

**SENATE COMMITTEE AMENDMENTS**

2024 Third Extraordinary Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 2 by Representative Emerson

1 AMENDMENT NO. 1

2 On page 1, lines 2, after "4302(B)," delete the remainder of the line and delete line 3 and  
3 insert the following:

4 "6006(B), 6006.1(C), 6007(C)(1) and (4)(g) and (I), 6014(D), 6015(J), 6019(A)(1)(a)(i),  
5 6020(H), 6022(D)(4)(introductory paragraph) and (E)(2), 6023(I) and 6043(B)(1)"

6 AMENDMENT NO. 2

7 On page 1, line 4, after "R.S. 51:1787(L)" insert a comma "," and insert "2399.3(A)(1)"

8 AMENDMENT NO. 3

9 On page 1, line 10, change "6014(F)," to "6014(E) and (F),"

10 AMENDMENT NO. 4

11 On page 1, line 12, after "6041," insert "6043(D),"

12 AMENDMENT NO. 5

13 On page 2, line 10, after "certain tax credits;" insert "to provide relative the claiming of tax  
14 credits; to provide relative to refundable credits;"

15 AMENDMENT NO. 6

16 On page 2, line 13, after "4302(B)," delete the remainder of the line and delete line 14 and  
17 insert the following:

18 "6006(B), 6006.1(C), 6007(C)(1) and (4)(g) and (I), 6014(D), 6015(J), 6019(A)(1)(a)(i),  
19 6020(H), 6022(D)(4)(introductory paragraph) and (E)(2), 6023(I) and 6043(B)(1) are hereby  
20 amended and"

21 AMENDMENT NO. 7

22 On page 6, between lines 15 and 16, insert the following:

23 "§6006. Tax credits for local inventory taxes paid  
24 \* \* \*

25 B.(1) Credit for taxes paid by corporations shall be applied to state corporate  
26 income and corporation franchise taxes. Credit for taxes paid by unincorporated  
27 persons shall be applied to state personal income taxes. ~~The secretary shall make a~~  
28 ~~refund to the taxpayer in the amount to which he is entitled from the current~~  
29 ~~collections of the taxes collected pursuant to Chapters 1 and 5 of Subtitle II of this~~  
30 ~~Title.~~ If the amount of the credit authorized pursuant to Subsection A of this Section  
31 exceeds the amount of tax liability for the tax year, the following amounts of the  
32 excess credit shall either be refundable or may be carried forward as a credit against  
33 subsequent Louisiana income or corporation franchise tax liability for a period not  
34 to exceed ten years, as follows:

35 ~~(a) Taxpayers whose ad valorem taxes eligible for the credit authorized~~  
36 ~~pursuant to this Section paid to all political subdivisions in the taxable year was less~~  
37 ~~than or equal to five hundred thousand dollars shall be refunded all of the excess~~  
38 ~~credit.~~

~~(b) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than five hundred thousand dollars, but less than or equal to one million dollars, shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the excess credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.~~

~~(c) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than one million dollars shall be refunded seventy-five percent of the first one million dollars of excess credit, and the remaining amount of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.~~

~~(2) Each taxpayer allowed a credit under this Section shall claim the credit on its separately filed income or corporate franchise tax return; however, for purposes of the application of the limitations on refundability of excess credit provided for in Subparagraphs (1)(a) through (c) of this Subsection, all taxpayers included in one consolidated federal income tax return filed under the Internal Revenue Code shall be treated as a single taxpayer.~~

~~(3)(a) Subparagraphs (1)(a) and (b) of this Subsection shall not apply to any new business entity formed or registered to do business in this state after April 15, 2016.~~

~~(b) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was less than ten thousand dollars shall be refunded all of the excess credit.~~

~~(c) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was ten thousand dollars or more, but no more than one million dollars shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.~~

~~(4) Notwithstanding any provision in this Section to the contrary, for a manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, if the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit shall not be refundable and may only be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed ten years and shall not be refundable.~~

~~\* \* \*~~

~~§6006.1. Tax credits for taxes paid with respect to vessels in Outer Continental Shelf Lands Act Waters~~

~~\* \* \*~~

~~C. Notwithstanding any other provision of law to the contrary in Title 47 of the Louisiana Revised Statutes of 1950, as amended, any excess of allowable credit established by this Section over the aggregate tax liabilities against which such credit can be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter 1 or Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended, together with interest as provided in R.S. 47:1624. The right to a credit or refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). All credits and refunds, together with interest thereon, must be paid or disallowed within ninety days of receipt by the secretary, of any such claim for refund or credit. Failure of the secretary to pay or disallow, in whole or in part, any claim for a credit or a refund shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.~~

~~\* \* \*~~

AMENDMENT NO. 8

On page 6, between lines 17 and 18, insert the following:

"C. Production tax credit; specific productions and projects.

(1) There is hereby authorized a tax credit against state income tax for Louisiana taxpayers for expenditures related to state-certified productions and qualified entertainment companies. The tax credit shall be earned by a motion picture production company at the time expenditures are certified by the office and the secretary for a motion picture production company in a state-certified production. However, credits cannot be applied against a tax ~~or transferred~~ until the expenditures are certified by the office and the secretary. For state-certified productions, expenditures shall be certified no more than once per production, after project completion. However, if at the time of application for initial certification, the office is notified that post-production activities will take place in Louisiana, a supplemental request for certification of expenditures directly related to such post-production activity may be submitted for consideration by the office. The cost of any verification or audit of such expenditures shall be borne by the motion picture production company. The tax credit shall be calculated as a percentage of the total base investment dollars certified per project, or as otherwise provided in this Paragraph.

