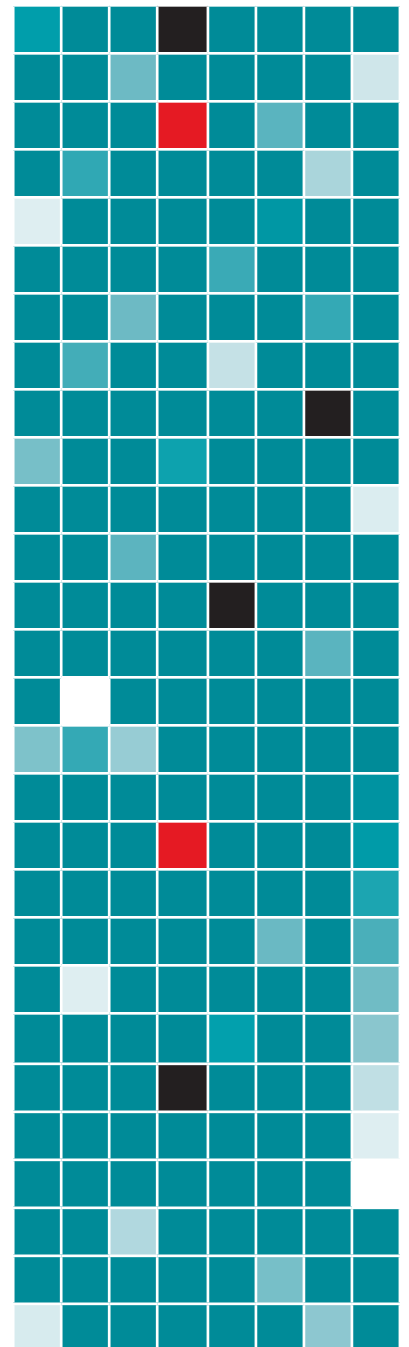
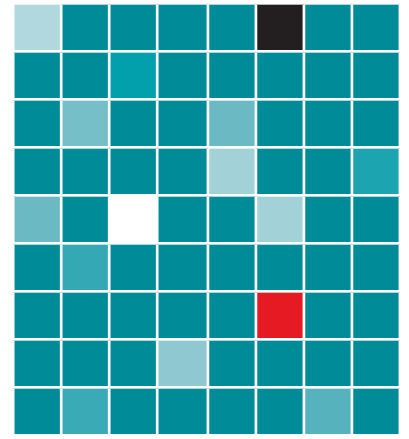


Tax Exemption Budget

2015-2016



R-1005 (3/15)

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Introduction

Statutory Requirements

The Louisiana Department of Revenue is required by Section 1517 of Title 47 of the Louisiana Revised Statutes to prepare an annual tax exemption budget. This report must include the following information pertaining to the state's tax exemptions:

1. Listing of each exclusion, exemption, credit, refund, preferential tax rate, or deferred tax liability;
2. Legal citation;
3. Purpose;
4. Estimate of the revenues lost for the preceding three years;
5. Estimate of the revenues lost for the current and ensuing fiscal year; and
6. Estimated cost of administering and implementing each exemption for the five years reflected in this report.

The Department is able to provide all of the required information except for the costs of administering and implementing each tax exemption. We do not have the data available to estimate these costs with any degree of accuracy.

In addition to the above data, this report must also contain the following information as it applies to specific tax exemptions:

- A determination of the tax exemption's effectiveness in fulfilling the purpose for which it was enacted; i.e., did the intended recipient benefit and, if not, who did benefit;
- An assessment as to whether the tax exemption is the most fiscally effective means of achieving its purpose;
- An evaluation as to whether unintended or inadvertent effects, benefits, or harm was caused by the tax exemption, including whether the tax exemption conflicts with other state statutes; and
- An evaluation as to whether the tax exemption simplifies or complicates the state tax statutes.

Contents of the Report

In addition to the Introduction (Part 1), the report consists of an Overview (Part 2), a Five-Year Estimate of Revenue Loss (Part 3), and a Listing of Exemptions (Part 4).

Part 2, the Overview, provides a general discussion of the tax exemption report and additional information on tax collections by the Department of Revenue.

Part 3, the Five-Year Estimate of Revenue Loss, is a listing of each exemption and the fiscal losses for the preceding three years, the current year, and the ensuing year as required. Preceding the listing is a summary of all taxes arranged in order of the magnitude of the revenue loss.

Part 4, the Listing of Exemptions, is arranged alphabetically by major tax type and provides the following general information on each tax exemption: the legal citation, legislative origin, effective date, purpose, and administration. Each section begins with an index listing individual tax exemptions, the legal citation, and page number. The index is followed by a general discussion of the tax, the tax base, rate of imposition, and any recent significant changes to its imposition or administration.

Overview

Introduction

The state's tax laws authorize a large number of exemptions, exclusions, deductions, credits, rebates, preferential tax treatments, and tax deferrals that substantially reduce the tax collection revenues. These special provisions are designed to encourage certain activities or to limit the tax burden on specific individuals or endeavors. The purpose of this report is to provide a comprehensive listing of all tax exemptions and to quantify the fiscal cost of the various tax exemptions, exclusions, deductions, and credits.

What Is a Tax Exemption

For the purpose of this report, the term *exemption* is used to describe all exemptions, exclusions, deductions, credits, rebates, preferential tax treatments, and tax deferrals. Tax exemptions are tax dollars that are not collected and result in a loss of state tax revenues available for appropriation. In this sense, the fiscal effect of tax exemptions is the same as a direct fund expenditure. This report includes all tax exemptions provided for by state statutes for taxes administered by the Department of Revenue.

State Exemptions Versus Total Exemptions

There are several statutory tax exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements. Because of these additional prohibitions, repeal of the statutory exemption would not yield the fiscal effect indicated. For this reason, these exemptions are separately grouped at the end of each tax section.

Measuring the Tax Exemptions

In order to accurately interpret the data contained in this report, the methods of calculation and assumptions should be noted.

All revenue loss estimates in this report are based on information gathered from various sources. The most reliable information was obtained from the actual tax return data. However, not all data on a return can be captured nor is there room on the returns to provide space to list all exemptions. When available, other reliable sources were used.

In estimating the fiscal effect for each exemption, the following assumptions were made:

- Each tax exemption revenue loss was considered separately and it was assumed that all other elements of the tax system remained unchanged;
- The calculations of the revenue loss for a specific tax exemption did not consider any side effects that could result from the removal of any other exemption in another tax;
- Each estimate was made in isolation. If two or more items were eliminated within the same tax, each adjustment was computed independently; and
- All estimates are only as good as the assumptions used to complete the necessary calculations. If little data was available, the estimates included numerous assumptions.
- For the majority of exemptions, a 2% annual growth rate was assumed for the projected fiscal year revenue loss figures.

Terminology

For the purposes of this report the following terminology is used to describe the fiscal effects:

- *Negligible* is used if the tax exemption was estimated at \$10,000 or less;
- *No data* is used to indicate that data was not available from any source to estimate the past revenue loss. This includes data that is reported but is not captured from a return;
- *Unable to anticipate* is used to indicate that data was not available from any source to predict the future revenue loss; and,
- *NRR* is used to indicate that there is no reporting requirement for the data. This was generally the case for income tax and corporation franchise tax exemptions. Many of the corporations exempted are not required to file tax returns. For this reason, we do not have data available to calculate the fiscal effect for these exemptions.

Overview

Sales Tax – A Special Situation

Estimation of the fiscal effect for sales tax exemptions is complicated by the suspension of exemptions beginning in 1986.

In 1986, the effectiveness of the exemptions was temporarily suspended for one year under a House Concurrent Resolution resulting in the taxation of sales, services, and rentals that had previously been nontaxable, including food and utilities. The suspended exemptions were taxed at the rate of one percent. This suspension has been continued through a series of Resolutions and Acts at various rates of suspension.

Until the suspension of the exemptions began in 1986, the primary method of extending any tax benefits to taxpayers was through the exemption statutes under R.S. 47:305. In addition, the definitions under R.S. 47:301 contain exclusions that are not affected by the suspension of exemptions. In order to extend tax relief to taxpayers, the Louisiana Legislature began enacting exclusions from the tax under the definitions in R.S. 47:301, rather than the exemptions under R.S. 47:305. Some of the exclusions replaced existing exemptions that were taxable under the suspension of exemptions. This action resulted in two statutes affecting the same subject. In 1998, the Louisiana Legislature repealed most of these exemptions leaving only the exclusion as the statutory authority.

Legislation to suspend most exemptions at the four percent state sales tax rate for fiscal years 2005-2009 was enacted during the 2004 1st Ex. Sess., Act 4. In the 2009 Legislative Session, no legislation was proposed to continue the suspension of the sales tax exemptions. As a result, the exemptions found under R.S. 47:305 are now exempt from three of the four percent general sales tax. These unprotected exemptions remain subject to the permanent suspension of the one percent tax imposed under R.S. 47:321. The revenue loss for these exemptions are reported in the row labeled “Exemptions subject to 1% suspended rate”.

There are some special words or terms used in the sales tax section. These terms and the meaning of these terms are as follows:

- “*See Number (N)*” indicates that the fiscal impact for that exemption is included with the fiscal impact of the referenced

exclusion/exemption. This will apply to those exemptions that have been superseded by an exclusion or grouped with a like exclusion/exemption.

Other Exemptions - Sales Tax

Several of the sales tax exemptions are combined on one line on the sales tax return. For this reason, we are unable to calculate the individual losses for these exemptions, but we are able to determine the total revenue loss. We have grouped these exemptions together under the heading Other Exemptions and the total revenue loss is shown on the table for sales tax.

Income and Corporation Franchise Taxes

The revenue loss for new exemptions is not individually stated when applicable to more than one tax. The revenue loss is reported as such:

- when the exemption is applicable to corporation income and franchise taxes, the loss is shown under corporation income taxes;
- when applicable to individual income and corporation income, the loss is shown under corporation income taxes; and,
- when applicable to individual income, corporation income and franchise taxes, the loss is shown under corporation income taxes.

The methodology used to determine the revenue loss associated with nonrefundable individual income tax, corporation income tax, and corporation franchise tax credits, including nonrefundable credits reported in the tax incentive and exemption contracts section, is done to more accurately reflect the actual revenue loss associated with these credits rather than the potential exposure. Nonrefundable credits cannot exceed the total tax liability; therefore if the amount claimed on the return exceeded the tax liability, the revenue loss being reported has been limited to the tax liability. For example if a taxpayer claimed a \$100 nonrefundable credit against a \$75 tax liability resulting in \$0 due, the Tax Exemption Budget reports the revenue loss as \$75.

Overview

The revenue loss associated with transferable tax credits such as the Motion Picture Investor Tax Credit and the credit for the Rehabilitation of Historic Structures may be understated in this Tax Exemption Budget. At this time, data capture methodology only allows for the capture of the revenue loss associated with transferable tax credits that are claimed as credits on a tax return or that are sold directly to the state (Motion Picture Investor only). We are currently only able to determine the revenue loss associated with the use of transferable tax credits as payments for outstanding liabilities if the tax credit is in the Tax Credit Registry under R.S. 47:1524.

Tax Collections Versus Tax Exemptions

The largest fiscal losses due to tax exemptions stem from five major taxes: sales tax; income tax, which includes individual and corporation; severance taxes; petroleum products tax; and corporation franchise taxes. The bar graph on page 6 compares the revenue loss from these tax exemptions with the tax collections for FY 2014-2015. The comparison includes all state tax exemptions including exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements to provide a more complete picture of the total revenue loss associated with all tax exemptions.

Since exemptions listed under Tax Incentives and Exemption Contracts includes sales, income and corporation franchise exemptions, the revenue losses for these exemptions has been added to their corresponding tax for this comparison only.

In theory, the actual tax collections plus the tax exemption revenue losses should equal the total potential tax collections. The tax exemption revenue losses were divided by the total potential collections to arrive at the percentage of tax loss.

Top Tax Revenue Losses

Sales, individual income, and corporation income taxes are the taxes with the largest fiscal losses due to tax exemptions. Analyses of the various exemption categories for these taxes for FY 2014-2015 can be found on pages 8 through 10. An analysis of the largest exemptions across all tax types can be found on page 7.

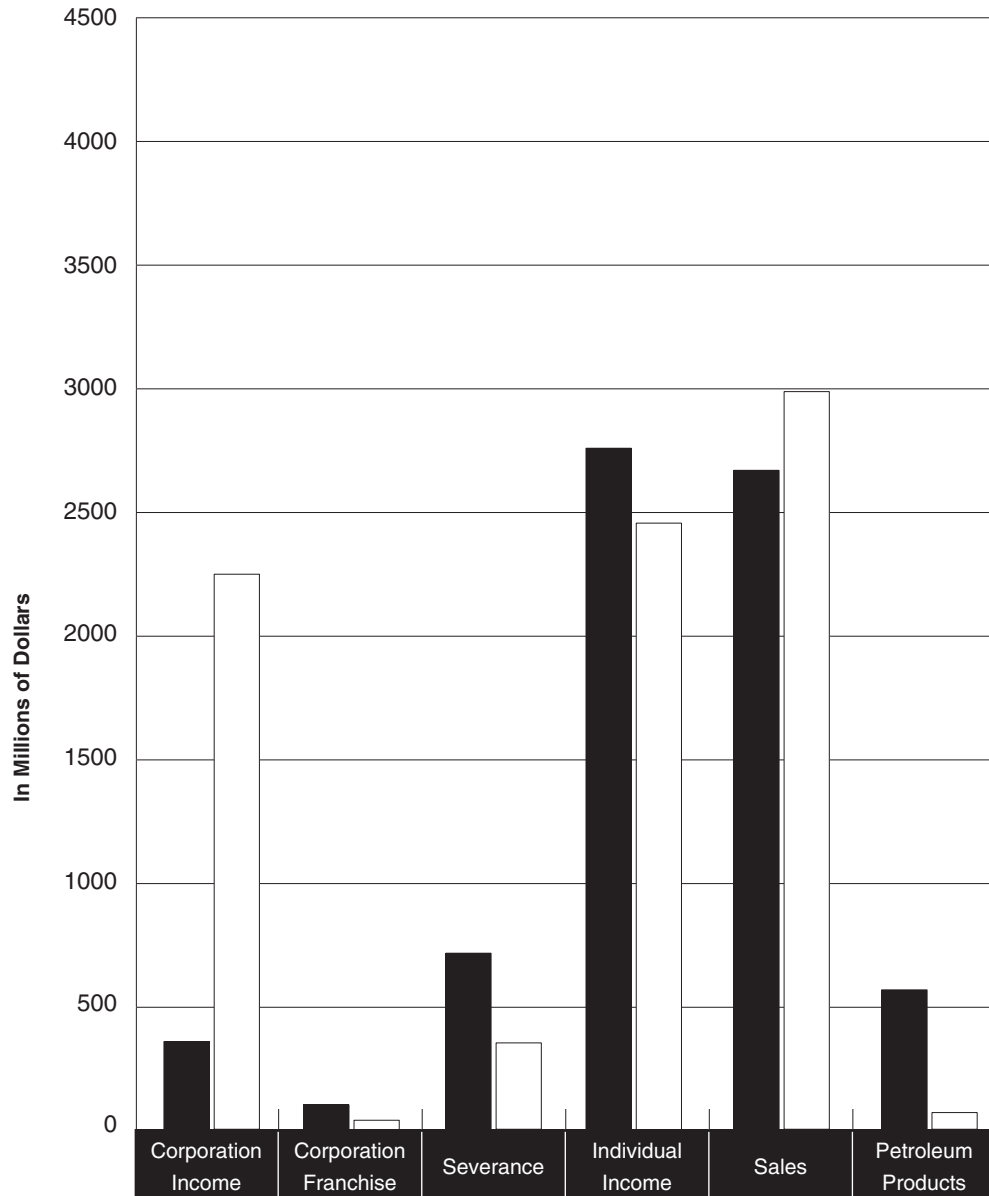
Comparison of Major Tax Exemptions



Comparisons of the major tax exemptions for the sales, individual income, and corporation income taxes with the exemptions allowed in southeastern states can be found on pages 11 through 14. In categorizing the major exemptions, statutory and constitutionally protected exemptions were considered.

Overview

Analysis of Tax Collections vs. Exemptions

{FY 2014-15}

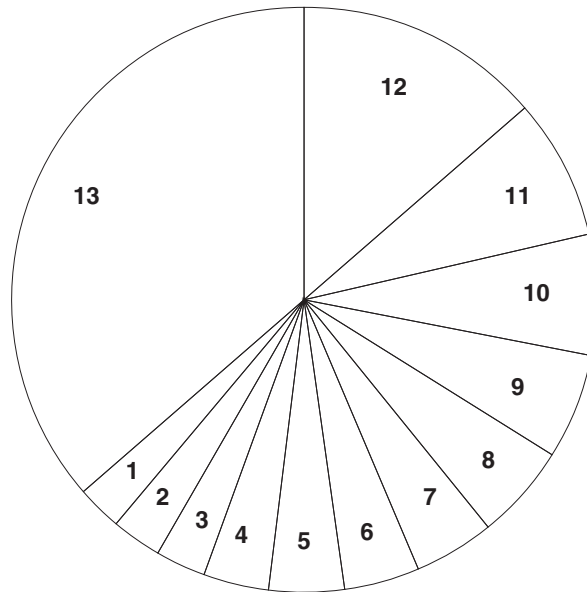


	Actual Collections	\$ 373	\$ 124	\$ 735	\$ 2,890	\$2,766	\$ 608	\$7,496
	Estimated Exemptions	\$ 2,292	\$ 27	\$ 379	\$ 2,428	\$ 2,928	\$ 106	\$8,160
	Total Potential Collections	\$ 2,665	\$ 151	\$ 1,114	\$ 5,318	\$ 5,694	\$ 714	\$15,656
	Percentage of Total Potential Collections	86.0%	17.9%	34.0%	45.7%	51.4%	14.8%	52.1%

* The revenue losses reported under tax incentive and exemption contracts has been included with their respective taxes of corporation income, sales, corporation franchise and individual income. The revenue losses for rebates under Tax Incentive are paid out of collections of income taxes and are thus included there.

