

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 567 by Representative Bacala

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:112.2(A)," and before ""287.732," delete "248(B)(1)(a)," and insert "248(B)(1)(a) and (d),"

AMENDMENT NO. 2

On page 1, line 17, after "R.S. 47:112.2(A)," and before ""287.732," delete "248(B)(1)(a)," and insert "248(B)(1)(a) and (d),"

AMENDMENT NO. 3

On page 2, between lines 18 and 19, insert the following:

(d) The individual's income is exempt from taxation by this state under the United States Constitution or federal statute or the nonresident individual's state of residence either provides a substantially similar exemption or does not impose an individual income tax.

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AMENDMENT NO. 4

On page 5, delete lines 19 through 28 and on page 6, at the beginning of line 1, delete "(3)" and insert "D. Tax credits."

AMENDMENT NO. 5

On page 8, between lines 11 and 12, insert the following:

H.(1) Payment of Tax. If any resident or nonresident shareholder fails to make timely payment of the taxes imposed on the shareholder by this state with respect to the shareholder's share of the income of the S corporation, the secretary may collect the payment directly from the S corporation through any collection remedy authorized by R.S. 47:1561.

(2) The payment referred to in Paragraph (1) of this Subsection shall be in an amount equal to the maximum tax rate provided for individuals or trusts and estates, where applicable, multiplied by each delinquent resident or nonresident shareholder's share of the S corporation's income attributable to this state, as reflected on the S corporation's return for the taxable period, plus any interest or appropriate delinquency penalty.

(3) Any amount paid by the S corporation to the state pursuant to this Subsection shall be considered to be a payment by the resident or nonresident shareholder on account of the income tax imposed on the resident or nonresident shareholder for the taxable period. To the extent that the payment made on behalf of the resident or nonresident shareholder exceeds the income tax liability of the resident or nonresident shareholder, that resident or nonresident shareholder shall be entitled to a refund, or may elect to utilize such excess as a credit against amounts that may be paid by the S corporation on his behalf with respect to subsequent taxable periods.

(4) An S corporation shall be entitled to recover its payment pursuant to this Subsection, including any interest or penalty due, from the resident or nonresident shareholder on whose behalf the payment was made."

1 AMENDMENT NO. 6

2 On page 9, after line 28, insert the following:

3 "(4) "Income attributable to the state" means items of income, loss, deduction
 4 or credit of the S corporation apportionable and allocable to this state pursuant to
 5 Part II-A of this Chapter."

6 AMENDMENT NO. 7

7 On page 10, at the beginning of line 1, delete "(4)" and insert "(5)"

8 AMENDMENT NO. 8

9 On page 10, between lines 19 and 20, insert the following:

10 "(4) A nonresident shareholder in an S corporation shall not be required to
 11 file a Louisiana income tax return when the only income from Louisiana sources is
 12 the shareholder's share of the S corporation's income attributable to this state for the
 13 taxable period and the S corporation pays the tax on the shareholder's behalf pursuant
 14 to this Section."

15 AMENDMENT NO. 9

16 On page 11, delete lines 19 through 29 and on page 12, delete lines 1 and 2 and insert the
 17 following:

18 ~~"F. Credits granted, allocated, or transferred to entities not subject to~~
 19 ~~Louisiana income tax or corporation franchise tax~~ Application of Credit.

20 (1) Unless otherwise provided in the statute granting the credit, credits
 21 earned, granted, allocated, or transferred shall be claimed as follows:

22 (a) All entities taxed as a C corporation for federal income tax purposes shall
 23 claim any credit allowed on their corporation income tax return.

24 ~~(1) (b)(i) Unless otherwise provided in the statute granting the credit, if~~ If an
 25 entity not subject to Louisiana income tax or corporation franchise tax acquires an
 26 income or franchise tax credit, the credit shall flow through to partners or members
 27 as provided in the operating agreement of the entity or shareholders as provided in
 28 the corporate bylaws of the S corporation. In the absence of an operating agreement
 29 or corporate bylaws, the credit shall flow through to each partner or member in
 30 accordance to with the partner or member's ownership interest in the entity, or to
 31 each shareholder in accordance with the number of issued and outstanding shares of
 32 capital stock of the S corporation which are owned by the shareholder relative to the
 33 total number of issued and outstanding shares of capital stock of the S corporation
 34 on the last day of the S corporation's taxable year.

35 (ii) Partners or members that are C corporations shall claim their share of the
 36 credit on their corporate income tax return.

37 (iii) Partners, members or shareholders of an S corporation that are
 38 individuals shall claim their share of the credit on their individual income tax return.

39 (iv) Partners, members or shareholders of an S corporation that are estates or
 40 trusts shall claim their share of the credit on their fiduciary income tax return.

41 (c) Estates or trusts shall claim any credit allowed on their fiduciary income
 42 tax return.

43 (d) Individuals shall claim any credit allowed on their individual income tax
 44 return."