

SENATE BILL NO. 11

BY SENATOR TALBOT

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AN ACT

To amend and reenact R.S. 47:293(10) and to enact R.S. 47:287.738(H), 293(9)(a)(xx), and 297.16, relative to income tax exemptions; to provide for an individual and corporation income tax exemption for certain state and federal COVID-19 relief benefits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(10) is hereby amended and reenacted and R.S. 47:287.738(H), 293(9)(a)(xx), and 297.16 are hereby enacted to read as follows:

§287.738. Other inclusions and exclusions from gross income

* * *

H. Exemption for COVID-19 relief benefits. Any gratuitous grant, loan, rebate, tax credit, advance refund, or other qualified disaster relief benefit directly or indirectly provided to a corporation by the state or federal government as a COVID-19 relief benefit as defined in R.S. 47:297.16 shall be exempt if the benefit was included in the corporation's federal gross income.

* * *

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

* * *

(9)(a) "Tax table income", for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

* * *

(xx) Any gratuitous grant, loan, rebate, tax credit, advance refund, or

1 other qualified disaster relief benefit directly or indirectly provided to a
 2 taxpayer by the state or federal government as a COVID-19 relief benefit as
 3 defined in R.S. 47:297.16 if the benefit was included in the taxpayer's federal
 4 adjusted gross income.

5 * * *

6 (10) "Tax table income", for nonresident individuals, means the amount of
 7 Louisiana income, as provided in this Part, allocated and apportioned under the
 8 provisions of R.S. 47:241 through 247, plus the total amount of the personal
 9 exemptions and deductions already included in the tax tables promulgated by the
 10 secretary under authority of R.S. 47:295, less the proportionate amount of the federal
 11 income tax liability, excess federal itemized personal deductions, the temporary
 12 teacher deduction, the recreation volunteer and volunteer firefighter deduction, the
 13 construction code retrofitting deduction, any gratuitous grant, loan, or other benefit
 14 directly or indirectly provided to a taxpayer by a hurricane recovery entity if such
 15 benefit was included in federal adjusted gross income, **any gratuitous grant, loan,**
 16 **rebate, tax credit, advance refund, or other qualified disaster relief benefit**
 17 **directly or indirectly provided to a taxpayer by the state or federal government**
 18 **as a COVID-19 relief benefit as defined in R.S. 47:297.16 if the benefit was**
 19 **included in the taxpayer's federal adjusted gross income,** the exclusion provided
 20 for in R.S. 47:297.3 for S Bank shareholders, the deduction for expenses disallowed
 21 by 26 U.S.C. 280C, salaries, wages or other compensation received for disaster or
 22 emergency-related work rendered during a declared state disaster or emergency, the
 23 deduction for net capital gains, the pass-through entity exclusion provided in R.S.
 24 47:297.14, and personal exemptions and deductions provided for in R.S. 47:294. The
 25 proportionate amount is to be determined by the ratio of Louisiana income to federal
 26 adjusted gross income. When federal adjusted gross income is less than Louisiana
 27 income, the ratio shall be one hundred percent.

28 * * *

29 **§297.16. Tax exemption; COVID-19 relief benefit**

30 **A. A COVID-19 relief benefit shall be exempt from the provisions of this**

1 Part if the benefit was included in the taxpayer's federal adjusted gross income.

2 B. "COVID-19 relief benefit" means any gratuitous grant, loan, rebate,
3 tax credit, advance refund, or other qualified disaster relief benefit directly or
4 indirectly provided to a taxpayer by the state or federal government including
5 but not limited to benefits provided pursuant to the Coronavirus Aid, Relief,
6 and Economic Security Act, the Taxpayer Certainty and Disaster Relief Act, the
7 COVID-Related Tax Relief Act, the Consolidated Appropriations Act of 2021,
8 the State Coronavirus Relief Program, the Coronavirus Local Recovery
9 Allocation Program, the Louisiana Main Street Recovery Program, the Critical
10 Infrastructure Worker's Hazard Pay Rebate, and pursuant to any other existing
11 or subsequent state or federal COVID-19 relief legislation. A COVID-19 relief
12 benefit shall not include any unemployment compensation benefits provided to
13 a taxpayer.

14 Section 2. The provisions of this Act shall be retroactively and prospectively applied
15 and shall apply to any gratuitous grant, loan, rebate, tax credit, advance refund, or other
16 qualified disaster relief benefit directly or indirectly provided to a taxpayer by the state or
17 federal government as a COVID-19 relief benefit.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____