Overview

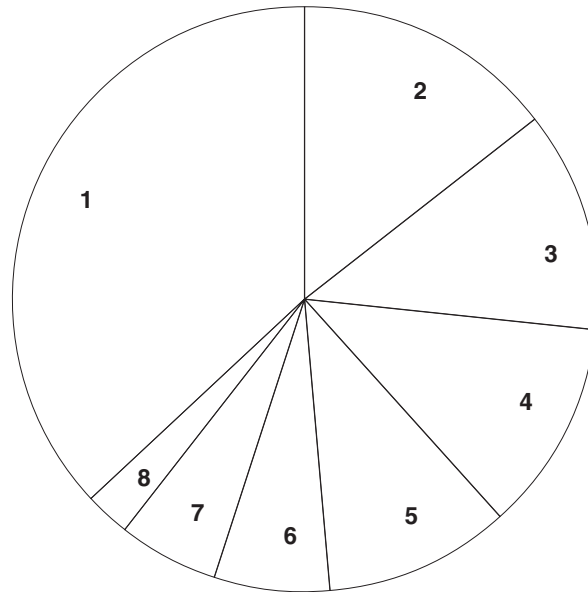
Top Tax Exemptions 2014-15 All Taxes Administered by the Department of Revenue



1	Federal Income Tax Deduction (Individual and Corporation Income Tax)	\$ 1,128,083,497
2	Subchapter S Corporation (Corporation Income Tax)	647,135,844
3	Inventory Tax/Ad Valorem Tax Credit (Individual and Corporation Income Tax)	551,659,608
4	Net Louisiana Operating Loss (Corporation Income Tax)	486,956,153
5	Sales of Food for Preparation and Consumption in the Home (Sales Tax)	428,176,734
6	Sales of Gasoline, Gasohol, and Diesel (Sales Tax)	359,362,211
7	Excess Federal Itemized Deductions (Individual Income Tax)	351,756,176
8	Sales of Electric Power or Energy-Nonresidential (Sales Tax)	336,618,617
9	Drugs Prescribed by Physicians or Dentists (Sales Tax)	300,820,341
10	Personal Exemption-Standard Deduction (Individual Income Tax)	249,119,418
11	Motion Picture Investor & Infrastructure Credit (Individual and Corporation Income Tax)	212,850,572
12	Horizontal Wells (Natural Resources Severance Tax)	208,633,029
13	All Other Exemptions (All Taxes)	2,996,917,951
Total Exemptions		\$ 8,258,090,151

Overview

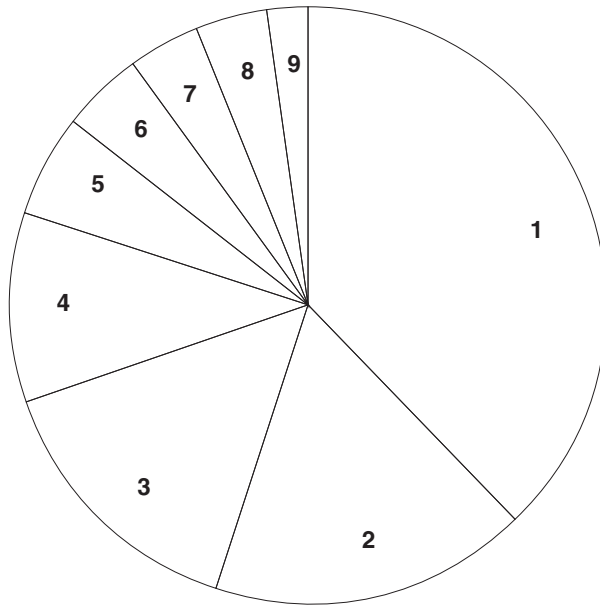
Top Tax Exemptions 2014-15 Sales Tax



1	Food for Preparation and Consumption in the Home	\$ 428,176,734	14.62%
2	Sales of Gasoline, Gasohol, and Diesel	359,362,211	12.27%
3	Sales of Electric Power or Energy-Nonresidential	336,618,617	11.50%
4	Drugs Prescribed by Physicians and Dentists	300,820,341	10.27%
5	Purchases by State and Local Governments	189,068,941	6.46%
6	Sales of Electric Power of Energy to the Consumer for Residential Use	161,183,715	5.50%
7	Purchases of Manufacturing Machinery and Equipment	75,073,201	2.56%
8	All Other Exemptions	\$ 1,077,842,933	36.81%
Total Exemptions		\$ 2,928,146,693	100.00%

Overview

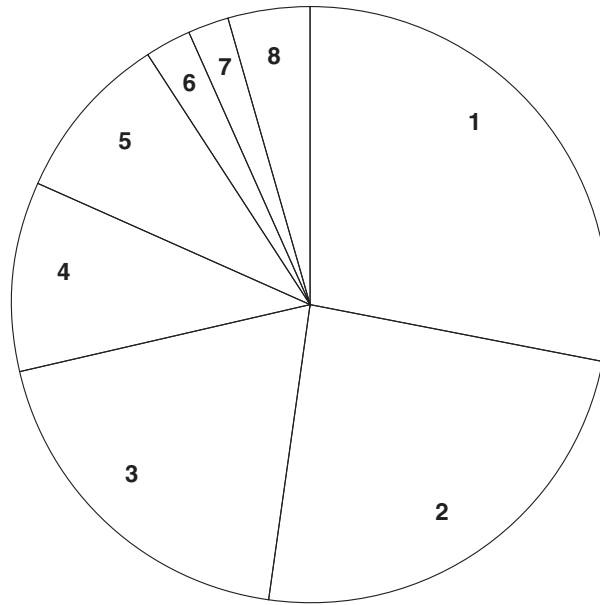
Top Tax Exemptions 2014-15 Individual Income Tax



1	Federal Income Tax Deduction	\$ 912,723,071	37.59%
2	All Other Exemptions	434,766,154	17.90%
3	Excess Federal Itemized Deductions	351,756,176	14.49%
4	Personal Exemption-Standard Deduction	249,119,418	10.26%
5	Motion Picture Investor Tax Credit	135,776,638	5.59%
6	Net Income Taxes Paid to Other States	108,739,220	4.48%
7	Social Security Benefits	93,384,829	3.85%
8	State Employees, Teachers, and Other Retirement Benefit Exclusion	90,155,669	3.71%
9	Deduction for Net Capital Gains	51,807,546	2.13%
Total Exemptions		\$ 2,428,228,721	100.00%

Overview

Top Tax Exemptions 2014-15 Corporation Income Tax



1	Subchapter S Corporation	\$ 647,135,844	28.24%
2	Inventory Tax/Ad Valorem Tax Credit	536,444,961	23.41%
3	Net Louisiana Operating Loss	486,956,153	21.25%
4	Federal income tax deduction	215,360,426	9.40%
5	Motion Picture Investor and Infrastructure Tax Credit	77,073,934	3.36%
6	Louisiana Quality Jobs Program	59,211,976	2.58%
7	Solar Energy System	42,492,467	1.85%
8	All Other Exemptions	227,157,927	9.91%
Total Exemptions		\$ 2,291,833,689	100.0%

Sales Tax

Comparison of Major Tax Exemptions with Southeastern States as of June 30, 2015

Louisiana	Alabama	Arkansas	Florida	Georgia	Kentucky	Mississippi	North Carolina	South Carolina	Tennessee	Texas	Virginia	West Virginia
EXEMPTION												
• Prescription Drugs, Certain Medical Equipment and Supplies												
Exempt when prescribed by doctor or paid for with Medicaid or Medicare funds.	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
• Food												
Exempt when for further preparation and consumption in the home	Taxable at 4%	Taxable at reduced rate of 1.5%	Exempt	Exempt	Exempt	Taxable at 7% ¹	No state sales tax; all counties charge a 2% local sales tax	Exempt	Taxable at 5%	Exempt	Taxable at 1.5%, for a combined state and local rate of 2.5%	Exempt
• Sales Tax Holiday												
3 day hurricane preparedness holiday, 2 day annual holiday for items less than \$2500, 3 day holiday for firearms, ammunition & hunting supplies	3 days for clothing, computers & school supplies. 3 day severe weather preparedness holiday	2 days for school supplies & clothing	None ²	2 days for clothing, computers & school supplies. 3 days for Energy Star Appliances	None	2 days for clothing & footwear. 3 day holiday for firearms, ammunition & hunting supplies	None	3 days for clothing, computers, printers, school supplies, software, various bath supplies & bed linens.	3 days for clothing, computers, & school supplies	3 days for clothing, & footwear. 3 days for Energy Star appliances	3 days for clothing, footwear & school supplies . 4 days for Energy Star appliances. 7 days for hurricane preparedness.	None
• Residential Electric Power or Energy												
Exempt	Taxable under utility tax, not sales tax	Taxable ³	Exempt	Taxable	Exempt	Exempt	Taxable	Exempt	Exempt	Exempt	Taxable under utility tax, not sales tax	Exempt
• Non-Residential Electric Power or Energy												
Exempt (Subject to 1% tax from July 1, 2015 to August 5, 2016)	Taxable under utility tax, not sales tax	Taxable ⁴	Taxable ⁵	Taxable ⁶	Taxable ⁷	Commercial usage taxed at 7%; industrial usage at 1.5%	Taxable ⁸	Taxable ⁹	Taxable; if used in manufacturing reduced to 1.5%	Taxable ¹⁰	Taxable under utility tax, not sales tax	Exempt
• Residential Natural Gas												
Exempt	Taxable under utility tax, not sales tax	Taxable	Exempt	Taxable	Exempt	Exempt	Taxable under excise tax, not sales tax	Exempt	Exempt	Exempt	Taxable ¹¹	Exempt

Louisiana	Alabama	Arkansas	Florida	Georgia	Kentucky	Mississippi	North Carolina	South Carolina	Tennessee	Texas	Virginia	West Virginia
EXEMPTION												
• Non-residential Natural Gas												
Exempt (Subject to 1% tax from July 1, 2015 to August 5, 2016)	Taxable under utility tax, not sales tax	Taxable ⁴	Taxable	Taxable ¹²	Taxable ⁸	Commercial usage taxed at 7%; industrial usage at 1.5%	Taxable under excise tax, not sales tax	Taxable ⁹	Taxable; if used in manufacturing reduced to 1.5%	Taxable ¹⁰	Taxable ¹¹	Exempt
• Vendor's Compensation												
.935% no maximum	5%-on first \$100; 2%-on remaining, \$400 max	2% prompt payment discount; \$1,000 per month max	2.5% on \$1,200 tax/max	3% on first \$3,000/tax; 0.5% over \$3,000	1.75% on \$1,000 tax; 1.5% on amounts over \$1,000 w/cap of \$1,500 per return	2% \$50 max per return; \$600 max per year	No	3% less than \$100/tax; 2% over; max \$3,000 per year; \$3,100 if return filed electronically ¹³	No	.5% for timely filed; 1.25% for prepayments	Varies ¹⁴	No
• Property Purchased for First Use Out of State or for Offshore Use												
Exempt	Taxable unless delivered; special exem. for offshore drilling equip.	Taxable	No Tax ¹⁵	Taxable ¹⁶	Taxable unless delivered	Exempt	Exempt	Taxable	Taxable	Exempt	Taxable ¹⁷	Taxable

Footnotes for Sales Tax

1. Unless purchased with food stamps or purchased with food instruments issued to the Mississippi Band of Choctaw Indians.
2. Florida does not have a permanent sales tax holiday, but the legislature often passes a sales tax holiday for the current year.
3. Sale of first 500 kwh of electricity per month exempt for residential customers with household income below \$12,000 per year.
4. Reduced to 0.625% for use in manufacturing process.
5. Non-residential utilities are taxed at 7% unless used in an industrial manufacturing process at a fixed location within the state.
6. Exempts the sale of electricity sold to farmers for use in a poultry or swine structure and for use for irrigation systems on row crops.
7. Industrial manufacturing capped at energy costs up to 3% of cost of production.
8. 2.83% if sold to commercial laundries & dry cleaners. Exempt if sold to manufacturing facility or for farming purposes.
9. Exempt when used in the manufacture of tangible personal property for sale, or used in the production of poultry, livestock, swine and milk.
10. Exempt for manufacturing, agricultural, timber, certain electrical processes, and certain uses related to jet turbine engines for certificated or licensed carriers, federal or foreign government, and electric utilities.
11. Natural gas delivered to customers through lines, mains, or pipes is exempt.
12. Georgia exempts the 4% tax on sales of natural gas sold to electricity manufacturers.
13. A maximum of \$10,000 when not required to register but collect the tax voluntarily.
14. 4% of the 3% tax if monthly taxable sales are \$62,500 or less; 3% of the 3% tax if taxable sales are \$62,501 to \$208,000; and 2% of the 3% tax if taxable sales are \$208,001 or more.
15. As long as possession is taken outside the state.
16. Exempts consumables and motor fuels placed in ships plying the high seas in interstate or foreign commerce.
17. Exemption for fuel and supplies for use or consumption aboard ships or vessels plying the high seas, in interstate or foreign commerce, when delivered directly to such ships or vessels.

Individual Income Tax

Comparison of Major Tax Exemptions with Southeastern States for the 2015 Tax Year

Louisiana	Alabama	Arkansas	Georgia	Kentucky	Mississippi	North Carolina	South Carolina	Virginia	West Virginia
EXEMPTION									
• Personal Exemption									
\$4,500 S/MS; \$9,000 MJ/HH This is a combined personal exemption/standard deduction	\$1,500/S \$3,000/MJ \$1,500/MS \$3,000/HH	Tax credit of \$23/S \$46/MJ \$23/MS \$46/HH	\$2,700 each taxpayer	Tax credit \$20 per taxpayer	\$6,000/S \$12,000/MJ \$6,000/MS \$8,000/HH	Based on Fed AGI & Filing Status \$2,500 or \$2,000	\$3,800 per taxpayer (SAF)	\$930 per taxpayer	\$2,000 per taxpayer ¹
• Standard Deduction									
Louisiana has a combined personal exemption/standard deduction - See figures above.	Based on AGI, maximums are: \$2,500 S \$7,500 MJ \$3,750 MS \$4,700 HH	\$4,000/MJ \$2,000 all others	\$2,300 S/HH \$1,500 MS \$3,000 MJ	\$2,290 per taxpayer, indexed annually	\$2,300/S \$4,600/MJ \$2,300/MS \$3,400/HH	\$3,000/S \$6,000/MJ \$3,000/MS \$4,400/HH	SAF \$5,950 S/MS \$11,900 MJ \$8,700 HH	\$3,000/S \$6,000/MJ \$3,000/MS	No
• Excess Federal Itemized Deduction									
100% of federal itemized deductions that exceed the federal standard deduction	(SAF) FICA deductible, medical limited to 4% instead of 7.5%	(SAF) Cannot deduct state tax	(SAF) Cannot deduct state tax for states other than Georgia	(SAF) Cannot deduct state tax ³	(SAF) Cannot deduct state tax, Mississippi Gaming losses	(SAF) Cannot deduct state tax	(SAF) Cannot deduct state tax	(SAF) Cannot deduct state tax	No
• Dependent Exemption-Deduction									
\$1,000 per dependent	AGI ≤ \$20,000 = \$1,000 AGI \$20,000 to \$100,000 = \$500 AGI > \$100,000 = \$300	\$23 tax credit per dependent	\$3,000 per dependent	\$20 tax credit per dependent	\$1,500 per dependent	\$100 tax credit per each federal child tax credit	(SAF) \$3,800 per dependent ⁴	\$930 per dependent	\$2,000 per dependent
• Annual Retirement Income Exclusion									
up to \$6,000 of private retirement income for age 65 or older	All defined benefit plans in accordance with IRC 414(j) are exempted in full	Up to \$6,000 exclusion for certain retirement plans	Up to \$65,000 for age 65 or older ⁵	Exclusion of up to \$41,110	Exempted in total	Up to \$2,000 for private retirement benefits	Deduction of \$3,000 until reaching age 65; \$10,000 at age 65 or older ⁶	Up to \$12,000 exclusion if over age of 65	\$8,000 exclusion for senior citizens (\$16,000 on joint returns).
• State Employees Retirement, Teachers and Other Public Employee Retirement Benefits Exclusions									
Yes, Louisiana public retirees only	Yes	No, see # 5 above	No, see # 5 above	Yes ⁷	Yes	Up to \$4,000 ⁸	Benefits for service in a state National Guard or Reserves is not taxable. See #5 above for others.	No, see # 5 above	Yes ⁹

SAF=Same As Federal

HH=Head of Household

MJ=Married Filing Joint

MS=Married Filing Separate

S=Single

AGI=Adjusted Gross Income

Louisiana	Alabama	Arkansas	Georgia	Kentucky	Mississippi	North Carolina	South Carolina	Virginia	West Virginia
EXEMPTION									
• Federal Retirement Benefits Exclusion									
Yes	Yes	No, see # 5 above	No, see # 5 above	Yes ⁷	Yes	Up to \$4,000 ⁸	No, see # 5 above	No, see # 5 above	\$2,000 ¹⁰
• Federal Income Tax Deduction									
Yes 100%	Yes 100%	No	No	No	No	No	No	No	No
• Military Pay Exclusion									
Income earned of up to \$30,000	No	\$9,000 exempt for U.S. military compensation	No	Yes	No	No	No	No	No ¹⁴
• School Expense Deduction for Elementary & Secondary School									
50% of expenses, limited to \$5,000; private school: actual expense, limited to \$5,000	No	No	No	No	No	No	No	No	No

[13]

Footnotes for Individual Income Tax
<i>Florida, Tennessee, and Texas do not have an individual income tax; Florida and Tennessee tax interest and dividend income from certain intangible assets.</i>
<ol style="list-style-type: none"> 1. Except for those that are claimed as a dependent on another taxpayer's return. The exemption for a taxpayer claimed as a dependent on another person's return is limited to \$500. 2. (SAF) Cannot deduct state tax, foreign income, or state or local sales tax. 3. Children under six years of age receive a double exemption. 4. Up to \$4,000 of earned income may be part of the exclusion amount. Up to \$35,000 exclusion for age 62-64 or totally disabled. 5. All persons age 65 or older are eligible for a \$15,000 deduction from any taxable income, but reduced by any retirement income exclusion. 6. State, local, and federal retirement income if retired after 12/31/97 is treated the same as private pension income (up to \$41,110 excludable). Exempted in total if retired before January 1, 1998. 7. The \$4,000 limit applies to NC state & local government employees and federal employees who didn't have 5 years of service as of 8/12/89. Any retired teacher or employee of another state may also be excluded up to \$4,000. 8. Complete exclusion for benefits received under any WV police, WV fireman's retirement system, WV State Police death, disability and retirement fund, WV deputy sheriff retirement system. \$2,000 exclusion for military and WV public employees and teachers retirement systems. 9. Military retirees are also entitled to an additional exclusion equal to the first \$20,000 of military retirement income included in federal AGI. 10. Military pay received by a member of the National Guard or Armed Forces Reserves called to duty is not taxed by West Virginia.

