
SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 87 by Senator Shaw

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 47:32(A)" to "R.S. 47:31, 32(A), 290(B), 297.4(B)(1), 300.1,
3 6006(B), 6006.1(C), 6023(D)(1), and 6025(C), and R.S. 51:1807(C)"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "reduction of" insert:

6 "the tax by phasing-out the tax on incomes of individuals, estates, and trusts; to
7 provide with respect to certain refundable tax credits"

8 AMENDMENT NO. 3

9 On page 1, line 5, change "R.S. 47:32(A) is" to "R.S. 47:31, 32(A), 290(B), 297.4(B)(1),
10 300.1, 6006(B), 6006.1(C), 6023(D)(1), and 6025(C) are"

11 AMENDMENT NO. 4

12 On page 1, between lines 5 and 6, insert:

13 "§31. Individuals, corporations and trusts subject to tax
14 There shall be levied, collected, and paid for each taxable year **until January**
15 **1, 2017** a tax upon the net income of residents and nonresidents, estates, **and** trusts,
16 **and a tax upon the net income of** corporations **for each taxable year**, as hereinafter
17 provided.

18 (1) Resident individuals. **Until January 1, 2017**, every person residing
19 within the state, or the personal representative in the event of death, shall pay a tax
20 on net income from whatever source derived, except as hereinafter exempted.

21 Every natural person domiciled in the state, and every other natural person
22 who maintains a permanent place of abode within the state or who spends in the
23 aggregate more than six months of the taxable year within the state, shall be deemed
24 to be a resident of this state for the purpose of determining liability for income taxes
25 under this Chapter.

26 (2) Nonresident individuals. **Until January 1, 2017**, every nonresident shall
27 pay a tax upon such net income as is derived from property located, or from services
28 rendered, or from business transacted within the state, or from sources within the
29 state, except as hereinafter exempted.

30 * * *

31 AMENDMENT NO. 5

32 On page 1, line 7, change "On individuals. The" to "**(1)** On individuals. **Until January 1,**
33 **2008**, the"

34 AMENDMENT NO. 6

35 On page 1, line 9, change "(1)" to "**(a)**"

36 AMENDMENT NO. 7

37 On page 1, line 12, change "(2)" to "**(b)**" and delete "**thirty-seven**"

38 AMENDMENT NO. 8

1 On page 1, line 13, change "**thousand five hundred**" to "twelve thousand five hundred"

2 AMENDMENT NO. 9

3 On page 1, line 14, change "(3)" to "(c)" and change "**fifty**" to "twenty-five"

4 AMENDMENT NO. 10

5 On page 1, delete lines 16 and 17, and delete page 2, and insert:

6 **"(2) Beginning January 1, 2008 until January 1, 2017, the tax upon the**
 7 **taxable income of an individual shall be determined as provided for in**
 8 **Paragraph (1) of this Subsection, but the tax to be assessed, levied, collected and**
 9 **paid by the individual shall be limited to the following percentages of the tax**
 10 **due:**

- 11 **(a) For tax years beginning during 2008, ninety percent.**
- 12 **(b) For tax years beginning during 2009, eighty percent.**
- 13 **(c) For tax years beginning during 2010, seventy percent.**
- 14 **(d) For tax years beginning during 2011, sixty percent.**
- 15 **(e) For tax years beginning during 2012, fifty percent.**
- 16 **(f) For tax years beginning during 2013, forty percent.**
- 17 **(g) For tax years beginning during 2014, thirty percent.**
- 18 **(h) For tax years beginning during 2015, twenty percent.**
- 19 **(i) For tax years beginning during 2016, ten percent.**

20 **(3) For tax years beginning on and after January 1, 2017, there shall be**
 21 **no income tax assessed, levied, collected and paid on income.**

22 * * *

23 §290. Purpose

24 * * *

25 B. It is intended that for any taxable year **beginning before January 1, 2017**
 26 individuals domiciled, residing, or having a permanent place of abode in Louisiana
 27 shall be taxed upon income from whatever sources derived and that all other
 28 individuals having income earned within or derived from sources in this state shall
 29 be taxed upon their Louisiana income for that year.

30 * * *

31 §297.4. Reduction to tax due; certain child care expenses

32 * * *

33 B.(1) If the credit against Louisiana income tax for resident individuals
 34 whose federal adjusted gross income is equal to or less than twenty-five thousand
 35 dollars exceeds the amount of such individual's tax liability for the taxable year, then
 36 such excess tax credit shall constitute an overpayment, as defined in R.S.
 37 47:1621(A), and the secretary shall make a refund of such overpayment from the
 38 current collections of the taxes imposed under this Part **or from current collections**
 39 **of any of the taxes collected under this Chapter.** The right to a refund of any such
 40 overpayment shall not be subject to the requirements of R.S. 47:1621(B).

41 * * *

42 §300.1. Tax imposed

43 **A.** There is imposed an income tax for each taxable year upon the Louisiana
 44 taxable income of every estate or trust, whether resident or nonresident. The tax to
 45 be assessed, levied, collected, and paid upon the Louisiana taxable income of an
 46 estate or trust **until January 1, 2008,** shall be computed at the following rates:

- 47 (1) Two percent on the first ten thousand dollars of Louisiana taxable
 48 income.
- 49 (2) Four percent on the next forty thousand dollars of Louisiana taxable
 50 income.
- 51 (3) Six percent on Louisiana taxable income in excess of fifty thousand
 52 dollars.

53 **B. Beginning January 1, 2008 until January 1, 2017, the tax upon the**
 54 **taxable income of every estate or trust shall be determined as provided for in**
 55 **Subsection A of this Section, but the tax to be assessed, levied, collected and paid**
 56 **by the estate or trust shall be limited to the following percentages of the tax due:**

1 interest thereof, must be paid or disallowed within one year of receipt by the
2 secretary of any such claim for refund or credit. Failure of the secretary to pay or
3 disallow, in whole or in part, any claim for a credit or a refund shall entitle the
4 aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.

5 * * *

6 Section 2. R.S. 51:1807(C) is hereby amended and reenacted to read as follows:
7 §1807. Incentives

8 * * *

9 C. The board, after consultation with the secretaries of the Department of
10 Economic Development and the Department of Revenue and with the approval of the
11 governor, may enter into contracts to provide for a five thousand dollar tax credit per
12 net new employee as determined by the company's average annual employment
13 reported under the Louisiana Employment Security Law. This tax credit may be
14 applied to any state income tax liability or any state franchise tax liability and shall
15 be used for the taxable year in which the increase in average annual employment
16 occurred. However, if the entire credit cannot be used in the year earned, the excess
17 of the credit over the aggregate tax liabilities, **if any**, against which the credit can be
18 applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the
19 secretary shall make a refund of such overpayment from **any of** the current
20 collections of the taxes imposed by Chapter 1 and Chapter 5 of Subtitle II of Title 47
21 of the Louisiana Revised Statutes of 1950, as amended. The right to a refund of any
22 such overpayment shall not be subject to the requirement of R.S. 47:1621(B).

23 * * *

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