

RÉSUMÉ DIGEST

ACT 404 (HB 255)

2023 Regular Session

Landry

New law authorizes a credit against state income tax for restaurants that donate oyster shells for beneficial use in accordance with the requirements of new law.

New law provides that in order to be eligible for the credit in a taxable year, a restaurant claiming the credit shall, during the taxable year, have donated oyster shell material to the Oyster Shell Recycling Program of the Coalition to Restore Coastal Louisiana or any other oyster shell recycling program or activity designated in rule by the Dept. of Revenue as an approved program or activity.

New law provides that the amount of the credit shall equal \$1 for each 50-pound increment of oyster shell material donated to a qualifying oyster shell recycling program or activity or \$2,000, whichever is less. Limits to \$100,000 the total amount of credits that may be granted annually pursuant to new law.

New law provides that if the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess credit amount shall constitute an overpayment which shall be refunded to the taxpayer, thereby creating the tax credit as a refundable credit.

New law provides for claiming of the credit by corporations, individuals, estates, trusts, and partners or members of entities that are not taxed as corporations.

New law requires the secretary of the Dept. of Revenue to promulgate administrative rules as are necessary to implement new law. Requires that in developing these rules, the secretary of the Dept. of Revenue shall engage and collaborate with the secretary of the Dept. of Wildlife and Fisheries. Provides that recommendations of the secretary of the Dept. of Wildlife and Fisheries may be included in any final rules designating approved oyster shell recycling programs and activities.

New law applies to taxable periods beginning on or after Jan. 1, 2024.

New law provides that no credits authorized therein may be claimed for any taxable year beginning after Dec. 31, 2028.

Effective August 1, 2023.

(Adds R.S. 47:6043)