SAF=Same As Federal

HH=Head of Household

MJ=Married Filing Joint

MS=Married Filing Separate

S=Single

AGI=Adjusted Gross Income

Corporation Income Tax

Comparison of Major Tax Exemptions with Southeastern States for the 2015 Tax Year

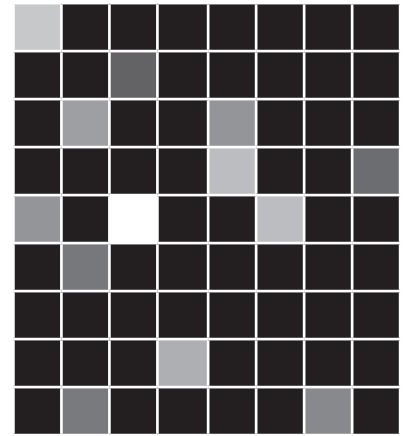
Louisiana	Alabama	Arkansas	Florida	Georgia	Kentucky	Mississippi	North Carolina	South Carolina	Tennessee	Texas	Virginia	West Virginia
EXEMPTION												
• Net Operating Loss Deduction												
Carryforward 20 years	Carryforward 15 years	Carryforward 5 years	Carryforward 20 (same carryforward as federal)	Carryforward 20 years; carryback 2 years	Carryforward 20 years	Carryforward 20 years; carryback 2 years	Carryforward 15 years ¹	Carryforward 20 (same carryforward as federal)	Carryforward 15 years	No, effective 1/1/08	NOL deduction allowed to extent included in federal taxable income	Carryforward 20 years; carryback 2 years
• Percentage Depletion for Oil and Gas Wells												
22% of gross income limited to 50% of net income from the property	12% of gross income from property ³ , limited to 50% of net income from property	Same as federal	Same as federal	Same as federal	Same as federal	Same as federal	Same as federal with limitation ⁴	Same as federal with limitation ⁵	Same as federal with limitation ⁶	Same as federal	Depletion deduction allowed to extent included in federal taxable income	Same as federal
• Federal Income Tax Deduction												
Yes 100%	Yes 100%	No	No	No	No	No	No	No	No	No	No	No

[14]

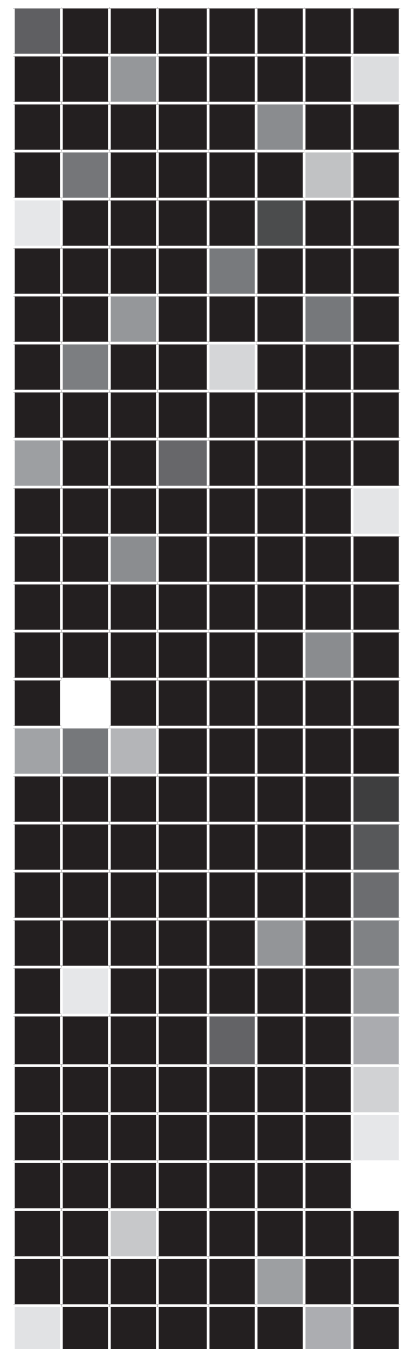
Footnotes for Corporation Income Tax

- For net economic loss only; no carryback.
- Carryback and carryforward provisions are the same as federal provisions. However, no more than \$300,000 of net operating loss from any tax year may be carried back to any previous taxable year.
- Gross Income excludes rents or royalties. Limit computed on net income without allowance for depletion. In no case shall allowance be less than federal. In case of leases, equitably apportioned between lessor or lessee. (40-18-16(b)(2))
- In computing North Carolina net income, corporations must subtract from federal depletion, the amount by which the percentage depletion allowance allowed exceeds the cost depletion allowance under the Internal Revenue Code.
- The amount allocated to South Carolina may not exceed 50% of the net income apportioned to South Carolina.
- Total deduction for all years is limited to the cost of the property.

Five-Year Estimated Revenue Loss



Part 3



Summary of All Taxes

Five-Year Revenue Loss

Tax Type (Listed in order of magnitude by FYE 6-15)	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
1. Sales Tax	\$ 2,663,450,562	\$ 2,974,363,343	\$ 2,909,545,379	\$ 2,878,256,000	\$ 3,025,106,000
2. Income Tax - <i>Individual</i>	1,927,519,994	2,064,705,691	2,257,942,289	2,317,263,000	2,140,955,000
3. Income Tax - <i>Corporation</i>	1,502,153,611	1,674,729,820	2,073,497,220	1,394,335,000	1,681,962,000
4. Tax Incentives and Exemption Contracts	322,907,917	454,079,951	415,393,807	328,855,000	360,377,000
5. Natural Resources - <i>Severance</i> ²	462,887,099	292,410,195	378,782,651	250,775,000	242,091,000
6. Petroleum Products Tax	73,337,375	79,089,759	105,589,928	105,674,000	110,913,000
7. Tobacco Tax	75,997,300	83,278,065	92,221,632	174,250,000	176,810,000
8. Corporation Franchise Tax	19,812,262	19,323,703	19,477,885	13,871,000	17,104,000
9. Public Utilities and Carriers Taxes ¹	3,196,000	2,962,000	2,831,000	2,900,000	2,900,000
10. Liquors - <i>Alcoholic Beverage Taxes</i>	2,776,055	2,644,020	2,780,460	2,677,000	2,743,000
11. Hazardous Waste Disposal Tax ¹	13,700	19,500	16,800	20,000	20,000
12. Telecommunications Tax ¹	16,800	15,600	11,100	12,000	12,000
13. Inheritance Tax	Negligible	***	***	***	***
14. Gift Tax	Negligible	***	***	***	***
Total Tax Revenue Loss²	\$ 7,054,068,675	\$ 7,647,621,647	\$ 8,258,090,151	\$ 7,468,888,000	\$ 7,760,993,000

Source: Louisiana Department of Revenue Tax Exemption Budget for FY 2015-2016
[http://revenue.louisiana.gov/Publications/TEB\(2015-2016\).pdf](http://revenue.louisiana.gov/Publications/TEB(2015-2016).pdf)

Footnotes for Summary of all Taxes

1. Included on the miscellaneous tax table.
2. The FYE 6-14 revenue loss has been revised in order to reflect the correct revenue loss.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Corporation Income Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions and Exclusions					
1. Credit Unions	NRR	NRR	NRR	NRR	NRR
2. Exemption for Certain Foreign Corporations	NRR	NRR	NRR	NRR	NRR
3. Electric Cooperatives	NRR	NRR	NRR	NRR	NRR
4. State Banking Corporations and Shareholders	NRR	NRR	NRR	NRR	NRR
5. Dividends from National Banking Corporations and State Banking Corporation	NRR	NRR	NRR	NRR	NRR
6. Interest on State or Local Government Obligations	NRR	NRR	NRR	NRR	NRR
7. Certain Exempt Entities	NRR	NRR	NRR	NRR	NRR
8. Louisiana Community Development Financial Institutions	NRR	NRR	NRR	NRR	NRR
9. Governmental Subsidies for Operating Public Transportation Systems	\$0	\$0	\$0	\$0	\$0
10. Subchapter S Corporation	\$477,482,318	\$524,423,811	\$647,135,844	\$620,205,000	\$652,694,000
Deductions					
11. Percentage Depletion	No data	No data	No data	Unable to anticipate	Unable to anticipate
12. Net Louisiana Operating Loss	\$318,106,502	\$358,682,227	\$486,956,153	\$335,267,000	\$384,703,000
13. Deduction for I.R.C. Section 280C Expense	No data	No data	No data	Unable to anticipate	Unable to anticipate
14. Deduction for Interest Income and Dividend Income	No data	No data	No data	Unable to anticipate	Unable to anticipate
15. Deduction for Hurricane Recovery Entity Benefits	No data	No data	No data	Unable to anticipate	Unable to anticipate
Credits					
16. Insurance Company Premium Tax	\$23,602,003	\$25,503,898	\$41,492,489	\$34,706,000	\$39,269,000
17. Bone Marrow Donor Expense	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
18. Employment of Certain First-time Nonviolent Offenders	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
19. Donations to Assist Qualified Playgrounds	\$0	\$0	Negligible	Negligible	Negligible
20. Contribution of Tangible Property of a Sophisticated and Technological Nature to Educational Institutions	Negligible	Negligible	\$0	Unable to anticipate	Unable to anticipate
21. Employee and Dependent Health Insurance Coverage Credit	\$0	\$0	***	***	***
22. Donations to Public Elementary or Secondary Schools	Negligible	\$0	\$0	Unable to anticipate	Unable to anticipate
23. Debt Issuance Costs	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
24. Donations of Property to Certain Offices and Agencies	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
25. Donations of Materials, Equipment, or Instructors Made to Certain Training Providers	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Credits Continued					
26. Vehicle Alternative Fuel Usage	\$0	Negligible	***	***	***
27. Employment of the Previously Unemployed	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
28. Purchase of a Qualified Recycling Equipment	\$3,895,969	\$2,813,232	\$0	Unable to anticipate	Unable to anticipate
29. Louisiana Basic Skills Training	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
30. Apprenticeship Tax Credit	\$159,174	\$284,733	\$591,998	\$604,000	\$616,000
31. Cash Donations to Dedicated Research Investment Fund	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
32. New Jobs	\$295,681	\$579,651	\$658,424	\$371,000	\$436,000
33. Certain refunds issued by utilities	\$26,998	\$0	Negligible	Negligible	Negligible
34. Hiring Eligible Re-entrants	\$0	\$0	Negligible	Negligible	Negligible
35. Neighborhood Assistance	\$12,525	\$0	\$0	Unable to anticipate	Unable to anticipate
36. Rehabilitation of Historic Structures	\$7,837,164	\$10,488,948	\$12,538,729	\$8,745,000	\$10,987,000
37. Louisiana Community Development Financial Institutions Act	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
38. Low-income Housing	\$0	\$0	\$0	\$0	\$0
39. Inventory Tax/Ad Valorem Tax Credit ¹	\$407,849,402	\$441,097,424	\$536,444,961	\$166,894,000	\$322,288,000
40. Ad Valorem Tax on Natural Gas ¹	\$3,652,547	\$4,197,767	\$7,010,473	\$2,108,000	\$2,968,000
41. Ad Valorem Tax on Offshore Vessels ¹	\$28,475,503	\$30,616,933	\$41,568,432	\$18,407,000	\$31,000,000
42. Ad Valorem Tax Paid by Certain Telephone Companies ¹	\$24,097,188	\$22,643,842	\$26,216,232	\$14,803,000	\$21,179,000
43. Purchases from Prison Industry Enhancement Contractors ¹	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
44. LA Citizens Property Insurance Corporation Assessment ²	\$5,336,399	\$4,403,484	\$4,845,947	\$2,716,000	\$3,199,000
45. Sugarcane Transport Credit ¹	\$5,237,193	\$2,663,562	\$682,955	***	***
46. Solar Energy System	\$14,895,799	\$31,708,798	\$42,492,467	See note 3	See note 3
47. Milk Producers ¹	\$295,000	\$250,702	\$147,500	\$108,000	\$110,000
48. Conversion of Vehicles to Alternative Fuel	\$2,820,589	\$3,262,105	\$6,278,866	\$4,611,000	\$4,702,000
49. School Readiness Child Care Provider Credit ¹	\$3,094,412	\$2,329,756	\$2,435,761	\$2,484,000	\$2,533,000

[19]

Footnotes for Corporation Income Tax
1. The estimated revenue loss for these credits includes the total revenue loss for corporation income and franchise taxes.
2. The estimated revenue loss includes credits claimed on a stand alone form for taxpayers not required to file a corporation income tax return.
3. The estimated revenue loss for the Solar credit is included in the total revenue loss for individual income tax.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Corporation Income Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Credits Continued					
50. School Readiness Business Supported Child Care Credit ¹	\$257,595	\$264,130	\$341,917	\$349,000	\$356,000
51. School Readiness Fees and Grants to Resource & Referral Agencies Credit ¹	\$172,400	\$237,578	\$236,671	\$241,000	\$246,000
Rebates					
52. Donations to School Tuition Organization	***	\$0	\$60,975	\$100,000	\$100,000
Other Exemptions	\$90,184	\$8,214,481	\$0	Unable to anticipate	Unable to anticipate
Total State Revenue Loss	\$1,327,692,545	\$1,474,667,062	\$1,858,136,794	\$1,212,727,000	\$1,477,386,000
Exemption Required by the State Constitution					
53. Federal Income Tax Deduction	\$174,461,066	\$200,062,758	\$215,360,426	\$181,616,000	\$204,576,000
Total Corporation Income Tax Revenue Loss	\$1,502,153,611	\$1,674,729,820	\$2,073,497,220	\$1,394,335,000	\$1,681,962,000

[20]

Footnotes for Corporation Income Tax

1. The estimated revenue loss for these credits includes the total revenue loss for corporation income and franchise taxes.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions/Exclusions					
1. Interest on State and Local Obligations	NRR	NRR	NRR	NRR	NRR
2. Exemption for Estate or Trust	NRR	NRR	NRR	NRR	NRR
3. Annual Retirement Income Exclusion	\$20,295,707	\$21,891,621	\$23,457,992	\$23,927,000	\$24,396,000
4. Disability Income Exclusion ¹	\$6,429,627	\$4,727,540	\$5,536,028	\$5,647,000	\$5,757,000
5. State Employees, Teachers, and Other Retirement Benefit Exclusion	\$77,896,926	\$85,699,930	\$90,155,669	\$91,959,000	\$93,762,000
6. Federal Retirement Benefits Exclusion	\$28,516,374	\$29,703,670	\$30,727,003	\$31,342,000	\$31,956,000
7. Social Security Benefits	\$78,174,450	\$86,235,211	\$93,384,829	\$98,054,000	\$102,723,000
8. Military Pay Exclusion	\$5,404,525	\$5,850,719	\$5,965,763	\$6,085,000	\$6,204,000
9. S Bank Income Exclusion	See number 4	See number 4	See number 4	See number 4	See number 4
Deductions					
10. Deduction for Adaptive Home Improvements for Disabled Individuals	See number 4	See number 4	See number 4	See number 4	See number 4
11. Dependent Exemption/Deduction	\$30,796,945	\$31,103,020	\$31,188,966	\$30,550,000	\$31,793,000
12. Deduction for Construction Code Retrofitting	Negligible	Negligible	Negligible	Negligible	Negligible
13. Excess Federal Itemized Deductions	\$344,150,831	\$345,814,068	\$351,756,176	\$325,762,000	\$348,988,000
14. Deduction for Hurricane Recovery Entity Benefits	\$66,671	Negligible	Negligible	Negligible	Negligible
15. Deduction for Recreation Volunteer	\$19,055	\$19,341	\$20,096	\$20,000	\$21,000
16. Deduction for Volunteer Firefighter	\$57,771	\$60,231	\$60,802	\$62,000	\$63,000
17. Deduction for START Savings Program Contribution	\$1,816,416	\$2,001,692	\$2,185,563	\$2,229,000	\$2,273,000
18. Deduction for I.R.C. Section 280C Expense	\$1,031,309	\$534,860	\$501,994	\$512,000	\$522,000
19. Deduction for Teachers	Negligible	Negligible	Negligible	***	***
20. Deduction for Net Capital Gains	\$34,240,997	\$44,745,527	\$51,807,546	\$52,844,000	\$53,880,000
21. Personal Exemption-Standard Deduction ²	\$245,196,119	\$247,790,109	\$249,119,418	\$243,838,000	\$253,851,000
22. Deduction for Military Family Assistance Fund	See number 4	See number 4	See number 4	See number 4	See number 4

Footnotes for Individual Income Tax
1. This includes the revenue loss and projected loss for disability income exclusion, S Bank income exclusion, deduction for military family assistance fund, and deduction for adaptive home improvements for disable individuals.
2. The fiscal effect assumes no restrictions on eliminating this deduction. Assuming that to reduce this deduction below the levels in effect January 1, 1974, would require a constitutional amendment, 58 percent of the fiscal effect should be considered protected.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

[21]

