
HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 218 by Representative Broadwater

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:246(E) and (G)," delete the remainder of the line and delete line 3 in its entirety and insert the following:

"287.86(A), (B), (C)(introductory paragraph) and (2), (D), (F), (G), (H)(introductory paragraph), and (I)(2), 1621(B)(7), and 1623(C) and to enact R.S. 47:181(B)(3) and 287.86(H)(3), relative to corporate income tax; to provide for"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." delete the remainder of the line and delete line 9 in its entirety and insert the following:

"R.S. 47:246(E) and (G), 287.86(A), (B), (C)(introductory paragraph) and (2), (D), (F), (G), (H)(introductory paragraph), and (I)(2), 1621(B)(7), and 1623(C) are hereby amended and reenacted and R.S. 47:181(B)(3) and 287.86(H)(3) are hereby enacted to read as"

AMENDMENT NO. 3

On page 2, line 1, after "years" and before "prior" insert "beginning"

AMENDMENT NO. 4

On page 2, line 9, after "years" and before "prior" insert "beginning"

AMENDMENT NO. 5

On page 2, delete lines 16 through 22 in their entirety and insert the following:

"§287.86. Net operating loss deduction

A. Deduction from Louisiana net income. ~~Except~~ (1) For taxable years beginning prior to January 1, 2015, except as otherwise provided, there shall be allowed for the taxable year an adjustment reducing Louisiana net income in an amount equal to the aggregate of:

~~(+) (a)~~ (a) The net operating loss carryovers to such year, plus

~~(-) (b)~~ (b) The net operating loss carrybacks to such year.

(2) For taxable years beginning on or after January 1, 2015, there shall be allowed for the taxable year an adjustment reducing Louisiana net income in an amount equal to the net operating loss carryovers to such year."

AMENDMENT NO. 6

On page 3, delete lines 10 through 28 in their entirety, delete page 4 in its entirety, and on page 5, delete lines 1 through 15 in their entirety and insert the following:

"C. Manner and amount of carrybacks and carryovers. ~~The~~ For taxable years beginning prior to January 1, 2015, the entire amount of

1 Louisiana net loss for any taxable year, hereinafter the "loss year", shall be
 2 carried back to the earliest of the taxable years allowed, unless an election to
 3 relinquish carryback treatment is made, in which case such loss shall be
 4 carried to the earliest of the taxable years allowed for carryovers. For taxable
 5 years beginning on or after January 1, 2015, the provisions of this Subsection
 6 shall be ineffective, inoperable, and of no effect. The portion of such loss
 7 which shall be carried to each of the other taxable years allowed by
 8 Subsection B shall be the excess, if any, of the amount of such loss over the
 9 aggregate of the Louisiana taxable income for each of the prior taxable years
 10 to which such loss may be carried. For the purposes of this Subsection:

11 * * *

12 (2) In calculating the aggregate Louisiana taxable incomes in cases
 13 where more than one loss year must be taken into account, the various net
 14 operating loss carryovers and carrybacks, when authorized pursuant to the
 15 provisions of this Section, to such taxable year are considered to be applied
 16 in reduction of Louisiana net income in the order of the taxable years from
 17 which such losses are carried over or carried back, beginning with the loss
 18 for the earliest taxable year.

19 D. Election to relinquish carryback. ~~Any~~ For taxable years
 20 beginning prior to January 1, 2015, any taxpayer may make an election to
 21 relinquish the carryback treatment allowed and have its Louisiana net loss
 22 treated only as a carryover. Such election shall be made as prescribed by the
 23 secretary. For taxable years beginning on or after January 1, 2015, the
 24 provisions of this Subsection shall be ineffective, inoperable, and of no
 25 effect.

26 * * *

27 F. Adjustment dependent upon Louisiana net loss carryback. ~~If~~ For
 28 taxable years beginning prior to January 1, 2015, if in computing the net
 29 operating loss deduction the taxpayer is entitled to a carryback which cannot
 30 be ascertained at the time the return is due, the deduction, if any, shall be
 31 computed without regard to such carryback. When the taxpayer ascertains
 32 the correct amount of such carryback, a claim for credit or refund of the
 33 overpayment, if any, resulting from the failure to compute the deduction for
 34 the taxable year with the inclusion of such carryback may be filed within the
 35 prescriptive period, or the taxpayer may file an application for a tentative
 36 refund as provided in Subsection G. For taxable years beginning on or after
 37 January 1, 2015, the provisions of this Subsection shall be ineffective,
 38 inoperable, and of no effect.

39 G. Tentative refund. ~~A~~ For taxable years beginning prior to January
 40 1, 2015, a taxpayer may request a tentative refund resulting from the
 41 application of a net operating loss carryback in the manner and with forms
 42 prescribed by the secretary. If the tentative refund is paid, the secretary may
 43 recover any amount thereof determined not to be an overpayment through
 44 any collection remedy authorized by R.S. 47:1561 within two years from
 45 December thirty-first of the year in which the refund was paid. Any
 46 tentatively refunded amount determined not to be an overpayment shall bear
 47 interest at the rate provided in R.S. 47:1601, which shall be computed from
 48 the date the tentative refund was issued to the date payment is received by the
 49 secretary. For taxable years beginning on or after January 1, 2015, the
 50 provisions of this Subsection shall be ineffective, inoperable, and of no
 51 effect.

52 H. Interest on refunds. ~~Any~~ For taxable years beginning prior to
 53 January 1, 2015, any amount actually refunded as an overpayment resulting

1 from the application of a net operating loss carryback, tentative or otherwise,
2 shall bear interest at the rate provided in R.S. 47:1624, which shall be
3 computed:

4 * * *

5 (3) For taxable years beginning on or after January 1, 2015, the
6 provisions of this Subsection shall be ineffective, inoperable, and of no
7 effect.

8 I. Net operating loss carryovers.

9 * * *

10 (2) ~~Net~~ For taxable years beginning prior to January 1, 2015, net
11 operating losses generated after the effective date of a reorganization cannot
12 be carried back to a corporation that does not survive the reorganization,
13 unless the reorganization is a reorganization under Internal Revenue Code
14 Section 368(a)(1)(F). For purposes of this Part, the surviving entity of a
15 reorganization under Internal Revenue Code Section 368(a)(1)(F) is the same
16 entity as the transferor entity, and the reorganization will be treated as a mere
17 change in form. For taxable years beginning on or after January 1, 2015, the
18 provisions of this Subsection shall be ineffective, inoperable, and of no
19 effect."

20 AMENDMENT NO. 7

21 On page 5, delete lines 27 through 29 in their entirety and on page 6, delete lines 1 through
22 23 in their entirety and insert the following:

23 "C. Provided that in any case where a refund relates to an
24 overpayment attributable to a net operating loss deduction carry-back
25 election made pursuant to R.S. 47:246(E) or 287.86, for taxable periods
26 ending on or after December 31, 1983 and prior to January 1, 2015, in lieu
27 of the three-year period of limitation prescribed in Subsection A of this
28 Section, the period shall be the period which ends three years from the
29 thirty-first day of December of the year in which the tax for the loss year
30 would become due or the period prescribed in Subsection B or E of this
31 Section with respect to such taxable year, whichever expires later. For
32 taxable years beginning on or after January 1, 2015, the provisions of this
33 Subsection shall be ineffective, inoperable, and of no effect.

34 * * *"