

2023 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVES EDMONDS, ADAMS, AMEDEE, BACALA, BEAULLIEU, BROWN, BUTLER, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, DEVILLIER, ECHOLS, EMERSON, FISHER, GAROFALO, HOLLIS, ILLG, MIKE JOHNSON, KNOX, MCCORMICK, MCFARLAND, MIGUEZ, GREGORY MILLER, MOORE, CHARLES OWEN, PRESSLY, ROMERO, SCHAMERHORN, SEABAUGH, SELDERS, STAGNI, THOMPSON, VILLIO, WHEAT, WHITE, AND WRIGHT AND SENATOR HEWITT

1 AN ACT

2 To enact R.S. 47:297.23, relative to individual income tax; to provide for an individual
3 income tax credit for the adoption of certain children; to provide for the amount of
4 the credit; to provide for limitations and requirements; to authorize the promulgation
5 of rules; to provide for applicability; to provide for an effective date; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:297.23 is hereby enacted to read as follows:

9 §297.23. Tax credit; adoption

10 A.(1) There shall be allowed a refundable credit against the tax imposed by
11 this Chapter for a taxpayer who adopts a child who is unrelated to the taxpayer and
12 who is no more than two years of age. The amount of the credit shall be equal to five
13 thousand dollars and shall be claimed in the year in which adoption of the child
14 becomes final. For purposes of this Section, the age of the child shall be determined
15 at the time of the adoption placement.

16 (2) The tax credit authorized pursuant to the provisions of this Section shall
17 not apply to the adoption of a child from foster care as defined in Children's Code
18 Article 603.

19 (3) A taxpayer who claims the credit authorized pursuant to the provisions
20 of this Section shall be prohibited from also claiming the deduction authorized
21 pursuant to the provisions of R.S. 47:297.21 for the adoption of the same child.

1 B.(1) If the amount of the credit authorized pursuant to the provisions of this
 2 Section exceeds the amount of the taxpayer's tax liability for the taxable year, the
 3 excess tax credit amount shall constitute an overpayment as defined in R.S.
 4 47:1621(A), and the secretary shall make a refund of the overpayment from the
 5 current collections of the taxes imposed pursuant to this Chapter. The right to a
 6 refund shall not be subject to the requirements of R.S. 47:1621(B).

7 (2) The taxpayer shall maintain all records necessary to verify the adoption
 8 and, if requested, shall provide the records to the Department of Revenue when filing
 9 the taxpayer's tax return.

10 C. The secretary of the Department of Revenue may promulgate rules in
 11 accordance with the Administrative Procedure Act to implement the provisions of
 12 this Section, including rules related to the submission of documentation when
 13 claiming the credit.

14 D. No credits authorized by this Section may be claimed for any taxable year
 15 beginning after December 31, 2028.

16 Section 2. The provisions of this Act shall be applicable to adoptions finalized on
 17 or after January 1, 2023.

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____