Individual Income Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Deductions <i>Continued</i>					
23. Elementary & Secondary School Tuition Deduction	\$20,659,171	\$21,666,875	\$21,736,863	\$22,172,000	\$22,606,000
24. Educational Expenses for Home-Schooled Children Deduction	\$185,616	\$213,170	\$231,219	\$236,000	\$240,000
25. Deduction for Fees and Other Educational Expenses for a Quality Public Education	\$2,311,533	\$2,609,054	\$2,877,435	\$2,935,000	\$2,993,000
26. Deduction for Employment of Qualified Disabled Individuals	***	***	***	Unable to anticipate	Unable to anticipate
Credits					
27. Net Income Taxes Paid to Other States	\$71,427,762	\$86,173,191	\$108,739,220	\$45,789,000	\$60,264,000
28. Contribution of Tangible Property of a Sophisticated and Technological Nature to Educational Institutions	\$819,714	\$980,618	\$1,423,426	\$855,000	\$969,000
29. Certain Disabilities	\$2,810,513	\$2,910,425	\$2,861,300	\$2,026,000	\$2,104,000
30. Special Allowable Credits	\$944,615	\$1,196,601	\$1,191,811	\$814,000	\$861,000
31. Education Credit	\$16,370,759	\$17,005,799	\$16,619,051	\$10,083,000	\$10,501,000
32. Certain Child Care Expenses	\$18,357,799	\$18,638,764	\$17,777,817	\$17,809,000	\$18,323,000
33. Gasoline & Special Fuels Taxes for Commercial Fisherman	\$23,374	\$25,066	\$10,043	Negligible	Negligible
34. Family Responsibility	\$49,874	\$0	Negligible	Negligible	Negligible
35. Small Town Doctor/Dentist	\$1,098,387	\$907,732	\$878,947	\$578,000	\$624,000
36. Bone Marrow Donor Expense	Negligible	Negligible	Negligible	Negligible	Negligible
37. Educational Expense Incurred for a Degree Related to Law Enforcement	\$105,668	\$76,412	\$77,584	\$51,000	\$55,000
38. Employment of Certain First Time Drug Offenders	Negligible	Negligible	Negligible	Negligible	Negligible
39. Purchase of Bulletproof Vest	\$15,253	\$16,432	\$14,886	\$10,000	\$11,000
40. Employment of Certain First-time Nonviolent Offenders	\$12,572	\$22,356	Negligible	Negligible	Negligible
41. Accessible and barrier-free constructed home	\$37,336	\$40,972	\$46,866	\$31,000	\$34,000
42. Donations to Assist Qualified Playgrounds	\$38,158	\$39,859	\$38,913	\$28,000	\$29,000
43. Debt Issuance Costs	\$28,567	Negligible	Negligible	Negligible	Negligible
44. Donations of Property to Certain Offices and Agencies	\$0	\$0	\$0	***	***
45. Donations of Materials, Equipment, or Instructors made to Certain Training Providers	\$192,815	\$214,630	\$48,951	\$32,000	\$35,000
46. Long-term Insurance Premiums	***	***	***	***	***

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Credits Continued					
47. Living Organ Donation	\$11,736	\$22,845	\$18,730	\$14,000	\$14,000
48. Employment-related Expenses for Maintaining Households for Certain Disabled Dependents	\$293,760	\$378,445	\$361,246	\$352,000	\$368,000
49. Vehicle Alternative Fuel Usage	Negligible	***	***	***	***
50. Employment of the Previously Unemployed	\$83,185	Negligible	\$0	Unable to anticipate	Unable to anticipate
51. Purchase of a Qualified Recycling Equipment	\$78,946	\$29,043	\$20,814	\$15,000	\$16,000
52. Louisiana Basic Skills Training	\$18,402	\$38,346	\$23,492	\$17,000	\$18,000
53. Apprenticeship Tax Credit	\$387,739	\$291,481	\$349,017	\$277,000	\$323,000
54. Cash Donations to Dedicated Research Investment Fund	Negligible	\$0	\$0	Unable to anticipate	Unable to anticipate
55. Rehabilitation of Historic Structures	\$27,357,792	\$26,483,523	\$38,349,896	\$33,920,000	\$37,234,000
56. Louisiana Community Development Financial Institutions Act	\$173,022	\$137,126	\$148,998	\$97,000	\$105,000
57. Low-income Housing	\$0	\$0	\$0	\$0	\$0
58. Rehabilitation of an Owner Occupied Residential or Mixed-use property	\$303,818	\$275,457	\$381,497	\$187,000	\$238,000
59. Property Insurance	\$114,158	\$34,939	Negligible	***	***
60. Earned Income Tax Credit	\$46,170,871	\$47,849,187	\$47,514,338	\$47,573,000	\$48,961,000
61. Amounts Paid by Certain Military Service members for Obtaining Louisiana Hunting and Fishing Licenses	\$123,362	\$131,204	\$144,742	\$104,000	\$107,000
62. Inventory Tax/Ad valorem tax ²	\$11,778,396	\$11,620,610	\$15,214,647	\$11,174,000	\$13,561,000
63. Ad Valorem Tax on Natural Gas ²	\$49,052	\$62,225	\$49,301	\$45,000	\$45,000
64. Ad Valorem Tax Credit for Offshore Vessels ²	\$12,982,073	\$14,602,861	\$34,961,064	\$3,173,000	\$19,798,000
65. Ad Valorem Tax Paid by Certain Telephone Companies	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
66. Purchases from Prison Industry Enhancement Contractors	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
67. LA Citizens Property Insurance Corporation Assessment ¹	\$40,537,244	\$41,271,204	\$40,621,943	\$27,441,000	\$29,198,000
68. Sugarcane Transport credit	\$496,500	\$80,869	\$0	***	***
69. Solar Energy System ³	\$24,108,243	\$31,732,317	\$38,185,283	\$20,000,000	\$20,000,000

Footnotes for Individual Income Tax
1. The estimated revenue loss includes credits claimed on a stand alone form for taxpayers not required to file an individual income tax return.
2. The revenue loss for FYE 6/13 has been revised to reflect the correct amount for #62 and #63 and FYE 6/14 for #62, #63 and #64.
3. The estimated revenue loss for this credit includes the total revenue loss for corporation income and individual income taxes.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Individual Income Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Credits Continued					
70. Milk Producers	\$1,515,000	\$1,305,000	\$1,011,250	\$666,000	\$718,000
71. Conversion of Vehicles to Alternative Fuel	\$643,466	\$885,900	\$866,244	\$373,000	\$514,000
72. School Readiness Child Care	\$2,932,668	\$3,172,427	\$3,247,136	\$3,246,000	\$3,343,000
73. School Readiness Child Care Provider	\$2,412,408	\$2,332,800	\$2,269,555	\$2,029,000	\$2,215,000
74. School Readiness Child Care Directors and Staff	\$7,093,663	\$8,114,353	\$8,198,222	\$7,894,000	\$8,288,000
75. School Readiness Business Supported Child Care credit	\$164,045	\$360,712	\$215,711	\$163,000	\$195,000
76. School Readiness Fees & Grants to Resource & Referral Agencies	\$296,384	\$359,214	\$772,070	\$661,000	\$738,000
77. Student Assessment for a Valuable Education (SAVE) ¹	***	***	***	\$350,000,000	Unable to anticipate
Rebates					
78. Donations to School Tuition Organization	***	\$0	\$0	Unable to anticipate	Unable to anticipate
Other Exemptions	Negligible	Negligible	\$0	Unable to anticipate	Unable to anticipate
Total State Revenue Loss	\$1,189,709,142	\$1,250,487,583	\$1,343,367,373	\$1,525,701,000	\$1,261,835,000
Exemptions Required by the State Constitution, Federal Law or US Constitution					
79. Federal income tax deduction	\$735,538,062	\$812,240,240	\$912,723,071	\$789,673,000	\$877,194,000
80. Interest on US obligations	\$2,062,109	\$1,794,303	\$1,665,914	\$1,699,000	\$1,733,000
81. Native American Income	\$210,681	\$183,565	\$185,931	\$190,000	\$193,000
Total Individual Income Tax Revenue Loss	\$1,927,519,994	\$2,064,705,691	\$2,257,942,289	\$2,317,263,000	\$2,140,955,000

[24]

Footnotes for Sales Tax

1. The estimated revenue loss for this credit includes the total revenue loss for individual income, sales, gasoline and special fuels taxes.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exclusions					
1. Purchases by pari-mutuels racetracks	###	###	###	###	###
2. Purchases by off-track wagering facilities	###	###	###	###	###
3. Purchases, Services and Rentals for Construction of Sewerage or Waste Water Treatment Facility	###	###	###	###	###
4. Isolated or Occasional Sales of Tangible Personal Property	###	###	###	###	###
5. Installation Charges on Tangible Personal Property	###	###	###	###	###
6. Installation of Board Roads to Oil-Field Operators	###	###	###	###	###
7. Manufacturers Rebates on New Motor Vehicles	\$17,041,643	\$18,234,529	\$16,172,513	\$16,496,000	\$16,826,000
8. Manufacturers Rebates Paid Directly to a Dealer	###	###	###	###	###
9. Purchases of Consumables by Paper and Wood Manufacturers and Loggers ¹	\$1,578,426	See Number 11	See Number 11	See Number 11	See Number 11
10. Leases or Rentals of Railroad Rolling Stock and Leases or Rentals by Railway Companies and Railroad Corporations	###	###	###	###	###
11. Purchases of Manufacturing Machinery and Equipment ²	\$60,436,437	\$74,324,589	\$75,073,201	\$76,575,000	\$78,106,000
12. Purchases of Certain Machinery and Equipment used to Produce a News Publication	See number 11	See number 11	See number 11	See number 11	See number 11
13. Purchases of Electric Power and Natural Gas by Paper or Wood Products Manufacturing Facilities	See number 99	See number 99	See number 99	###	See number 99
14. Room Rentals at Camp and Retreat Facilities	###	###	###	###	###
15. Room Rentals at Certain Homeless Shelters	\$0	\$0	\$0	\$0	\$0
16. Rentals or Leases of Certain Oil-Field Property to be Released or Rerented	###	###	###	###	###
17. Certain Transactions Involving the Construction or Overhaul of U.S. Navy Vessels	###	###	###	###	###
18. Rental or Purchase of Airplanes or Airplane Equipment and Parts by Louisiana Domiciled Commuter Airlines	###	###	###	###	###
19. Purchases and Leases by Free Hospitals	###	###	###	###	###
20. Certain Educational Materials and Equipment used for Classroom Instruction	###	###	###	###	###

Footnotes for Sales Tax
Included in the row labeled other exemptions.
1. The line on the sales tax return for purchases of consumables by paper and wood manufacturers and loggers was removed from the sales tax return effective July 1, 2013 because the exemption became fully phased-in.
2. The amount reported as purchases of manufacturing machinery and equipment for FYE 6-14 was revised to include the amount previously reported under number 9, purchases of consumables by paper and wood manufacturers and loggers.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Sales Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exclusions <i>Continued</i>					
21. Sales and Rentals to Boys State of La., Inc. and Girls State of La., Inc.	###	###	###	###	###
22. Vehicle Rentals for Rerent to Warranty Customers	###	###	###	###	###
23. Property used in the Manufacture, Production, or Extraction of Unblended Diesel	See number 11	See number 11	See number 11	See number 11	See number 11
24. Leases or Rentals of Pallets used in Packaging Products Produced by a Manufacturer	###	###	###	###	###
25. Purchases by Regionally Accredited Independent Educational Institutions	###	###	###	###	###
26. Purchases by State and Local Governments ¹	\$210,532,149	\$195,649,046	\$189,068,941	\$192,850,000	\$196,707,000
27. Purchases of Certain Bibles, Song Books, or Literature by Certain Churches or Synagogues for Religious Instructional Classes ²	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
28. Purchases by the Society of the Little Sisters of the Poor ²	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
29. Purchases by Nonprofit Entities that Sell Donated Goods	###	###	###	###	###
30. Purchases of Tangible Personal Property for Lease or Rental	\$11,536,271	\$8,542,578	\$12,012,051	\$12,252,000	\$12,497,000
31. Sales through coin-operated vending machines	NRR	NRR	NRR	NRR	NRR
32. Natural gas used in the production of iron	See number 99	See number 99	See number 99	###	See number 99
33. Electricity for chlor-alkali manufacturing process	See number 99	See number 99	See number 99	###	See number 99
34. Sales of human-tissue transplants	###	###	###	###	###
35. Sales of raw agricultural products	###	###	###	###	###
36. Sales to the United States Government and its agencies	See number 26	See number 26	See number 26	See number 26	See number 26
37. Sales of food items by youth organizations	###	###	###	###	###
38. Purchases of school buses by independent operators	NRR	NRR	NRR	NRR	NRR
39. Tangible personal property sold to food banks	###	###	###	###	###
40. Pollution control devices and systems	###	###	###	###	###

Footnotes for Sales Tax

1. These amounts include the total revenue loss for purchases by state and local government and sales to the U.S. government (see #36).
 2. See Revenue Information Bulletin No. 06-022 issued May 5, 2006.
- ### Included in the row labeled other exemptions.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exclusions <i>Continued</i>					
41. Certain aircraft assembled in Louisiana	###	###	###	###	###
42. Pelletized paper waste used in a permitted boiler	###	###	###	###	###
43. Purchases of equipment by bona fide volunteer and public fire department	###	###	###	###	###
44. Sales of telephone directories by advertising companies	###	###	###	###	###
45. Sales of cellular telephones and electronic accessories	###	###	###	###	###
46. Purchases of fuel or gas by residential consumers	See number 189	See number 189	See number 189	See number 189	See number 189
47. Alternate substance used as a fuel	###	###	###	***	***
48. Donation of toys	###	###	###	###	###
49. Natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities	See number 99	See Number 99	See number 99	###	See Number 99
50. Purchases by a private postsecondary academic degree-granting institution	###	###	###	###	###
51. Purchases of food items for school lunch or breakfast programs by nonpublic elementary or secondary schools	###	###	###	###	###
52. Purchases of storm shutter devices	###	###	###	###	###
53. Sales of Tangible Personal Property by the Louisiana Military Department	###	###	###	###	###
54. Sales of Anthropogenic Carbon Dioxide use in Qualified Tertiary Recovery Projects	###	###	###	###	###
55. Qualifying events providing Louisiana heritage, culture, crafts, art, food and music sponsored by a domestic nonprofit organization	###	###	###	###	###
56. Articles traded in on tangible personal property	###	###	###	###	###
57. First \$50,000 of new farm equipment used in poultry production	See number 11	See number 11	See number 11	See number 11	See number 11
58. Specialty Mardi Gras items sold by certain organizations	###	###	###	###	###
59. Admissions to athletic or entertainment events by educational institutions and membership dues of certain nonprofit, civic organizations	###	###	###	###	###
60. Admissions to museums	###	###	###	###	###
61. Admissions to places of amusement at camp or retreat facilities	###	###	###	###	###

[27]

Footnotes for Sales Tax
Included in the row labeled other exemptions.

*** = Not in effect

NR = No Reporting Requirement

Negligible = less than \$10,000

Sales Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exclusions <i>Continued</i>					
62. Repair services performed in Louisiana when the repaired property is exported	###	###	###	###	###
63. Repairs, renovations or conversions of drilling rigs	###	###	###	###	###
64. Interstate telecommunication services purchased by defined call centers	###	###	###	###	###
65. Telecommunication services through coin-operated telephones	###	###	###	###	###
66. Miscellaneous telecommunication services	###	###	###	###	###
67. Gold, silver, or numistic coins, or platinum, gold, or silver bullion	###	###	###	###	###
68. Certain geophysical survey information and data analyses	\$0	\$0	\$0	\$0	\$0
69. Work products of certain professionals	\$0	\$0	\$0	\$0	\$0
70. Pharmaceuticals administered to livestock for agricultural purposes	###	###	###	###	###
71. Used manufactured homes and 54 percent of cost of new manufactured homes	\$6,800,602	\$7,036,776	\$7,544,868	\$7,696,000	\$7,849,000
72. Purchases of certain custom computer software	###	###	###	###	###
73. Materials used directly in the collection of blood	###	###	###	###	###
74. Apheresis kits and leuko reduction filters	###	###	###	###	###
75. Other constructions permanently attached to the ground	###	###	###	###	###
76. Purchases by motor vehicle manufacturers	See number 11	See number 11	See number 11	See number 11	See number 11
77. Purchases by Glass Manufacturers	See number 11	See number 11	See number 11	See number 11	See number 11
78. Purchases of machinery and equipment by owners of certain radio stations	See number 11	See number 11	See number 11	See number 11	See number 11
79. Purchases of machinery and equipment by certain utilities	See number 11	See number 11	See number 11	See number 11	See number 11
80. Sales of Newspapers	###	###	###	###	###
81. Donations to certain schools and food banks from resale inventory	###	###	###	###	###
82. Use tax on residue or by-products consumed by the producer	###	###	###	###	###
83. Advertising services	\$0	\$0	\$0	\$0	\$0

[28]

Footnotes for Sales Tax

Included in the row labeled other exemptions.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions Continued					
84. Purchases by nonprofit electric cooperatives	+++	+++	+++	+++	+++
85. Purchases by a public trust	\$0	\$0	\$0	\$0	\$0
86. Sales by state-owned domed stadiums	###	###	###	###	###
87. Sales by certain publicly-owned facilities	###	###	###	###	###
88. Boats, Vessels, and Other Water Craft as Demonstrators	###	###	###	###	###
89. Purchases of off-road vehicles by certain buyers domiciled in another state	###	###	###	###	###
90. Sales of farm products direct from the farm	###	###	###	###	###
91. Racehorses claimed at races in Louisiana	###	###	###	###	###
92. Feed and feed additives for animals held for business purposes	+++	+++	+++	+++	+++
93. Materials used in the production or harvesting of crawfish	+++	+++	+++	+++	+++
94. Materials used in the production or harvesting of catfish	+++	+++	+++	+++	+++
95. Farm products produced and used by the farmers	###	###	###	###	###
96. Sales of gasoline (not subject to motor fuels tax)	+++	+++	+++	+++	+++
97. Sales of steam - Nonresidential	See number 98	See number 98	See number 98	See number 98	See number 98
98. Sales of water - Nonresidential	\$6,490,913	\$8,558,600	\$6,653,905	\$5,090,000	\$6,923,000
99. Sales of electric power or energy - Nonresidential	\$319,187,558	\$403,401,490	\$336,618,617	\$257,513,000	\$350,218,000
100. Sales of fertilizers and containers to farmers	###	###	###	###	###
101. Sales of natural gas - Nonresidential	See number 99	See number 99	See number 99	See number 99	See number 99
102. Materials and energy sources used for boiler fuel	+++	+++	+++	+++	+++
103. Trucks, automobiles, and new aircraft removed from inventory for use as demonstrators	No data	No data	No data	Unable to anticipate	Unable to anticipate
104. Adaptive driving equipment and motor vehicle modification	+++	+++	+++	+++	+++
105. Sales of food by certain institutions	###	###	###	###	###

