
DIGEST

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HB 58 Original

2016 First Extraordinary Session

Jackson

Abstract: Changes the apportionment percent for apportionable income derived for certain transportation, service, and manufacturing and merchandising industry sectors to a ratio calculation that double-weighs certain income.

TRANSPORTATION BY AIRCRAFT

Present law provides that the La. apportionment percent of any taxpayer whose net apportionable income is derived primarily from transportation by aircraft shall be calculated from the average of following ratios:

- (1) The ratio of the value of immovable and movable property, other than aircraft, owned by the taxpayer located in La. to the value of all immovable and movable property, other than aircraft, owned by the taxpayer used in the production of apportionable income.
- (2) The ratio of gross apportionable income derived from La. sources to the total gross apportionable income of the taxpayer.

Present law provides that "gross apportionable income from La. sources" shall include all gross receipts derived from passenger journeys and cargo shipments originating in La. and other items of gross apportionable income or receipts derived entirely from sources in La.

Proposed law changes present law to provide that for taxable periods beginning on or after Jan. 1, 2016, the La. apportionment percent of these taxpayers shall be computed in accordance with the ratios in present law; however, the ratio relative to gross apportionable income shall be double-weighted or counted twice, and the La. apportionment percent shall be calculated from the average of the three ratios.

TRANSPORTATION OTHER THAN AIRCRAFT OR PIPELINE

Present law provides that the La. apportionment percent of any taxpayer whose net apportionable income is derived primarily from transportation other than by aircraft or pipeline, shall be calculated from the average of the following ratios:

- (1) The ratio of the value of immovable and movable property owned by the taxpayer located in La. to the value of all immovable and movable property owned by the taxpayer used in the production of apportionable income.

- (2) The ratio of gross apportionable income from La. sources to the total amount of gross apportionable income of the taxpayer.

Present law provides that "gross apportionable income from La. sources" shall include all income derived entirely from sources within the state and a portion of revenue from transportation partly in and partly outside this state, prorated with deference given to the proportion of service performed in La.

Present law further provides that the value of immovable and movable property owned by the taxpayer used in La. shall include the value of property regularly situated in this state plus a pro rata of the value of all rolling stock and other mobile equipment owned by the taxpayer used in the production of apportionable income, with deference given for the mileage operated and traffic density inside and outside of this.

Present law provides for special provisions for trucking companies.

Proposed law changes present law to provide that for taxable periods beginning on or after Jan. 1, 2016, the La. apportionment percent of these taxpayers shall be computed in accordance with the ratios in present law; however, the ratio relative to gross apportionable income shall be double-weighted or counted twice, and the La. apportionment percent shall be calculated from the average of the three ratios.

SERVICE ENTERPRISES

Present law provides that the La. apportionment percent of any taxpayer whose net apportionable income is derived primarily from a service business in which the use of property is not a substantial income-producing factor shall be calculated from the following ratios:

- (1) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in La. to the total amount paid by the taxpayer for salaries, wages, and other compensation for personal services in connection with the production of the net apportionable income.
- (2) The ratio of the gross apportionable income of the taxpayer from La. sources to the total gross apportionable income of the taxpayer.

Present law provides that "gross apportionable income from La. sources" shall include revenue from services performed in this state, and any other gross income derived entirely from sources within this state.

Proposed law changes present law to provide that for taxable periods beginning on or after Jan. 1, 2016, the La. apportionment percent of these taxpayers shall be computed in accordance with the ratios in present law; however, the ratio relative to gross apportionable income shall be double-weighted or counted twice, and the La. apportionment percent shall be calculated from the average of the three ratios.

MANUFACTURING AND MERCHANDISING

Present law provides that the La. apportionment percent of a taxpayer whose net apportionable income is derived primarily from the transportation by pipeline or from any business not included in other provisions of present law (manufacturing and merchandising) shall be calculated from the following three ratios:

- (1) The ratio of the value of the immovable and movable property owned by the taxpayer located in La. to the value of all immovable and movable property owned by the taxpayer used in the production of the net apportionable income.
- (2) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in this state to the total amount paid by the taxpayer for salaries, wages, and other compensation for personal services in connection with the production of net apportionable income.
- (3) The ratio of net sales made in the regular course of business and other gross apportionable income attributable to this state to the total net sales made in the regular course of business and other gross apportionable income of the taxpayer.

Present law provides that since Jan. 1, 2006, the La. apportionment percent of any taxpayer whose net apportionable income is derived primarily from manufacturing or merchandising shall be computed by a *single ratio* of net sales made in the regular course of business and other gross apportionable income attributable to this state to the total net sales made in the regular course of business and other gross apportionable income of the taxpayer.

Present law defines a manufacturing or merchandising business as a taxpayer whose net apportionable income is derived primarily from the manufacture, production, or sale of tangible personal property.

Proposed law changes present law by deleting the single sales ratio for manufacturers and merchandisers beginning on or after Jan. 1, 2016, in favor of the four ratio calculation that double-weighs sales.

Proposed law changes present law with respect to the apportionment percent for net apportionable income derived primarily from the transportation by pipeline or from any business not included in other provisions of present law (manufacturing and merchandising) from a three ratio calculation to a four ratio calculation that double-weighs sales.

Applicable to all taxable periods beginning on and after Jan. 1, 2016.

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

(Amends R.S. 47:287.95(A), (C)(1)(a), (D), and (F)(1) and (2)(a) and (b))