

2016 Regular Session

HOUSE BILL NO. 735

BY REPRESENTATIVE ABRAMSON

TAX RETURN: Provides relative to the deadlines for the payment of certain taxes and the time and place for the filing of certain income tax returns

1 AN ACT

2 To amend and reenact R.S. 47:103(A), 287.614(A)(1), 287.651(A)(1), and 609(A), relative
3 to income tax returns; to provide for the time and place of filing of certain income
4 tax returns; to provide for the deadline for the payment of certain taxes; to provide
5 for applicability; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:103(A), 287.614(A)(1), 287.651(A)(1), and 609(A) are hereby
8 amended and reenacted to read as follows:

9 §103. Time and place for filing returns; information concerning federal return

10 A. Time and place for filing returns. (1) Corporation income tax returns.
11 Returns for corporations on the basis of the calendar year shall be made and filed
12 with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of ~~April~~
13 May, following the close of the calendar year. Returns for corporations made on the
14 basis of a fiscal year shall be made and filed with the secretary at Baton Rouge,
15 Louisiana, on or before the fifteenth day of the ~~fourth~~ fifth month following the close
16 of the fiscal year.

17 (2)(a) Partnership tax returns. Except as provided for in Subparagraph (b) of
18 this Paragraph, returns made by a partnership required to file a partnership return of
19 income made on the basis of the calendar year shall be made and filed with the
20 secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April,

1 following the close of the calendar year. Returns made by a partnership required to
2 file a partnership return of income made on the basis of a fiscal year shall be made
3 and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day
4 of the fourth month following the close of the fiscal year.

5 (b) Partnership composite returns. Composite returns required to be made
6 for an entity treated as a partnership for state income tax purposes and which is made
7 on the basis of the calendar year shall be made and filed with the secretary at Baton
8 Rouge, Louisiana, on or before the fifteenth day of May, following the close of the
9 calendar year. Composite returns required to be made for an entity treated as a
10 partnership for state income tax purposes and which is made on the basis of a fiscal
11 year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or
12 before the fifteenth day of the fifth month following the close of the fiscal year.

13 ~~(2)~~(3) Other income tax returns. Returns other than corporation and
14 partnership returns made on the basis of the calendar year shall be made and filed
15 with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of May,
16 following the close of the calendar year. Returns other than corporation and
17 partnership returns made on the basis of a fiscal year shall be made and filed with the
18 secretary at Baton Rouge, Louisiana, on or before the fifteenth day of the fifth month
19 following the close of the fiscal year.

20 ~~(3)~~(4) In the event that the date on which returns shall be filed falls on
21 Saturday, Sunday, or a legal holiday, the return shall be made and filed on the next
22 business day.

23 * * *

24 §287.614. Time and place for filing returns; information concerning federal return;
25 extension of time to file

26 A.(1) Returns made on the basis of the calendar year shall be made and filed
27 with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of ~~April~~
28 May following the close of the calendar year. Returns made on the basis of a fiscal

1 year shall be made and filed on or before the fifteenth day of the ~~fourth~~ fifth month
2 following the close of the fiscal year with the secretary at Baton Rouge, Louisiana.

3 * * *

4 §287.651. Payment of tax

5 A. Time of payment.

6 (1) The total amount of tax on a calendar year return imposed by this Part
7 shall be paid on the fifteenth day of ~~April~~ May following the close of the calendar
8 year, or, if a calendar year return is filed before said due date, then the tax shall be
9 paid when the return is filed; and, if the return is on the basis of a fiscal year, then
10 the total amount of tax shall be paid on the fifteenth day of the ~~fourth~~ fifth month
11 following the close of the fiscal year, or, if a fiscal year return is filed before said due
12 date, then the tax shall be paid when the return is filed.