Footnotes for Sales Tax
Included in the row labeled other exemptions.
+++ Included in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions Continued					
106. Fees paid by radio and television broadcasters for the rights to broadcast film, video, and tapes	+++	+++	+++	+++	+++
107. Repairs and materials used on drilling rigs and equipment	###	###	###	###	###
108. Sales of 50-ton vessels and new component parts and sales of certain materials and services to vessels operating in interstate commerce	###	###	###	###	###
109. Sales of seeds for planting crops	###	###	###	###	###
110. Sales of admission tickets by Little Theater organizations	+++	+++	+++	+++	+++
111. Tickets to musical performances by nonprofit musical organizations	+++	+++	+++	+++	+++
112. Sales of pesticides for agricultural purposes	###	###	###	###	###
113. Rentals of motion-picture film to commercial theaters	+++	+++	+++	+++	+++
114. Property purchased for exclusive use outside the state	###	###	###	###	###
115. Additional tax levy on contracts entered into prior to and within 90 days of tax levy	\$0	\$0	\$0	Unable to anticipate	\$0
116. Admissions to entertainment by domestic nonprofit charitable, educational, and religious organizations	+++	+++	+++	+++	+++
117. Sales of tangible personal property at or admissions to events sponsored by certain nonprofit groups	###	###	###	###	###
118. Sales by thrift shops on military installations	###	###	###	###	###
119. Sales of newspapers by religious organizations	###	###	###	###	###
120. Sales to nonprofit literacy organizations	###	###	###	###	###
121. Sales or purchases by blind persons operating small businesses	###	###	###	###	###
122. Purchases by certain organizations that promote training for the blind	###	###	###	###	###
123. Cable television installation and repair services	\$0	\$0	\$0	\$0	\$0
124. Receipts from coin-operated washing and drying machines in commercial laundromats	NRR	NRR	NRR	NRR	NRR
125. Outside gate admissions and parking fees at fairs, festivals, and expositions sponsored by nonprofit organizations	+++	+++	+++	+++	+++
126. Lease or rental of certain vessels in mineral production	+++	+++	+++	+++	+++

Footnotes for Sales Tax
Included in the row labeled other exemptions.
+++ Included in the row labeled Exemptions subject to 1% suspended rate.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions Continued					
127. Purchases of supplies, fuels, and repair services for boats used by commercial fishermen	###	###	###	###	###
128. Certain seafood-processing facilities	###	###	###	###	###
129. First \$50,000 of the sales price of certain rubber-tired farm equipment and attachments	See number 11	See number 11	See number 11	See number 11	See number 11
130. New vehicles furnished by a dealer for driver-education programs	+++	+++	+++	+++	+++
131. Sales of gasohol	+++	+++	+++	+++	+++
132. Construction materials and operating supplies for certain nonprofit retirement centers	+++	+++	+++	+++	+++
133. Sales of motor vehicles to be leased or rented by qualified lessors	\$47,216,045	\$50,959,509	\$54,079,628	\$55,161,000	\$56,264,000
134. Sales of certain fuels used for farm purposes	###	###	###	###	###
135. Sales or purchases by certain sheltered workshops	###	###	###	###	###
136. Purchases of certain fuels for private residential consumption	See number 189	See number 189	See number 189	See number 189	See number 189
137. Specialty Mardi Gras items purchased or sold by certain organizations	+++	+++	+++	+++	+++
138. Purchases and sales by Ducks Unlimited and Bass Life	+++	+++	+++	+++	+++
139. Tickets to dance, drama, or performing arts presentations by certain nonprofit organizations	+++	+++	+++	+++	+++
140. Purchases by and sales by certain nonprofit organizations dedicated to the conservation of fish and migratory waterfowl	+++	+++	+++	+++	+++
141. Raw materials used in the printing process	+++	+++	+++	+++	+++
142. Piggyback trailers or containers and rolling stock	+++	+++	+++	+++	+++
143. Pharmaceutical samples distributed in Louisiana	+++	+++	+++	+++	+++
144. Catalogs distributed in Louisiana	+++	+++	+++	+++	+++
145. Certain trucks and trailers used 80% in interstate commerce	\$13,350,252	\$15,676,130	\$19,515,678	\$19,906,000	\$20,304,000
146. Certain contract carrier buses used 80% in interstate commerce	See number 145	See number 145	See number 145	See number 145	See number 145
147. Rail rolling stock sold or leased in Louisiana	###	###	###	###	###
148. Sales of Railroad Ties to Railroads for use in Other States	###	###	###	###	###
149. Utilities used by steelworks and blast furnaces	See number 99	See number 99	See number 99	See number 99	See number 99

Footnotes for Sales Tax
Included in the row labeled other exemptions.
+++ Included in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions Continued					
150. Sickle cell disease organizations	###	###	###	###	###
151. Annual Louisiana sales tax holiday	\$2,432,048	\$3,107,633	\$4,181,181	\$4,265,000	\$4,350,000
152. Sales of original one-of-a-kind works of art sold in certain locations	###	###	###	###	###
153. Hurricane preparedness Louisiana sales tax holiday	\$43,873	\$74,605	\$45,402	\$46,000	\$47,000
154. Sales of construction materials to Habitat for Humanity	###	###	###	###	###
155. Purchase of certain water conservation Equipment for use in the Sparta Groundwater Conservation District	###	###	###	###	###
156. Second Amendment Sales Tax Holiday	\$844,420	\$880,137	\$793,475	\$809,000	\$826,000
157. Sale of polyroll tubing	###	###	###	###	###
158. Purchase, Lease or Repair of certain capital equipment and computer software of qualifying radiation therapy treatment centers	###	###	###	###	###
159. Purchases of construction Materials by Hands on New Orleans and Rebuilding Together New Orleans covenant partners	###	###	###	###	###
160. Parish councils on aging	###	###	###	###	###
161. Purchase of breastfeeding items	###	###	###	###	###
162. Purchases by the Fore!Kids Foundation	###	###	###	###	###
163. Purchases of vehicles modified for use by an orthopedically disabled person	\$59,304	\$0	***	***	***
164. Purchases of construction materials by the Make it Right Foundation	###	###	###	###	###
165. Purchases of construction materials by the St. Bernard Project, Inc.	***	###	###	###	###
166. Antique airplanes held by private collectors and not used for commercial purposes	+++	+++	+++	+++	+++
Alternate Reporting Methods					
167. Certain interchangeable components; optional method to determine	###	###	###	###	###
168. Helicopters leased for use in the extraction, production, or exploration for oil, gas, or other minerals	See number 30	See number 30	See number 30	See number 30	See number 30
169. Cash-basis sales tax reporting and remitting for health and fitness club membership contracts	\$0	\$0	\$0	\$0	\$0

Footnotes for Sales Tax
Included in the row labeled other exemptions.
+++ Included in the row labeled Exemptions subject to 1% suspended rate.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

[32]

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Alternate Reporting Methods <i>Continued</i>					
170. Cash-basis reporting procedure for rental and lease transactions	\$0	\$0	\$0	\$0	\$0
171. Collection from interstate and foreign transportation dealers	NRR	NRR	NRR	NRR	NRR
Statutorily Prescribed Methods of Taxation					
172. Extended time to register mobile homes	\$0	\$0	\$0	\$0	\$0
173. "Sales or cost price" of refinery gas	\$0	\$0	\$0	\$0	\$0
Credits					
174. Vendor's compensation	\$28,086,286	\$25,648,496	\$25,882,917	\$26,401,000	\$26,929,000
175. Credit for costs to reprogram cash registers	\$16,111	\$27,404	\$14,766	\$15,000	\$15,000
176. Student Assessment for a Valuable Education Credit	***	***	***	See note 1	See note 1
Refunds					
177. Sales tax remitted on bad debts from credit sales	\$615,312	\$2,298,363	\$337,247	Unable to anticipate	Unable to anticipate
178. State sales tax paid on property destroyed in a natural disaster	Negligible	Negligible	Negligible	Unable to anticipate	Unable to anticipate
179. Materials used in the construction, restoration, or renovation of housing in designated areas	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
180. Purchases and leases of durable medical equipment paid by or under provisions of Medicare	\$2,282,028	\$103,143	\$504,664	Unable to anticipate	Unable to anticipate
181. Sales tax collected by a qualified charitable institutions	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
182. Louisiana Tax Free Shopping Program	\$871,581	\$1,371,919	\$1,064,014	Unable to anticipate	Unable to anticipate
Other Exemptions	\$769,017,447	\$910,830,089	\$902,668,601	\$920,722,000	\$939,136,000
Exemptions subject to 1% suspended rate	\$11,187,076	\$7,677,833	\$7,770,709	\$7,926,000	\$8,085,000
Total State Sales Tax Revenue Loss	\$1,509,625,782	\$1,734,402,868	\$1,660,002,378	\$1,603,723,000	\$1,725,082,000
State Exemptions with Prohibitions on Taxation					
183. Sales of gasoline, gasohol, and diesel	\$301,026,374	\$365,837,353	\$359,362,211	\$366,549,000	\$373,880,000
184. Purchases made with food stamps and WIC vouchers	\$0	\$0	\$0	\$0	\$0
185. Credit for sales and use taxes paid to other states on property imported into Louisiana	###	###	###	###	###

Footnotes for Sales Tax
Included in the row labeled other exemptions.
1. The estimated revenue loss for these credits are included in the total revenue loss for individual income tax

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

[33]

Sales Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
186. Credit for Use Tax Paid on Automobiles Imported by Certain Members of the Armed Services	NRR	NRR	NRR	NRR	NRR
187. Use of Vehicles in Louisiana by Active Military Personnel	NRR	NRR	NRR	NRR	NRR
188. Sales of Food for Preparation and Consumption in the Home	\$387,523,862	\$392,543,307	\$428,176,734	\$436,740,000	\$445,475,000
189. Sales of Electric Power or Energy to the Consumer for Residential Use	\$176,801,540	\$197,926,721	\$161,183,715	\$164,407,000	\$167,696,000
190. Sales of Natural Gas to the Consumer for Residential Use	See number 189	See number 189	See number 189	See number 189	See number 189
191. Sales of Water to the Consumer for Residential Use	See number 189	See number 189	See number 189	See number 189	See number 189
192. Drugs prescribed by physicians or dentists	\$288,473,004	\$283,653,094	\$300,820,341	\$306,837,000	\$312,973,000
Total Revenue Loss from Exemptions with Prohibitions on Taxation	\$1,153,824,780	\$1,239,960,475	\$1,249,543,001	\$1,274,533,000	\$1,300,024,000
Total Sales Tax Revenue Loss	\$2,663,450,562	\$2,974,363,343	\$2,909,545,379	\$2,878,256,000	\$3,025,106,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Natural Gas Exclusions					
1. Injection ¹	\$331,326	\$1,294,746	\$1,914,163	\$2,200,000	\$2,300,000
2. Produced Outside the State of Louisiana	\$5,162	\$15,418	\$18,095	\$20,000	\$21,000
3. Flared or Vented	\$526,283	\$456,697	\$443,262	\$435,000	\$420,000
4. Consumed in Field Operations	\$6,527,678	\$5,113,629	\$7,946,235	\$8,000,000	\$8,000,000
5. Consumed in the Production of Natural Resources in the State of Louisiana	Negligible	Negligible	Negligible	Negligible	Negligible
6. Used in the Manufacture of Carbon Black	\$363,373	\$253,270	\$266,825	\$350,000	\$350,000
Natural Gas Suspensions					
7. Horizontal Wells ¹	\$227,564,460	\$79,967,535	\$208,633,029	\$89,500,000	\$89,500,000
8. Inactive Wells	\$2,285,192	\$1,828,935	\$1,076,465	\$570,000	\$300,000
9. Deep Wells	\$7,411,805	\$3,790,037	\$1,171,092	\$8,000,000	\$8,000,000
Natural Gas Special Rates					
10. Incapable Oil-Well Gas	\$965,106	\$741,498	\$934,302	\$1,000,000	\$1,000,000
11. Incapable Gas-Well Gas	\$23,617,328	\$18,241,026	\$21,891,293	\$25,000,000	\$25,000,000
Oil Deduction					
12. Trucking, Barging, and Pipeline Fees	\$521,201	\$664,609	\$702,883	\$700,000	\$700,000
Oil Suspensions					
13. Horizontal Wells ¹	\$7,667,963	\$25,635,034	\$31,170,602	\$20,000,000	\$20,000,000
14. Inactive Wells	\$62,989,223	\$52,264,071	\$31,758,884	\$18,500,000	\$10,000,000
15. Deep Wells	\$20,076,267	\$6,230,616	\$2,792,382	\$16,500,000	\$16,500,000
16. Tertiary Recovery	\$40,789,524	\$30,090,101	\$21,544,117	\$20,000,000	\$20,000,000
Oil Special Rates					
17. Incapable Oil	\$13,930,093	\$14,426,418	\$10,109,196	\$10,000,000	\$10,000,000
18. Stripper Oil	\$47,016,971	\$51,181,293	\$36,409,826	\$30,000,000	\$30,000,000
19. Stripper Oil Value Less than \$20 per Barrel	\$0	\$0	\$0	\$0	\$0
20. Salvage Oil	Negligible	Negligible	Negligible	Negligible	Negligible

Footnotes for Severance Tax

1. The FYE 6-14 revenue loss has been revised in order to reflect the correct revenue loss.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Natural Resources - Severance Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Oil Special Rates <i>Continued</i>					
21. Horizontal Mining and Drilling Projects	\$0	\$0	\$0	\$0	\$0
Oil and Gas Incentives					
22. Produced Water Injection Incentive	\$298,144	\$215,264	\$0	\$0	\$0
Mineral Exemption					
23. Owned and Severed by Political Subdivisions	\$0	\$0	\$0	\$0	\$0
Rebates					
24. Louisiana Mega-Project Energy Assistance	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
Total Severance Tax Revenue Loss	\$462,887,099	\$292,410,195	\$378,782,651	\$250,775,000	\$242,091,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
1. Atchafalaya Trace Heritage Area Development Zone Tax Exemption	\$6,219	Negligible	Negligible	Negligible	Negligible
2. Brownfields Investor Tax Credit	\$529,924	\$75,606	\$513,081	\$200,000	\$200,000
3. Cane River Heritage Tax Credit	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
4. Louisiana Community Economic Development	\$0	Negligible	\$12,854	\$13,000	\$13,000
5. Ports of Louisiana Tax Credits	\$0	\$0	\$0	\$0	\$0
6. Motion Picture Investor Tax Credit	\$148,203,276	\$250,378,776	\$212,850,572	\$180,000,000	\$180,000,000
7. Research and Development Tax Credit	\$24,232,875	\$25,895,753	\$45,265,674	\$5,000,000	\$23,271,000
8. Digital Interactive Media and Software Tax Credit	\$7,302,157	\$15,031,546	\$13,106,817	\$8,719,000	\$11,261,000
9. Louisiana Motion Picture Incentive Program	\$3,173,488	\$8,170,761	\$1,081,375	\$664,000	\$901,000
10. Louisiana Capital Companies Tax Credit Program	\$24,686	\$0	\$16,034	\$16,000	\$17,000
11. New Markets Tax Credit	\$21,969,519	\$19,503,726	\$2,912,091	\$2,921,000	\$3,003,000
12. University Research and Development Parks	\$1,994	Negligible	Negligible	Negligible	Negligible
13. Industrial Tax Equalization Program	\$6,067,950	\$10,534,944	\$2,286,137	\$2,232,000	\$2,327,000
14. Exemptions for Manufacturing Establishments	\$2,101,395	\$1,374,202	\$1,732,190	\$1,767,000	\$1,801,000
15. Enterprise Zones	\$50,876,337	\$56,466,047	\$46,910,067	\$38,891,000	\$49,628,000
16. Sound Recording Investor Tax Credit	\$177,421	\$151,561	\$271,357	\$277,000	\$282,000
17. Urban Revitalization Tax Incentive Program	\$23,224	\$0	Negligible	Negligible	Negligible
18. Mentor-Protégé Tax Credit	\$22,024	\$15,584	\$20,899	\$21,000	\$22,000
19. Technology Commercialization Credit and Jobs Program	\$104,735	\$201,377	\$177,314	\$50,000	\$86,000
20. Angel Investor Tax Credit Program	\$1,822,774	\$1,564,900	\$1,119,191	\$726,000	\$952,000
21. Musical & Theatrical Productions Tax Credit	\$4,948,816	\$8,754,304	\$13,439,537	\$12,469,000	\$13,345,000
22. Retention and Modernization Credit	\$857	\$180,941	\$760,848	\$368,000	\$583,000
23. Green Jobs Industries Credit	***	***	***	***	***
24. Louisiana Quality Jobs Program	\$51,318,246	\$55,779,923	\$72,864,143	\$74,321,000	\$72,485,000
25. Corporate Tax Apportionment Program	***	\$0	\$0	Unable to anticipate	Unable to anticipate
26. Corporate Headquarters Relocation Program	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
27. Competitive Projects Payroll Incentive Program	\$0	\$0	\$53,625	\$100,000	\$100,000
28. Procurement Processing Company Rebate Program	\$0	\$0	\$0	\$100,000	\$100,000
Total Revenue Loss	\$322,907,917	\$454,079,951	\$415,393,807	\$328,855,000	\$360,377,000

