

ACT No. 112

2015 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVES ROBIDEAUX, PIERRE, AND THIERRY

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AN ACT

To amend and reenact R.S. 47:287.95(F)(3) and 606(A)(1)(a); relative to corporate income and corporate franchise tax; to provide for determination of taxable income from sales of certain aircraft manufactured in this state; to provide for the determination of taxable capital from sales of certain aircraft manufactured in this state; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:287.95(F)(3) and 606(A)(1)(a) are hereby amended and reenacted to read as follows:

§287.95. Determination of Louisiana apportionment percent

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F.

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(3) For the purpose of this Subsection, sales attributable to this state shall be all sales where the goods, merchandise, or property is received in this state by the purchaser. In the case of delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. However, direct delivery into this state by the taxpayer to a person or firm designated by a purchaser from within or without the state shall constitute delivery to the purchaser in this state. For purposes of sales of aircraft manufactured or assembled in this

1 state, the place at which the aircraft is ultimately received shall be the place the
2 aircraft is to be primarily stored when not in use.

3 * * *

4 §606. Allocation of taxable capital

5 A. General allocation formula.

6 For the purpose of ascertaining the tax imposed in this Chapter, every
7 corporation subject to the tax is deemed to have employed in this state the proportion
8 of its taxable capital, computed on the basis of the ratio obtained by taking the
9 arithmetical average of the following ratios:

10 (1) The ratio that the net sales made to customers in the regular course of
11 business and other revenue attributable to Louisiana bears to the total net sales made
12 to customers in the regular course of business and other revenue. For the purposes
13 of this ~~Sub-section~~ Subsection net sales and other revenues attributable to Louisiana
14 shall be determined as follows:

15 (a) Sales attributable to this state shall be all sales where the goods,
16 merchandise or property is received in this state by the purchaser. In the case of
17 delivery of goods by common carrier or by other means of transportation, including
18 transportation by the purchaser, the place at which the goods are ultimately received
19 after all transportation has been completed shall be considered as the place at which
20 the goods are received by the purchaser. However, direct delivery into this state by
21 the taxpayer to a person or firm designated by a purchaser from within or without the
22 state shall constitute delivery to the purchaser in this state. Revenue derived from
23 a sale of property not made in the regular course of business shall not be considered.
24 For purposes of sales of aircraft manufactured or assembled in this state, the place
25 at which the aircraft is ultimately received shall be the place the aircraft is to be
26 primarily stored when not in use.

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____