

GREEN SHEET REDIGEST

HB 664

2015 Regular Session

Stokes

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TAX/INCOME-CREDIT. Defines "inventory" for purposes of the tax credit for ad valorem taxes paid on inventory.

DIGEST

Abstract: Defines inventory for purposes of the inventory tax credit and authorizes the secretary of Dept. of Revenue to intervene in certain proceedings.

Present law authorizes an income or corporation franchise tax for ad valorem tax paid to political subdivisions on inventory held by manufacturers, distributors, and retailers and on certain natural gas. The amount of the tax is equal to 100% of taxes paid.

Proposed law defines "inventory" for the purpose of the credit to include certain items of tangible personal property that are being held for sale in the ordinary course of business, are in the process of production for subsequent sale, or are to become a part of the production of the good for sale.

Proposed law provides that inventory includes items with a cost of \$100,000 or more to the manufacturer, distributor, or retailer and that are leased to promote the sale thereof. Proposed law provides that the items will cease to be inventory at the end of 24 months being under lease.

Proposed law excludes from the definition of "inventory" certain oil that is stored in tanks, items that would be considered inventory following the initial lease (but not short-term rental) of the item by the taxpayer, items for which depreciation has commenced for the purposes of a taxpayer's federal tax return, items that are subject to use by the taxpayer for longer than 18 months, and, items otherwise exempt from ad valorem taxation pursuant to the La. Constitution.

Proposed law authorizes the secretary to intervene in any proceeding related to the valuation or classification of property as inventory for which a credit will be claimed pursuant to present law when there is a finding of overvaluation or misclassification of inventory in certain circumstances.

Proposed law defines "short-term rental" to include a rental for a period of less than 365 days, a rental for an undefined period, or a rental under an open-ended agreement.

Effective Jan. 1, 2016, and for all tax years thereafter.

(Amends R.S. 47:6006(C); adds R.S. 47:6006(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Delete provisions of proposed law that changed the amount of inventory tax credit.
2. Specify that tangible property has to be held "exclusively" for sale in the ordinary course of business for the purposes of qualifying as "inventory".

3. Delete provision of proposed law that authorized the secretary to require a taxpayer to file its rendition of inventory with the parish assessor when there has been a finding of overvaluation or misclassification of inventory for purposes of the inventory tax credit.

The House Floor Amendments to the engrossed bill:

1. With respect to items excluded from the definition of "inventory", add the qualification that items that would be considered inventory following the initial lease of the item be items leased by the taxpayer.
2. With respect to items excluded from the definition of "inventory", change the limitation from an intervening or incidental use of an item by the taxpayer to any use by the taxpayer for longer than 18 months.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the reengrossed bill

1. Adds items of corporeal movable property held by a retailer and available for short-term rental that will subsequently or ultimately sold by the retailer to the definition of inventory.
2. Adds that items under a short term lease that, if not under the short-term lease, would otherwise be considered inventory are excluded from the definition of inventory.
3. Adds items with a cost of \$100,000 or more to the manufacturer, distributor, or retailer and that are leased to promote the sale thereof to the definition of inventory, and provides that these items will cease to be inventory after 24 months under a lease.
4. Defines "short-term rental" as a rental for a period of less than 365 days, a rental for an undefined period, or a rental under an open ended agreement.