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Petroleum Products Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Gasoline Tax Exemptions					
1. Casinghead Gasoline	\$0	\$0	\$0	\$0	\$0
2. Aviation Gasoline	\$117,400	\$130,000	\$147,700	\$175,000	\$185,000
Gasoline Tax Refunds					
3. School-Bus Drivers	\$15,325	\$18,746	\$12,154	\$13,000	\$15,000
4. Farmers, Fishermen, and Aircraft	\$21,500	\$22,685	\$23,859	\$25,000	\$26,000
Gasoline Tax Discount					
5. Discount for Timely Filing and Payment by Suppliers	\$7,755,900	\$6,998,900	\$7,206,138	\$2,400,000	\$2,499,000
Diesel Fuel Tax Refunds					
6. School-Bus Drivers	\$263,500	\$210,500	\$211,050	\$200,000	\$205,000
7. Diesel Fuels Used in Licensed Vehicles by Commercial Fishermen	\$0	\$0	\$0	\$0	\$0
Diesel Fuels Tax Discount¹					
8. Discount for Timely Filing and Payment by Suppliers	\$2,299,900	\$2,038,100	\$2,534,389	\$862,000	\$879,000
Special Fuels Tax Refunds					
9. School-Bus Drivers	***	***	***	Unable to anticipate	Unable to anticipate
Special Fuels Tax Discount					
10. Discount for Timely Filing and Payment by Suppliers	***	***	***	Unable to anticipate	Unable to anticipate
Inspection Fee on Exemptions					
11. Gasoline and Undyed Diesel Brought into Louisiana in Fuel Supply Tanks of Interstate Motor Fuel Users	\$19,100	\$34,848	\$32,793	\$34,000	\$34,000
12. Undyed Diesel Fuel Used by Commercial Fishermen	\$0	\$0	\$0	\$0	\$0
13. Diesel Fuels Used in or Distributed to Seagoing Vessels	\$812,500	\$855,730	\$950,094	\$1,000,000	\$1,100,000
14. Exports of Gasoline or Diesel Fuels	\$587,500	\$679,700	\$898,262	\$900,000	\$905,000
Gasoline and Special Fuels Tax Credits					
15. Student Assessment for a Valuable Education Credit	***	***	***	See note 2	See note 2
Total State Revenue Loss	\$11,892,625	\$10,989,209	\$12,016,439	\$5,609,000	\$5,848,000
Federally Imposed Exemptions					
16. Gasoline Sales to Federal Government and its Agencies	\$133,500	\$116,950	\$76,769	\$65,000	\$65,000
17. Interstate Gasoline and Diesel Shipments/Exports	\$61,311,250	\$67,983,600	\$93,496,720	\$100,000,000	\$105,000,000
Total Revenue Loss from Federally Imposed Exemptions	\$61,444,750	\$68,100,550	\$93,573,489	\$100,065,000	\$105,065,000
Total Petroleum Products Revenue Loss	\$73,337,375	\$79,089,759	\$105,589,928	\$105,674,000	\$110,913,000

Footnotes for Gasoline and Special Fuels Tax Credits

1. The Diesel Fuel Discount was referred to as the Special Fuels Discount in previous editions of the Tax Exemption Budget.
2. The estimated revenue loss for these credits are included in the total revenue loss for individual income tax.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions and Exclusions					
1. Agricultural Cooperative, Farmer Credit, and Farmers' Credit Cooperative Associations	NRR	NRR	NRR	NRR	NRR
2. Cooperative Marketing Associations	NRR	NRR	NRR	NRR	NRR
3. Credit Unions	NRR	NRR	NRR	NRR	NRR
4. Limited Liability Companies	NRR	NRR	NRR	NRR	NRR
5. Certain Foreign Corporations	NRR	NRR	NRR	NRR	NRR
6. Electric Cooperatives	NRR	NRR	NRR	NRR	NRR
7. Exemption for Certain Corporations	NRR	NRR	NRR	NRR	NRR
8. Louisiana Community Development Financial Institutions	NRR	NRR	NRR	NRR	NRR
9. Louisiana Infrastructure Bank	NRR	NRR	NRR	NRR	NRR
Deductions					
10. Bank-holding Corporations	No data	No data	No data	Unable to anticipate	Unable to anticipate
11. Public-utility Holding Corporations	No data	No data	No data	Unable to anticipate	Unable to anticipate
12. Public Water Utility Companies	No data	No data	No data	Unable to anticipate	Unable to anticipate
13. Members of Controlled Groups that Include a Telephone Corporation	No data	No data	No data	Unable to anticipate	Unable to anticipate
14. Insurance Holding Corporations	***	***	***	***	***
15. Regulated Utility Companies	\$0	\$0	\$0	\$0	\$0
Credits					
16. Donations to Assist Qualified Playgrounds	\$0	\$0	Negligible	Negligible	Negligible
17. Debt Issuance Costs	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
18. Donations to Public Elementary or Secondary Schools	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
19. Donations of Materials, Equipment, or Instructors made to Certain Training Providers	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
20. Employment of the Previously Unemployed	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
21. Purchase of a Qualified Recycling Equipment	\$1,785,140	\$1,188,380	\$685,405	\$503,000	\$513,000
22. Louisiana Basic Skills Training	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
23. Apprenticeship Tax Credit	\$410,931	\$929,460	\$200,351	\$204,000	\$212,000
24. Rehabilitation of Historic Structures	\$17,616,191	\$17,193,170	\$18,592,129	\$13,164,000	\$16,379,000
25. Louisiana Capital Investment Tax Credit	\$0	\$0	\$0	Unable to anticipate	Unable to anticipate
26. Louisiana Community Development Financial Institutions Act	\$0	\$12,693	Negligible	Negligible	Negligible

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Corporation Franchise Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
27. Low-income Housing	\$0	\$0	\$0	\$0	\$0
28. Inventory Tax/Ad Valorem Tax	See note 1	See note 1	See note 1	See note 1	See note 1
29. Ad Valorem Tax on Natural Gas	See note 1	See note 1	See note 1	See note 1	See note 1
30. Ad Valorem Tax on Offshore Vessels	See note 1	See note 1	See note 1	See note 1	See note 1
31. Ad Valorem Tax Paid by Certain Telephone Companies	See note 1	See note 1	See note 1	See note 1	See note 1
32. Purchases from Prison Industry Enhancement Contractors	See note 1	See note 1	See note 1	See note 1	See note 1
33. Sugarcane Transport Credit	See note 1	See note 1	See note 1	See note 1	See note 1
34. Milk Producers	See note 1	See note 1	See note 1	See note 1	See note 1
35. School Readiness Child Care Provider	See note 1	See note 1	See note 1	See note 1	See note 1
36. School Readiness Business Supported Child Care Credit	See note 1	See note 1	See note 1	See note 1	See note 1
37. School Readiness Fees and Grants to Resource & Referral Agencies Credit	See note 1	See note 1	See note 1	See note 1	See note 1
Total State Revenue Loss	\$19,812,262	\$19,323,703	\$19,477,885	\$13,871,000	\$17,104,000

[40]

Footnotes for Corporation Franchise Tax

1. The estimated revenue loss for these credits are included in the total revenue loss for corporation income tax.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Discounts					
1. Discount of 6 Percent for Tobacco Stamps	\$6,380,300	\$5,823,182	\$6,777,474	\$10,500,000	\$12,000,000
2. Discount of 6 Percent for Timely Filing Reports	\$1,353,500	\$1,382,000	\$1,466,666	\$1,500,000	\$1,550,000
Exemptions					
3. Sales to State Institutions	###	###	###	###	###
4. Return of Taxable Cigarettes to the Manufacturer	\$151,200	\$133,583	\$121,854	\$250,000	\$260,000
5. Return of Taxable Product to the Manufacturer	###	###	###	###	###
Total State Revenue Loss	\$7,885,000	\$7,338,765	\$8,365,994	\$12,250,000	\$13,810,000
Federally Imposed Tax Exemptions					
6. Sales to Federal Government and its Agencies	###	###	###	###	###
7. Interstate Shipments of Cigarettes	\$56,250,300	\$64,189,800	\$71,106,690	\$149,000,000	\$150,000,000
8. Interstate Shipments of Tobacco Products	###	###	###	###	###
Total Revenue Loss from Federally Imposed Exemptions	\$56,250,300	\$64,189,800	\$71,106,690	\$149,000,000	\$150,000,000
Other Exemptions	\$11,862,000	\$11,749,500	\$12,748,948	\$13,000,000	\$13,000,000
Total Tobacco Tax Revenue Loss	\$75,997,300	\$83,278,065	\$92,221,632	\$174,250,000	\$176,810,000

[41]

Footnotes for Tobacco Tax
Included in the row labeled other exemptions.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Miscellaneous Tax

Five-Year Revenue Loss

Exemptions		FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Public Utilities and Carriers Taxes						
Inspection and Supervision Fee						
1.	Ten-Mile Zone Exclusion	NRR	NRR	NRR	NRR	NRR
2.	Power Cost Exclusion	NRR	NRR	NRR	NRR	NRR
Transportation and Communications Tax						
3.	Seven-Mile Zone Exclusion	\$3,196,000	\$2,962,000	\$2,831,000	\$2,900,000	\$2,900,000
Total Public Utilities and Carriers Taxes Revenue Loss		\$3,196,000	\$2,962,000	\$2,831,000	\$2,900,000	\$2,900,000
Telecommunication Tax						
4.	Deduction of 2 Percent	\$16,800	\$15,600	\$11,100	\$12,000	\$12,000
Hazardous Waste Disposal Tax						
5.	Deduction for Compliance	\$13,700	\$19,500	\$16,800	\$20,000	\$20,000
Total Miscellaneous Tax Revenue Loss		\$3,226,500	\$2,997,100	\$2,858,900	\$2,932,000	\$2,932,000

[42]

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions					
1. Direct Descendants by Blood or Affinity	Negligible	***	***	***	***
2. Surviving Spouse	Negligible	***	***	***	***
3. Collateral Relations; \$1,000 Exemption	Negligible	***	***	***	***
4. Strangers or Nonrelated Persons: \$500 Exemption	Negligible	***	***	***	***
5. Bequests to Charitable, Religious, or Educational Institutions in Louisiana	Negligible	***	***	***	***
6. Bequests to the State, Incorporated Municipalities, or Political Subdivisions for Exclusive Public Use	Negligible	***	***	***	***
7. Bequests to Out-of-State Charitable, Religious, or educational institutions	Negligible	***	***	***	***
Exclusions					
8. Proceeds of Life Insurance Payable to Named Beneficiaries	Negligible	***	***	***	***
9. Qualified Retirement or Pension Plans	NRR	***	***	***	***
Total inheritance Tax Revenue Loss	Negligible	***	***	***	***

[43]

Footnotes for Inheritance Tax
1. Based on 176% reduction in collections for FYE 6-30-12. Act 371 of 2007 provides that inheritance tax does not apply to deaths occurring after June 30, 2004.

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Liquors - Alcoholic Beverage Tax

Five-Year Revenue Loss

Exemptions	FYE 6-13	FYE 6-14	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Low Alcohol Beverage Tax Discount					
1. Discount of 2 Percent	\$731,700	\$698,530	\$693,380	\$700,000	\$705,000
Low Alcohol and Malt Beverages, Liquor and Wine Tax Refund/Credit					
2. Products Returned to Manufacturer or Destroyed by a Dealer	\$70,480	\$59,520	\$140,880	\$65,000	\$70,000
Liquor and Wine Tax Exemptions					
3. Antiseptic, Scientific, Religious, and Chemical Uses	NRR	NRR	NRR	NRR	NRR
Liquor and Wine Tax Discount					
4. Discount of 3.33 Percent	\$761,850	\$774,700	\$799,100	\$820,000	\$850,000
Total State Revenue Loss	\$1,564,030	\$1,532,750	\$1,633,360	\$1,585,000	\$1,625,000
Federally imposed Tax Exemptions					
Low Alcohol Beverage Tax Exemptions					
5. Interstate Shipments	\$912,250	\$911,780	\$986,250	\$910,000	\$925,000
6. Sales to Federal Government and its Agencies	\$152,800	\$142,750	\$124,800	\$140,000	\$145,000
7. Sales to Ships Engaged in Interstate or Foreign Commerce	Negligible	Negligible	Negligible	Negligible	Negligible
Liquor and Wine Tax Exemptions					
8. Interstate Shipments of Alcoholic Beverages	\$125,450	\$41,840	\$22,390	\$30,000	\$35,000
9. Foreign Consul and Foreign Commerce	Negligible	Negligible	Negligible	Negligible	Negligible
10. Sales to the Federal Government and its Agencies	\$21,525	\$14,900	\$13,660	\$12,000	\$13,000
Total Revenue Loss from Federally Imposed Exemptions	\$1,212,025	\$1,111,270	\$1,147,100	\$1,092,000	\$1,118,000
Total Liquors-Alcoholic Beverages Tax Revenue Loss	\$2,776,055	\$2,644,020	\$2,780,460	\$2,677,000	\$2,743,000

[44]

*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Exemptions	FYE 6-13¹	FYE 6-14¹	FYE 6-15	FYE 6-16 (projected)	FYE 6-17 (projected)
Exemptions					
1. Specific Lifetime-Donor Exemption; \$30,000	\$0	***	***	***	***
2. Gifts made to Charitable, Religious, or Educational Institutions Located in Louisiana	\$0	***	***	***	***
3. Gifts Made to the United States, the State of Louisiana, or any other Political Subdivision or Civic Organization	\$0	***	***	***	***
4. Gifts to Spouse	\$0	***	***	***	***
Exclusion					
5. Annual Exclusion Per Donee	Negligible	***	***	***	***
Total Gift Tax Revenue Loss	Negligible	***	***	***	***

[45]

Footnotes for Gift Tax
1. Gifts made after July 1, 2008 are not taxable. Last return was due April 15, 2009.

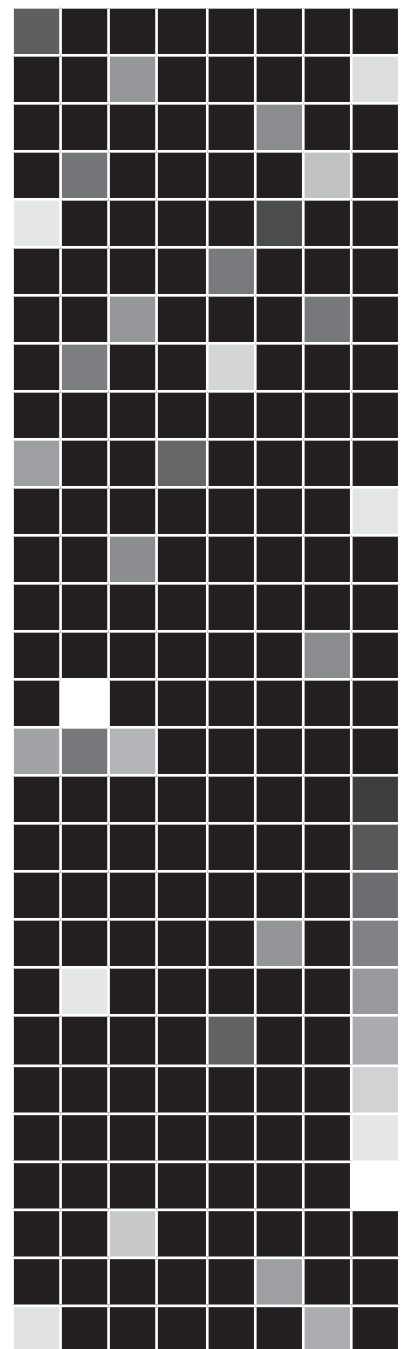
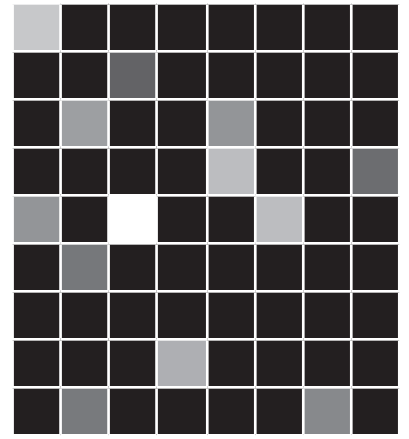
*** = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

Listing of Exemptions

Part 4



Corporation Franchise Tax Exemptions

Corporation Franchise Tax

Index of Exemptions

{ Introduction }

The Louisiana corporation franchise tax was enacted in 1932. The tax was imposed on every domestic corporation and every foreign corporation authorized or doing business in the state, or using any part of its capital, plant, or any other property in the state. As originally enacted, the tax levied was due and payable for the privilege of carrying on or doing business, exercising of its charter or the continuance of its charter within the state.

An initial tax return covering the period beginning with the date the corporation first becomes liable for filing a return and ending with the close of the accounting period, must be filed on or before the fifteenth day of the third month after the corporation first becomes liable. Thereafter, an annual return is due by the fifteenth day of the fourth month after the close of an accounting period. The tax is due on the first day of the calendar year or the taxpayer's fiscal year.

The law has been amended many times since 1932. However, an amendment in 1970 to replace the privilege of doing business language in the original act with the statement that the tax levied is due and payable on any one or all of the incidents referred to in the law was one of the more important amendments. For taxable years beginning after December 31, 2005, the amount of borrowed capital included in taxable capital was reduced until fully phased out for the 2011 franchise tax year.

Legal Citations

R.S. 47:601 through 47:618

Tax Base

Capital stock, surplus, and undivided profits

Tax Rate

The tax is currently assessed on the taxable base at the rate of \$1.50 per \$1,000 on the first \$300,000 and \$3.00 per \$1,000 over \$300,000. The tax is based on the larger of the assessed value of all real and personal property in the state or the amount of issued and outstanding capital stock, surplus, and undivided profits attributable to Louisiana.

Types of Tax Exemptions

Corporation franchise tax exemptions are in the form of exemptions/exclusions, deductions, and credits. Exemptions/exclusions generally refer to organizations or corporations that are statutorily exempt from the imposition of the corporation franchise tax due to the nature of their operation. Deductions are generally defined as a reduction to the taxable base. Credits are generally defined as a reduction to the amount of tax due. All tax exemptions related to the corporation franchise tax are listed in this report.

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 108 amended the tax credit for the rehabilitation of historic structures for nonresidential property. The Act provides that the amount of the credit shall equal 25% of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, regardless of the year in which the property is placed in service. The amount of the credit shall equal 20% of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018, regardless of the year in which the property is placed in service. No taxpayer, or any entity affiliated with such taxpayer, shall claim more than five million dollars of credit annually for any number of structures rehabilitated with a particular downtown development or cultural district. The tax credit shall not be allowed for the rehabilitation costs and expenses that are paid for with state or federal funds, unless the state or federal funds are reported as taxable income or are structured as repayable loans. It also provides for a single fee to be charged per application by the state historic preservation office and the Department of Revenue. The Act extended the sunset of the tax credit to January 1, 2022. Effective June 19, 2015.