\* \* \*

(4) Transferability of the credit. Except as provided for in Subparagraph (g) of this Paragraph, motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the Department of Revenue, subject to the following conditions:

\* \* \*

(g) (i) For projects that apply on and after July 1, 2017, except as provided for in Subparagraph (f) of this Paragraph, motion picture tax credits not previously claimed by any taxpayer against its income tax may not be transferred or sold to another taxpayer.

(ii) For projects that apply on or after January 1, 2025, motion picture tax credits may not be transferred to the Department of Revenue and shall be only utilized to offset income tax on a return.

\* \* \*"

AMENDMENT NO. 9

On page 6, between lines 20 and 21, insert the following:

"§6014. Credit for property taxes paid by certain telephone companies; fund

\* \* \*

~~D. The excess, if any, of the credit allowed by this Section over the aggregate tax liabilities against which such allowable credit may be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed under Chapter 2 of Subtitle II of this Title, together with interest as provided in R.S. 47:1624. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). Any such refund, together with interest thereon, shall be paid by the secretary within ninety days of receipt by the secretary of the return on which the credit allowed by this Section is claimed. Failure of the secretary to pay such refund, in whole or in part, shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.~~

E.(1)(a) The avails of sales and use taxes imposed pursuant to R.S. 47:302, 321, and 331 attributable to the furnishing of interstate and international telecommunication services, as both those terms are defined in Chapter 2 of Subtitle II of this Title, shall be credited to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall deposit an amount of avails as determined pursuant to Subparagraph (b) of this Paragraph into a special fund which is hereby created and established in the state treasury and known as the "Telephone Company Property Assessment Relief Fund", hereinafter the "fund".

1 (b) The amount of such avails shall be determined by the secretary, by rule,  
 2 using industry data as available at the time the fund was originally created, and as  
 3 had been published by the Federal Communications Commission. The secretary shall  
 4 adopt and promulgate such rule no later than March 1, 2006, and the rule shall be  
 5 effective for tax periods starting on or after July 1, 2006.

6 (2) The monies in the fund shall be used solely and exclusively for the  
 7 purpose of providing funds to pay the credits ~~or refunds~~ as provided in this Section.  
 8 The treasurer shall annually transfer to the state general fund an amount equal to the  
 9 credits taken ~~and refunds~~ issued pursuant to this Section.

10 \* \* \*

11 AMENDMENT NO. 10

12 On page 8, between lines 3 and 4, insert the following:

13 "E. Use of tax credits.

14 \* \* \*

15 (2) For tax credits earned for expenditures made on or after January 1, 2012:

16 (a) The tax credits shall be ~~refundable and~~ allowed against the individual or  
 17 corporate income tax liability of the companies or financiers of the project in  
 18 accordance with their share of the credit as provided for in the application for  
 19 certification for the project. The credit shall be allowed for the taxable period in  
 20 which expenditures eligible for a credit are expended as set forth in the final tax  
 21 credit certification letter. ~~Any excess of the credit over the income tax liability~~  
 22 ~~against which the credit may be applied shall constitute an overpayment, as defined~~  
 23 ~~in R.S. 47:1621(A), and the secretary of the Department of Revenue shall make a~~  
 24 ~~refund of such overpayment from the current collections of the taxes imposed by~~  
 25 ~~Chapter 1 of Subtitle II of this Title, as amended. The right to a refund of any such~~  
 26 ~~overpayment shall not be subject to the requirements of R.S. 47:1621(B).~~

27 (b) ~~At the time of final certification of tax credits, a company may elect, on~~  
 28 ~~a one-time basis, to receive a rebate of the credits. The amount of the rebate shall be~~  
 29 ~~eighty-five percent of the face value of the credits. Upon receipt of the final tax~~  
 30 ~~credit certification letter and any necessary additional information, the secretary of~~  
 31 ~~the Department of Revenue shall make payment to the company, or its irrevocable~~  
 32 ~~designee, which may include but not be limited to a bank or other lender, in the~~  
 33 ~~amount to which he is entitled from the current collections of the taxes collected~~  
 34 ~~pursuant to Chapter 1 of Subtitle II of this Title, as amended.~~

35 \* \* \*

36 AMENDMENT NO. 11

37 On page 8, between lines 10 and 11, insert the following:

38 "§6043. Recycling of oyster shells; restaurant tax credit

39 \* \* \*

40 B.(1) There shall be allowed a ~~refundable~~ credit against Louisiana income tax  
 41 for restaurants that donate oyster shells for beneficial use in accordance with the  
 42 qualifications provided in this Subsection.

43 \* \* \*

44 AMENDMENT NO. 12

45 On page 8, between lines 18 and 19, insert the following:

46 "A.(1) Except as provided in Subsection B of this Section, an employer may  
 47 earn and apply for and, if qualified, be granted a ~~refundable~~ credit on any income or  
 48 corporation franchise tax liability owed to the state by the employer seeking to claim  
 49 the credit, in the amount approved by the secretary of the department for the amount  
 50 of qualified expenditures incurred by the employer for a modernization. Except as  
 51 otherwise provided in this Paragraph, the ~~refundable~~ credit shall be allowed against

1 the income tax for the taxable period in which the credit is earned and the franchise  
2 tax for the taxable period following the period in which the credit is earned."

3 AMENDMENT NO. 13

4 On page 9, at the end of line 5, change "6014(F)," to "6014(E) and (F),"

5 AMENDMENT NO. 14

6 On page 9, line 7, after "6041," insert "6043(D),"