13 * * *

14 §609. Due date, payment and reporting of tax

15 A. The tax levied by this Chapter is for the annual accounting period, fiscal,
16 or calendar year, regularly used by the taxpayer in keeping its books, with no
17 proration for a portion of the year in the case of dissolution of domestic corporations
18 or withdrawal from the state by foreign corporations, or where a corporation
19 otherwise ceases to become taxable under this Chapter. The tax is due on the first
20 day of each calendar or fiscal year and annually thereafter and is computed on the
21 basis of the previous calendar or fiscal year closing. The tax is payable to the
22 secretary on or before the fifteenth day of the ~~third~~ fourth month following the month
23 in which the tax is due. However, if the day on which the tax is payable falls on a
24 Saturday, Sunday, or legal holiday, the tax shall be payable on the next business day.
25 With its payment the taxpayer shall deliver to the secretary a full, accurate, and
26 complete report and statement signed by a duly authorized official of the corporation,
27 containing such information as the secretary may require.

28 * * *

1 Section 2. The provisions of this Act shall be applicable for taxable years beginning
2 on and after January 1, 2016.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 735 Original

2016 Regular Session

Abramson

Abstract: Changes the filing deadline for income tax returns made and filed by corporate and partnership taxpayers.

Corporate Income Tax Returns

Present law requires corporate income tax returns made on the basis of the calendar year to be made and filed with the secretary on or before the 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed on or before the 15th day of the 4th month following the close of the fiscal year.

Proposed law changes present law for claims made on the basis of the calendar year from requiring that returns be filed on or before the 15th day of the April following the close of the fiscal year to requiring that returns be filed on or before the 15th day of May following the close of the fiscal year.

Proposed law changes present law as it relates to returns made on the basis of a fiscal year from requiring that returns be filed on or before the 15th day of the 4th month following the close of the fiscal year to requiring that returns be filed on or before the 15th day of the 5th month following the close of the fiscal year.

Partnership and Composite Returns

Proposed law requires income tax returns for partnerships made on the basis of the calendar year to be made and filed with the secretary on or before the 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed with the secretary on or before the 15th day of the 4th month following the close of the fiscal year.

Proposed law requires composite returns required to be made for an entity treated as a partnership for state income tax purposes made on the basis of the calendar year shall be made and filed with the secretary on or before the 15th day of May following the close of the calendar year. Composite returns required to be made for an entity treated as a partnership for state income tax purposes made on the basis of a fiscal year shall be made and filed with the secretary on or before the 15th day of the 5th month following the close of the fiscal year.

Present law requires returns made on the basis of the calendar year to be made and filed with the secretary on or before 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed on or before the 15th day of the 4th month following the close of the fiscal year with the secretary.

Proposed law changes present law as it relates to returns made on the basis of a calendar year from requiring that returns be filed on or before the 15th day of April following the close of the fiscal year to requiring that returns be filed on or before the 15th day of May following the close of the calendar year.

Payment of Taxes

Present law requires the total amount of tax on a calendar year return to be paid on the 15th day of April following the close of the calendar year. However, if the taxpayer files a calendar year return prior to that date, the taxes shall be paid when the return is filed.

Present law requires the total amount of tax on a fiscal year return to be paid on the 15th day of the 4th month following the close of the fiscal year. However, if the taxpayer files a fiscal year return prior to that date, the taxes shall be paid when the return is filed.

Proposed law changes the date to pay taxes filed on calendar year returns from April 15th to May 15th and changes the date to pay taxes filed on fiscal year returns from the 4th month to the 5th month following the close of the calendar year and fiscal year respectively.

Present law requires, for purposes of corporate franchise taxes, the tax to be paid on or before the 15th day of the 3rd month following the month in which the tax is due. The tax is computed on the basis of the previous calendar or fiscal year closing and is due on the first day of each calendar or fiscal year and annually thereafter.

Proposed law changes the date for the payment of corporate franchise taxes from the 15th day of the 3rd month following the month the tax is due to the 15th day of the 3rd month following the month the tax is due.

Applicable for taxable years beginning on and after Jan. 1, 2016.

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

(Amends R.S. 47:103(A), 287.614(A)(1), 287.651(A)(1), and 609(A))