Acts 2015, No. 112 provided for the calculation of the Louisiana apportionment percent and taxable capital for manufacturers of certain aircraft. Effective June 19, 2015.

Acts 2015, No. 125 reduced certain income tax credits. The reductions are applicable when claimed on any return filed on or after July 1, 2015, but before June 30, 2018, regardless of the taxable year to which the return relates, unless the credit is claimed under one of the following scenarios:

- The filing of an amended return filed on or after July 1, 2015, but before June 30, 2018 when the amendment relates to a credit previously claimed on an original return filed prior to July 1, 2015.

Corporation Franchise Tax

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- The filing of an original return on or after July 1, 2015 but before the extended due date for which a filing extension has been allowed prior to July 1, 2015. In such an instance, any portion of the credit reduced by the provisions of Section 1, 2, & 3 of Act 125 shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018 and 2019.
- The Act contains specific and controlling language regarding the effective date of the reductions to the credits in the applicable statute and is listed in this summary.
- Any reductions made pursuant to Act 125 are prohibited from being added to any carry forward provision allowed by law except as provided by Section 7(C) of Act 125.

Acts 2015, No. 133 changed the tax credit for ad valorem taxes paid to political subdivisions on inventory and natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. If the amount of the credit authorized exceeds the amount of tax liability for the tax year, the following amounts of the excess credit is refundable or may be carried forward, as follows: For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was less than \$10,000, any excess credit is refundable. For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was \$10,000 or more, a refund of 75 percent of the excess credit is refundable, and the remaining 25 percent of the credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

Corporation Franchise Tax

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Corporation Franchise Tax

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Corporation Franchise Tax

{ Exemptions/Exclusions }

1. **Agricultural Cooperative Associations- and Farmer Credit and Farmers' Credit Cooperative Associations**

Qualifying cooperative associations are exempt from corporation franchise tax and all other license taxes, except for the annual \$10 license fee paid to the Secretary of State and ad valorem property taxes. The purpose of this exemption is to minimize the tax burden on these nonprofit associations.

Legal Citation

R.S. 3:84

Origin

Acts 1938, No. 40, amended by Acts 1966, No. 228

Effective Date

July 1, 1938

Beneficiaries

The agricultural industry

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

2. **Cooperative Marketing Associations**

These associations are exempt from all franchise or other license taxes, except for taxes on real estate, furniture, and fixtures. These associations, however, must pay an annual \$10 license fee. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

Legal Citation

R.S. 3:147

Origin

Acts 1922, No. 57

Effective Date

July 1, 1922

Beneficiaries

Cooperative marketing associations and individuals and companies marketing their goods and services through these organizations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Exemptions/Exclusions }

3. Credit Unions

Credit unions, together with all accumulations therein, are exempt from all taxes except for taxes on immovable property owned. The shares of a credit union are not subject to a stock transfer tax when issued by the corporation or when transferred from one member to another. No fees, taxes, or any of the stipulations as to capital stock set forth in general statutes for corporations apply to credit unions. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

Legal Citation

R.S. 6:662

Origin

Acts 1924, No. 40

Effective Date

July 1, 1924

Beneficiaries

Individuals who are a member of a state or federal chartered credit union

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

4. Limited Liability Companies

For corporation franchise tax purposes, limited liability companies are taxed the same as a partnership. Partnerships are not subject to corporation franchise tax, therefore, limited liability companies are not subject to corporation franchise tax.

Legal Citations

R.S. 12:1301-1369

Origin

Acts 1992, No. 780, Renumbered from R.S.1950, §12:325 by Acts 1968, No. 105

Effective Date

July 7, 1992

Beneficiaries

Members of such organizations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Exemptions/Exclusions }

5. Exemption for Certain Foreign Corporations

Foreign corporations operating as mutual savings banks, mutual savings fund societies, real estate investment trusts, state banks or trust companies, insurance companies, corporations associated with real estate investment trust as its advisor, group insurance and annuity corporations, and nonprofit or nontrading corporations are exempt from the corporation franchise tax if their Louisiana operations are limited to certain activities related to making, acquiring, or participating in loans. The purpose of this exemption is to make it easier for Louisiana businesses and individuals to borrow money.

Legal Citations

R.S. 12:302(K), R.S. 12:302(L)

Origin

Acts 1968, No. 105

Effective Date

1968

Beneficiaries

Certain foreign corporations referred to in the law

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

6. Electric Cooperatives

Electric cooperatives are exempt from all income and excise taxes, except for a fee of \$10 per each one hundred persons or fraction thereof to whom electricity is supplied within the state. The purpose of this exemption is to minimize the tax burden on these nonprofit electric cooperatives.

Legal Citation

R.S. 12:425

Origin

Acts 1940, No. 266, Renumbered from R.S.1950, §12:325 by Acts 1968, No. 105

Effective Date

July 18, 1940

Beneficiaries

Individuals and companies purchasing electricity from electric cooperatives

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Exemptions/Exclusions }

7. Exemptions for Certain Entities

Various franchise tax exemptions have been granted to certain, usually nonprofit, organizations and corporations. The purpose of these exemptions is to minimize the tax burden for qualifying nonprofit organizations. Exempted corporations are listed below.

- A. Labor corporations and corporations organized by labor unions or organizations for the purpose of holding title to property.
- B. Family agricultural and family horticultural corporations organized under the laws of and domiciled in the state of Louisiana.
- C. Certain agricultural and horticultural corporations, other than family corporations, organized under the laws of and domiciled in the state of Louisiana.
- D. Mutual savings banks, national banking corporations, and banking corporations organized under the laws of the state of Louisiana, who pay a tax for their shareholders or whose shareholders pay a tax on their shares of stock under other laws of this state, and building and loan associations.
- E. Fraternal beneficiary societies, orders, or associations operating under the lodge system, or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to members or their dependents.
- F. Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit.
- G. Any corporation, community chest, or fund, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals.
- H. Business leagues, chambers of commerce, real estate boards, or boards of trade not organized for profit and of which no part of the net earnings benefits any private shareholder or individual.
- I. Nonprofit civic leagues or organizations operated exclusively for charitable, educational, or recreational purposes.
- J. Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes.
- K. Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations, but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.
- L. Insurance companies paying a premium tax under Title 22 of the Louisiana Revised Statutes of 1950.
- M. Certain farmers, fruit growers, or like associations organized and operated on a cooperative basis for the purpose of marketing products or purchasing supplies and equipment.
- N. Corporations organized by exempt farmers' cooperatives to finance crop operations of members.
- O. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to organizations organized and operated exclusively for religious, charitable, scientific, literary, and educational purposes, of which no part of the net earnings benefits any private stockholder.
- P. Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the association members or their dependents.
- Q. Teachers' retirement fund associations of a purely local character, if no part of their net earnings (other than through payment of retirement benefits) benefits any private shareholder or individual, and if the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income from investments.

Legal Citations

R.S. 47:608

Origin

Various legislative acts since 1958

Corporation Franchise Tax

{ Exemptions/Exclusions }

7. Exemptions for Certain Entities (continued)

Effective Date

Various dates from 1958

Beneficiaries

Members and shareholders of these exempt organizations

Administration

The purposes of these exemptions are achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

8. Louisiana Community Development Financial Institutions

A Louisiana Community Development Financial Institution (LCDFI) is any legal entity whose primary business activity is the investment of cash to acquire equity in or provide financing assistance as a licensed business and industrial development corporation to qualified Louisiana businesses in low-income communities.

A LCDFI corporation is exempt from corporation income and franchise taxes for five consecutive taxable periods. The exemption from the corporation franchise tax starts in the taxable period following the taxable period in which certification as a LCDFI is obtained from the commissioner.

The exemption was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The exemption allowed starting in FYE 6-16 is for four consecutive taxable periods.

Legal Citations

R.S. 51:3092

Origin

Acts 2005, No. 491, amended by Acts 2007, No. 345

Effective Date

July 12, 2005

Sunset Date

July 1, 2009

Related Provision

R.S. 51:3085

Beneficiaries

Taxpayers that invest in LCDFI's, the LCDFI, and low-income communities

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Exemptions/Exclusions }

9. Louisiana Infrastructure Bank

The Louisiana Infrastructure Bank may make loans to parishes, municipalities, any other political subdivision of the state, or other public entities for use in connection with eligible infrastructure projects. Any bonds, notes, or other evidence of indebtedness issued by the Bank or any infrastructure bank loan entered into under the authority of this Section is exempted from all taxation for state, parish, municipal, or other purposes.

Legal Citation

R.S. 51:3111-3115 [repealed]

Origin

Acts 2007, No. 276

Effective Date

July 6, 2007

Repealed

Acts 2010, No. 743

Beneficiaries

Corporations receiving loans from the LA Infrastructure Bank

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; This exemption has been repealed.

{ Deductions }

10. Bank-holding Corporations

Bank-holding corporations are allowed a deduction from their taxable base for the portion of their assets used to finance the operation of the subsidiary bank. In order to be deducted, the investments in and advances to subsidiaries must be included in the taxable capital of the holding corporation. The purpose of this deduction is to prevent the double taxation of these assets; first from the holding company and second from the subsidiary bank.

Legal Citation

R.S. 47:602(B)

Origin

Acts 1970, No. 385

Effective Date

Taxable periods beginning after December 31, 1970

Beneficiaries

Bank holding corporations and shareholders

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Deduction }

11. Public-utility Holding Corporations

A regulated public-utility holding corporation may deduct from its taxable base that portion of its assets used to finance the operation of its subsidiaries. The deduction is calculated by multiplying the sum of its investment in and advances to its subsidiary corporations by its Louisiana corporation franchise tax apportionment percent. In order to be deducted, the investments in and advances to subsidiaries must be included in the taxable capital of the holding corporation. However, public-utility holding companies have a minimum annual corporation franchise tax of \$100,000. The purpose of this deduction is to encourage corporations to relocate their principal office in Louisiana.

Legal Citation

R.S. 47:602(C)

Origin

Acts 1973, No. 119; amended by Acts 1994, No.40

Effective Date

June 1973

Beneficiaries

Public-utility holding companies, who own subsidiary corporations and who locate their home office in Louisiana, and their shareholders

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

12. Public Water Utility Companies

Corporations, with one or more subsidiary public water utility corporations, are allowed to deduct the amounts of its investment in and advances to these subsidiary corporations from taxable capital. In order to be deducted, the investments in and advances to subsidiaries must be included in the taxable capital of the holding corporation. The purpose of this deduction is to tax these assets at the subsidiary corporation level only.

Legal Citation

R.S. 47:602(D)

Origin

Acts 1990, No. 385

Effective Date

Taxable periods beginning on or after January 1, 1991

Beneficiaries

Public utility water corporations with investments in and advances to subsidiary corporations and shareholders of public utility water corporations

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Franchise Tax

{ Deductions }

13. Members of Controlled Groups that Include a Telephone Corporation

Any corporation in a controlled group, having as a member of such group a telephone corporation regulated by the Louisiana Public Service Commission, can deduct from its taxable capital its investment in and advances to any member of the controlled group that is included in its taxable capital. The purpose of this deduction is to eliminate double taxation of investments in and advances to an affiliated corporation in a controlled group having a telephone company as a member of the group.

Legal Citation

R.S. 47:602(E)

Origin

Acts 1994, No. 134

Effective Date

Taxable periods beginning on or after January 1, 1994

Beneficiaries

Corporations in a controlled group having as a member of such group a telephone corporation regulated by the Louisiana Public Service Commission

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

14. Insurance Holding Corporations

Any corporation owning at least 80 percent of the capital stock of a subsidiary property and casualty insurance corporation, such subsidiary having capital and surplus of less than \$20 million, is entitled to a deduction from taxable capital in computing franchise tax. The holding corporation can deduct from its taxable base an amount equal to its investments in and advances to the subsidiary that were allocated to Louisiana under R.S. 47:606(B).

Legal Citation

R.S. 47:602(F)

Origin

Acts 2002, No. 59

Effective Date

Taxable periods beginning after June 30, 2002

Sunset Date

Taxable periods ending before January 1, 2005

Beneficiaries

Corporations owning at least 80 percent of the capital stock of a subsidiary property and casualty insurance corporation

Administration

The purpose of this deduction is achieved in a fiscally effective manner

Estimated Fiscal Effect

This deduction is no longer in effect.

Corporation Franchise Tax

{ Deductions }

15. Regulated Utility Companies

Certain regulated public utility companies are allowed to deduct from surplus those accounts representing assets for which no money, service, or thing of value was paid by the utility companies except for the regulated service or product. The purpose of this deduction is to effect equal tax treatment for regulated and nonregulated utility companies.

Legal Citations

R.S. 47:605(C), R.S. 47:606(E)

Origin

Acts 1992, No. 156, amended by Acts 2008, 2nd Ex. Sess., No. 10

Effective Date

Taxable periods beginning on or after January 1, 1993

Beneficiaries

Public utility companies that are required by their regulatory authority to increase assets and surplus by amounts meeting the statutes' criteria

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no additional revenue loss is anticipated.

{ Credits }

16. Donations to Assist Qualified Playgrounds

A tax credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The donation may be in the form of cash, equipment, goods, or services and is limited to \$1,000 or one-half the value of the donation, whichever is less. The purpose of this credit is to encourage donations to qualifying playgrounds.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is the lesser of \$720 or 36 percent of the value of the donation.

Legal Citation

R.S. 47:6008

Origin

Acts 1992, No. 898, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning after December 31, 1992

Beneficiaries

Economically depressed areas of the state

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible; less than \$10,000

Corporation Franchise Tax

{ Credits }

17. Credit for Debt Issuance Costs

An economic development corporation is allowed a credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the filing fee paid.

Legal Citation

R.S. 47:6017

Origin

Acts 2002, No. 78, amended by Acts 2015, No. 125

Effective Date

June 25, 2002

Beneficiaries

Economic development corporations

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

18. Donations to Public Elementary or Secondary Schools

A credit is allowed for qualified donations made to public elementary or secondary schools. The credit allowed is for 40 percent of the appraised value of the donation and not to exceed the taxpayer's total tax liability for the year. "Qualified donation" means a donation of immovable property purchased or otherwise acquired by a corporation and donated to a public school immediately adjacent or contiguous to the property.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 29 percent of the appraised value.

Legal Citation

R.S. 47:6013

Origin

Acts 1998, No. 51, amended by Acts 2015, No. 125

Effective date

July 1, 1998

Beneficiaries

Corporations that make such donations and public schools in the state

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

Corporation Franchise Tax

{ Credits }

19. Donations of Material, Equipment, or Instructors Made to Certain Training Providers

A credit is allowed for donations of materials, equipment, or instructors made to training providers, vocational/technical schools, apprenticeship programs registered with the Louisiana Workforce Commission, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 36 percent of the value of the donated materials, equipment, or services rendered by the instructor.

Legal Citation

R.S. 47:6012

Origin

Acts 1998, No. 30, amended by Acts 2002, No. 11; Acts 2015, No. 125

Effective date

June 24, 1998

Sunset date

December 31, 2000

Reestablished

August 15, 2002 for taxable periods beginning after December 31, 2002

Beneficiaries

Students attending the training facilities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible; less than \$10,000

20. Employment of the Previously Unemployed

A tax credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit, \$750 for each qualified new job, is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage employment of the previously unemployed.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$540 for each qualified new job and employee.

Legal Citation

R.S. 47:6004

Origin

Acts 1989, No. 636, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after July 1, 1990

Beneficiaries

Corporations who hire the previously unemployed benefit from this credit. The state also benefits because these individuals are now employed and productive.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible; less than \$10,000

Corporation Franchise Tax

{ Credits }

21. Purchase of Qualified New Recycling Manufacturing or Process Equipment and/or Service Contracts

A credit is allowed for the purchase of new recycling manufacturing or process equipment and/or qualified service contracts. The amount of the credit is computed at 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment, but may not exceed 50 percent of the tax liability before the credit. If the equipment is sold before the total credit is claimed, the credit otherwise allowable may be claimed in the tax year of the sale and any unused credit is canceled for future periods. Total credits certified by the secretary of the Department of Environment Quality in any calendar year shall not exceed five million dollars.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the original credit.

Legal Citation

R.S. 47:6005

Origin

Acts 1991, Nos. 359 and 1052, amended by Acts 2005, No. 319; Acts 2015, No. 125

Effective Date

Reestablished June 30, 2005

Beneficiaries

Corporations who invest in qualifying equipment and the general public

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$503,000	\$513,000

22. Louisiana Basic-Skills Training

Corporations are allowed a credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a twelfth-grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated workforce.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to \$180 per qualified employee. The credit cannot exceed \$21,600 for any single business in a particular year.

Legal Citation

R.S. 47:6009

Origin

Acts 1992, No. 1098, amended by Acts 1997, No. 658; Acts 2015, No. 125

Effective Date

July 1, 1993

Beneficiaries

Individuals benefit from this credit by enabling them to bring their reading, writing, and mathematical skills to at least a twelfth-grade level. A better educated employee will be an asset to employers and the state.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

Corporation Franchise Tax

{ Credits }

23. Apprenticeship Tax Credit

A credit is allowed for employers for employing eligible apprentices. The credit is equal to one dollar for each hour of employment of each eligible apprentice, not to exceed 1,000 hours for each eligible apprentice. An eligible apprentice means a person who has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program or a person who is enrolled in a training program accredited by the National Center for Construction Education and Research that has no less than four levels of training and no less than 500 hours of instruction.

Legal Citation

R.S. 47:6033

Origin

Acts 2007, No. 472, amended by Acts 2011, No. 126

Effective Date

July 11, 2007 for taxable periods beginning after December 31, 2007

Repealed

Acts 2015, No. 357, effective June 29, 2015. However, taxpayers have ten years to utilize the credit.

