a taxpayer was entitled to for a 2015 Tax Year
23 which gave him the right to carry forward and use the credit in a future year
24 may be carried forward an extra tax year.

25 (3) In the event a taxpayer does not have sufficient taxable income in the
26 2016 Tax Year which would have allowed him to have the same tax benefit
27 which he would have had if his 2015 Tax Year tax credit would have been
28 applied against his 2015 Tax Year income as determined by the secretary of the
29 Department of Revenue, then the secretary has the discretion to make a refund

1 **to him without regard as to whether such tax credit is a refundable tax credit.**

2 **The refund shall be paid from the current collections of the taxes collected**

3 **pursuant to this Chapter.**

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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

SB 90 Original	DIGEST 2015 Regular Session	Adley
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Proposed law prohibits claims for individual income and corporate income and franchise tax credits filed for tax years beginning during calendar year 2015 ("2015 Tax Years") and no refunds based on such credits can be made. However, such claims may be made for tax years beginning during calendar year 2016 ("2016 Tax Years") and they must be applied against the tax due in that tax year along with any other tax credits claimed for the 2016 Tax Years and refunds based on refundable credits must be made.

Extends carried forward credits an extra year and authorizes the secretary of the Department of Revenue to refund a nonrefundable credit if he determines that a taxpayer did not have sufficient taxable income in the 2016 Tax Year which would have allowed the taxpayer to have the same tax benefit which the taxpayer would have had if the taxpayer's 2015 Tax Year tax credit would have been applied against the taxpayer's 2015 Tax Year income.

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

(Adds R.S. 47:287.13 and 296)