
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 166 Original

2017 Regular Session

Broadwater

Abstract: Adds corporeal movables held by a retailer that are available for short-term rental to the definition of "inventory" for purposes of eligibility for the tax credit for ad valorem taxes paid on inventory.

Present law provides for an income or corporation franchise tax credit, the amount of which, shall be equal to the amount of ad valorem taxes paid by the taxpayer to political subdivisions on inventory held by manufacturers, distributors, and retailers.

Present law provides for a graduated scale of the amount of the tax credit refunded to the taxpayer or carried forward and applied against subsequent tax liability for not longer than five years based on the amount of the ad valorem taxes paid to political subdivisions as follows:

For businesses registered to do business in this state prior to April 15, 2016

- (1) Taxpayers whose ad valorem taxes paid to all political subdivisions was less than or equal to \$500,000 shall be refunded all of the excess credit.
- (2) Taxpayers whose ad valorem taxes paid to all political subdivisions was more than \$500,000, but less than or equal to \$1M, shall be refunded 75% of the excess credit, and the remaining 25% shall be carried forward as a credit against subsequent tax liability for not longer than five years.
- (3) Taxpayers whose ad valorem taxes paid to all political subdivisions was more than \$1M shall be refunded 75% of the first \$1M of excess credit, and the remaining amount of the credit shall be carried forward as a credit against subsequent tax liability for not longer than five years.

For businesses registered to do business in this state after April 15, 2016

- (1) Taxpayers whose ad valorem taxes paid to all political subdivisions was less than \$10,000 shall be refunded all of the excess credit.
- (2) Taxpayers whose ad valorem taxes paid to all political subdivisions was \$10,000 or more, but no more than \$1M shall be refunded 75% of the excess credit, and the remaining 25% shall be carried forward as a credit against subsequent tax liability for not longer than five years.

Present law defines "inventory" and "retailer" for purposes of determining eligibility of the tax credit.

Proposed law retains present law but adds to the definition of "inventory" corporeal movable property held by a retailer that is available for rental but that will subsequently or ultimately be sold by the retailer, regardless of the term of the rental.

Proposed law retains present law but adds to the definition of "retailer" a person engaged in the short-term rental of corporeal movable property classified under code numbers 532412 and 532310 of the North American Industry Classification System (NAICS) published by the U.S. Bureau of Census.

Retroactive applicable to tax periods beginning on and after Jan. 1, 2016.

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

(Amends R.S. 47:6006(C)(2)(b)(ii), (iii), and (iv) and (4); Adds R. S. 47:6006(C)(2)(a)(iv))