Beneficiaries

Employers of eligible apprentices

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$204,000	\$212,000

24. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible cost and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural product district. The credit is for 25 percent of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018 and 20 percent for eligible costs and expenses incurred on or after January 1, 2018. No taxpayer or affiliate shall claim more than \$5,000,000 of credit per year for any number of structures rehabilitated within a particular downtown development or a cultural product district. The credit is earned only in the year in which the property attributable to the expenditures is placed in service.

Legal Citation

R.S. 47:6019

Origin

Acts 2002, No. 60, amended by Acts 2005, No. 439; Acts 2007, No. 182 and 298; Acts 2009, No. 444; Acts 2011, No. 409 ;Acts 2013, No. 263 and 418; Acts 2015, No. 108

Effective Date

July 1, 2002 and taxable periods beginning January 1, 2008 for a cultural product district

Sunset Date

Taxable periods ending before January 1, 2018

However, taxpayers have five years to utilize the credit.

Beneficiaries

Individuals or businesses rehabilitating a qualified historic structure

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$13,164,000	\$16,379,000

Corporation Franchise Tax

{ Credits }

25. Louisiana Capital Investment Tax Credit

Corporations are allowed a tax credit equal to five percent of the capital costs of a qualifying project. The credit is against the corporation franchise tax that is generated by or arising out of the qualifying project in each of the 20 years commencing with the year during which the qualifying project is placed in service. Certain small projects must employ at least 15 new employees and certain large projects must employ at least 20 new employees at an average compensation between \$8 and \$10 per hour in order to take the credit. The purpose of this credit is to encourage creation of new jobs through industry expansion.

Legal Citation

R.S. 51:2771

Origin

Acts 1996 1st Ex. Sess., No. 42; amended by Acts 1998, No. 36

Effective Date

July 1, 1996

Sunset Date

June 30, 2000

However, credits granted prior to June 30, 2000, shall remain effective for the remainder of the 20-year period.

Beneficiaries

Corporations that reduce their corporation franchise tax with this credit and individuals who are employed as a result of project expansions

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

26. Louisiana Community Development Financial Institutions Act Credit

A tax credit is allowed for businesses that invest in a Louisiana Community Development Financial Institution (LCDFI). A LCDFI is any legal entity whose primary business activity is the investment of cash to acquire equity in or provide financing assistance as a licensed business and industrial development corporation to qualified Louisiana businesses in low-income communities. The investment credit is to be calculated as 75 percent of the investment. These credits are transferable and can be carried forward indefinitely. The total amount that can reduce tax revenues in fiscal years 2007 through 2009 is \$5 million. Any unused allocation of credits from a previous year may be carried forward and granted in the next year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 54 percent of the investment.

Legal Citation

R.S. 51:3085

Origin

Acts 2005, No. 491, amended by Acts 2007, No. 345; Acts 2015, No. 125

Effective Date

July 12, 2005

Sunset Date

July 1, 2009, but provisions relevant to any granted tax credits continue to apply until July 1, 2012.

Related Provision

R.S. 51:3092

Beneficiaries

The LCDFI and low-income communities

Estimated Fiscal Effect

Negligible; less than \$10,000

Corporation Franchise Tax

{ Credits }

27. Low-income Housing

A tax credit is allowed for providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Acts 1990, No. 972. The purpose of this credit is to encourage development of low-income housing.

Legal Citation

R.S. 47:12

Origin

Acts 1990, No. 1033

Effective Date

July 1, 1990

Sunset Date

December 31, 1993

However unused credits can be carried forward until used.

Beneficiaries

Entities and individuals who provide low-income housing and recipients of low-income housing

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; this credit has been inactive. No future activity is anticipated.

28. Inventory Tax/Ad Valorem Tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 1991, No. 153, amended by Acts 1994, No. 28; Acts 2002, No. 11; Acts 2005, No. 363 ; amended by Acts 2015 No. 133

Effective Date

July 1, 1992

Related Provision

R.S. 47:6028 (sunset date, December 31, 2007)

Beneficiaries

All corporations that are manufacturers, distributors and retailers paying ad valorem taxes on inventory

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of the inventory tax credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Corporation Franchise Tax

{ Credits }

29. Ad Valorem Tax on Natural Gas

A refundable credit is allowed for ad valorem taxes paid to political subdivisions of Louisiana on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 2005, No. 363; amended by Acts 2015 No. 133

Effective Date

August 15, 2005

Beneficiaries

All corporations paying ad valorem taxes on natural gas held, used, or consumed in providing natural gas storage services

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of the inventory tax credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

30. Ad Valorem Tax Credit for Offshore Vessels

A refundable credit is allowed for ad valorem taxes paid on vessels that operate principally in Outer Continental Shelf Lands Act Waters. To qualify for the credit, the taxpayer must certify to the assessor that the vessel operated principally in outer continental shelf waters within the calendar year immediately before the tax year of assessment of the vessel and the ad valorem tax must have been paid to the political subdivision without protest. The credit is equal to 100 percent of the taxes paid.

Legal Citation

R.S. 47:6006.1

Origin

Acts 1994, 3rd Ex. Sess., No. 59, amended by Acts 2002, No. 11

Beneficiaries

Corporations paying ad valorem taxes on vessels operating in Outer Continental Shelf Lands Act Waters

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of the inventory tax credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Corporation Franchise Tax

{ Credits }

31. Credit for Ad Valorem Tax Paid by Certain Telephone Companies

A refundable credit is allowed for 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties which are assessed by the Louisiana Tax Commission at 25 percent of fair market value pursuant to R.S. 47:1854. The purpose of this credit is to reduce the effective assessment rate of eligible telephone companies to 15 percent of fair market value.

Legal Citation

R.S. 47:6014

Origin

Acts 2000, No. 22

Effective Date

The credit is effective for income and franchise tax years ending on or after December 31, 2001.

Beneficiaries

Telephone companies and the public they serve

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

32. Credit for Purchases from Prison Industry Enhancement Contractors

A refundable credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor. PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the sales and use taxes paid.

Legal Citation

R.S. 47:6018

Origin

Acts 2002, No. 32, amended by Acts 2007, No. 466; Acts 2015, No. 125

Effective Date

Reestablished for tax years beginning after January 1, 2007

Beneficiaries

Private Sector Prison Industry Enhancement Contractor

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Corporation Franchise Tax

{ Credits }

33. Sugarcane Transport Credit

A refundable credit is allowed for the cost paid by a taxpayer to acquire an eligible sugarcane trailer, to replace an eligible sugarcane trailer, or to convert an ineligible sugarcane trailer to an eligible sugarcane trailer. "Eligible sugarcane trailer" means a trailer that hauls sugarcane and meets the requirements of R.S. 32:387.7(B). Effective for costs of conversions or modifications of eligible sugarcane trailers paid on and after January 1, 2009, but before January 1, 2014.

Legal Citation

R.S. 47:6029

Origin

Acts 2007, No. 365, amended by Acts 2007, No. 368

Effective Date

January 1, 2009

Sunset Date

December 31, 2013

Repealed

Acts 2015, No. 357, effective June 29, 2015.

Beneficiaries

Owners of vehicles hauling sugarcane

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

34. Milk Producers Tax Credit

A refundable credit is allowed for resident taxpayers engaged in the business of producing milk for sale. The credit will be allowed when the USDA Uniform Price in Federal Order Number 7 drops below the announced production price established by the Department of Agriculture and Forestry any time during the calendar year. Qualified taxpayers are eligible for tax credits based on the production and sale of milk below the announced production price over a calendar year.

The Department of Health and Hospitals must certify to the Department of Revenue, by January 31 of the following year, which milk producers are eligible to receive the credits. Any producer not certified by the Department of Health and Hospitals will not be entitled to the credits. The credits allowed for each milk producer may not exceed \$30,000 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$2.5 million per calendar year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 cannot exceed \$21,600 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$1.8 million per calendar year.

Legal Citation

R.S. 47:6032

Origin

Acts 2007, No. 461, amended by Acts 2015, No. 125

Effective Date

January 1, 2007

Beneficiaries

Resident taxpayers engaged in the business of producing milk for sale

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Corporation Franchise Tax

{ Credits }

35. School Readiness Child Care Provider Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, a voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

Child care providers participating in Quality Start are allowed a refundable credit based on the average monthly number of children who either participate in the Child Care Assistance Program administered by LDE or who are foster children in the custody of DCFS and attending facilities operated by a child care provider, multiplied by an amount based upon the quality rating of the facility.

Legal Citation

R.S. 47:6105

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Participating child care providers and children attending child care facilities participating in Quality Start

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

36. School Readiness Business Supported Child Care Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A refundable credit is allowed for a taxpayer who incurs eligible business-supported child-care expenses. The credit amount depends upon the quality rating of the child care facility to which the expenses are related or the quality rating of the child care facility that the child attends. Eligible business-supported child-care expenses include expenses to construct, renovate, or expand a child care center, purchase equipment for a center, maintain or operate a center, or subsidize child care for their employees.

Legal Citation

R.S. 47:6107(A)(1)

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Businesses that support child care centers participating in Quality Start, the child care centers and students and the state through the increase in the quality of child care and early learning

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Corporation Franchise Tax

{ Credits }

37. School Readiness Fees and Grants to Resource and Referral Agencies Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A refundable credit is allowed for a taxpayer whose business pays fees and grants to child care resource and referral agencies. These are private agencies that contract with the Department of Education to provide important information and services to parents and child care providers. The credit is equal to the amount donated but cannot exceed \$5,000 per tax year.

Legal Citation

R.S. 47:6107(A)(2)

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Businesses that support child care centers participating in Quality Start, the child care centers and students and the state through the increase in the quality of child care and early learning

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for corporation income and franchise taxes.

Gift Tax Exemptions

Gift Tax

{ Introduction }

The Louisiana gift tax law was enacted in 1940 to complement the inheritance tax law. With minor exceptions, it was patterned after the federal gift tax law.

The gift tax is imposed on donations between living persons, real or disguised, and transfers for an inadequate consideration in money's worth. It is irrelevant whether the transfer is in trust or otherwise, or whether the property is movable or immovable, corporeal, or incorporeal.

For gifts made before July 1, 2008, if a gift tax return was filed, all tax periods have now prescribed. For gifts made before July 1, 2008, if the gift tax was due, but a gift tax return was never filed, the tax has not prescribed and prescription will be interrupted until the gift tax return is filed.

Acts 2007, No. 371 repealed gift tax for gifts made on or after July 1, 2008.

Legal Citations

R.S. 47:1201 through 47:1212

Tax Base

The tax base consists of the true and full value of property transferred by gift (donations between living persons) based on the interest conveyed at the date of transfer. The tax base also includes the value of property transferred with donative intent for an amount less than adequate consideration in money or money's worth based on its true and full value at the date of transfer.

Tax Rate

The tax rates are two percent of the first \$15,000 total sum of gifts in excess of the annual exclusion and specific lifetime exemption and three percent of any excess over \$15,000.

Types of Tax Exemptions

Gift tax exemptions are in the form of exclusions and exemptions. Exclusions are the portion of the true and actual value of a gift that is excluded from the tax base by statute. Exemptions are the true and actual value of gifts included in the tax base, but specifically exempted from the tax imposed.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes to the gift tax during the past year.

Gift Tax

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Gift Tax

{ Exemptions }

1. Specific Lifetime Exemption

This exemption allows donors to exempt up to \$30,000 during their lifetime in computing the amount of any gift subject to tax. A donor may claim the total, or any portion of the specific lifetime exemption in any calendar year, or spread it over several calendar years. The purpose of this exemption is to provide the donor with a \$30,000 exemption to cover gifts that exceed the annual exclusion for each donee.

Legal Citation

R.S. 47:1205(B)

Origin

Acts 1972, No. 569

Effective Date

July 12, 1972

Repealed

Acts 2007, No. 371, effective for gifts made on or after July 1, 2008

Beneficiaries

Persons transferring property

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

2. Gifts Made to Charitable, Religious, or Educational Institutions Located in Louisiana

This exemption allows gifts made exclusively to charitable, religious, or educational institutions located within Louisiana to be exempt from and excluded from the tax base, provided no part of the net earnings benefits any private shareholder or individual. The purpose of this exemption is to exempt donative transfers made to charitable, religious, or educational institutions located in Louisiana from the gift tax.

Legal Citation

R.S. 47:1204(1)

Origin

Acts 1940, No. 149

Effective Date

July 12, 1940

Repealed

Acts 2007, No. 371, effective for gifts made on or after July 1, 2008

Beneficiaries

Charitable, religious, or educational institutions located within Louisiana receiving gifts

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Gift Tax

{ Exemptions }

3. Gifts Made to the United States, the State of Louisiana, or its Political Subdivisions or Civic Organizations

This exemption allows the gifts made to the United States, the State of Louisiana, or any political subdivision thereof, or civic organization to be exempted and excluded from the tax base, provided the donor does not benefit directly or indirectly from the gift. The purpose of this exemption is to exempt donative transfers made to the United States, the State of Louisiana, or any political subdivision thereof, or any civic organization from the payment of gift tax.

Legal Citation

R.S. 47:1204(2)

Origin

Acts 1940, No. 149

Effective Date

July 12, 1940

Repealed

Acts 2007, No. 371, effective for gifts made on or after July 1, 2008

Beneficiaries

The U.S. Government, State of Louisiana, any political subdivision thereof, or civic organization receiving a gift

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

4. Gifts to Spouse

This exemption allows gifts made to a spouse to be exempted and excluded from the tax base. The purpose of this exemption is to provide a total exemption for gifts made to a spouse.

Legal Citation

R.S. 47:1204(3)

Origin

Acts 1987, No 236

Effective Date

July 2, 1987

Repealed

Acts 2007, No. 371, effective for gifts made on or after July 1, 2008

Beneficiaries

Persons receiving gifts from their spouses

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Gift Tax

{ Exclusion }

5. Annual Exclusion Per Donee

This exclusion allows an amount per donee to be excluded annually in computing the amount of gifts made to each donee in any calendar year. From 1972 through 1985, the annual exclusion was \$3,000 per donee; from 1986 through 2001, the annual exclusion was \$10,000 per donee. Beginning with gifts made after December 31, 2001, the amount of the annual exclusion per donee is equal to the amount allowed for federal gift tax purposes. The purpose of this exclusion is to exclude the initial amount of gifts made to a donee.

Legal Citation

R.S. 47:1205(A)

Origin

Acts 2002, No. 15

Effective Date

August 15, 2002

Repealed

Acts 2007, No. 371, effective for gifts made on or after July 1, 2008

Beneficiaries

Donors and donees of gifts during any one calendar year

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Hazardous Waste Disposal Tax Exemption

Hazardous Waste Disposal Tax

{ introduction }

In 1984, Act 8 of the First Extraordinary Session, levied a one-time tax on the hazardous waste content of the land. The tax was at the rate of \$2 per ton of waste disposed or stored in the land during 1981, 1982, 1983, and the first six months of 1984. This tax was administered by the Department of Environmental Quality, but collected by the Department of Revenue.

Also, by this same Act, the hazardous waste disposal tax was levied on the disposal of hazardous waste in Louisiana and on certain storage of wastes. The disposal tax rates were set at \$5 per dry-weight ton of waste disposed at the same site where produced or generated and \$10 per dry-weight ton of waste disposed or stored at a site other than where produced or generated. The tax was deemed collectible from the generator of the hazardous waste, if the generator disposed of his own hazardous waste, or from the disposer who must collect the tax from the generator of the waste at the time that the disposer received the waste. All generators and disposers must be registered with the Louisiana Department of Environmental Quality.

In 1988, Act 655 increased the rates to \$10 per dry-weight ton of hazardous waste disposed on site and \$20 per dry-weight ton of hazardous waste disposed at another site. This act further provided that the rates would increase \$1 per year until 1998. Additional provisions of the 1988 Act were the imposition of a tax of \$25 per dry-weight ton of extremely hazardous waste disposed in Louisiana and for the taxation of waste imported into Louisiana for disposal or storage.

The tax rates were again increased in 1990 by the passage of Act 391. This legislation changed the rates from \$10, \$20, and \$25 per dry-weight ton to \$30, \$60, and \$100, respectively. An additional provision allowed a credit of 0.5 percent of the tax due for collecting and remitting the tax timely. A tax on the transportation of hazardous and extremely hazardous wastes was also levied at the rate of \$25 per gross-weight ton of hazardous or extremely hazardous wastes transported in Louisiana for disposal or storage in Louisiana.

During the 1992 Regular Legislative Session, Act 526 was enacted which reduced the tax on the disposal of waste at a site other than where produced from \$60 per dry-weight ton to \$40 per dry-weight ton. This legislation also repealed the tax on transporting hazardous or extremely hazardous waste effective July 1, 1992.

Legal Citations

R.S. 47:821 through 47:832

Tax Base

Dry-weight ton, or fraction thereof, of hazardous or extremely hazardous wastes disposed in Louisiana and of hazardous wastes stored for more than 90 days

Tax Rate

Effective July 1, 1992:

- \$30 per ton of hazardous waste disposed at the site where produced
- \$40 per ton of hazardous waste disposed at a site other than where produced
- \$100 per ton of extremely hazardous waste disposed

Imported wastes produced out-of-state and disposed in Louisiana are taxed at either the current effective tax rate or at the rate that would be paid for disposal in the generating state, whichever is higher.

Types of Tax Exemptions

For hazardous waste disposal tax purposes, tax exemptions are in the form of a deduction. The deduction, for this purpose, is a specific reduction to the amount of tax due.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes in the hazardous waste disposal tax laws during the past year.

Hazardous Waste Disposal Tax

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Hazardous Waste Disposal Tax

{ Deduction }

1. Deduction for Compliance

A deduction of 0.5 percent is allowed for the accurate and timely accounting for and remitting of the taxes due. The purpose of this deduction is to encourage compliance and to compensate companies for expenses relating to collection and remittance of the tax.

Legal Citation

R.S. 47:823(E)

Origin

Acts 1990, No. 391

Effective Date

August 1, 1990

Beneficiaries

Those parties responsible for collecting and remitting the taxes and the state

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000	\$20,000

Corporation Income Tax Exemptions

Corporation Income Tax

{ Introduction }

The Louisiana corporation income tax was authorized by the 1921 state constitution. The first tax was levied in 1934 at the rate of four percent of corporate earnings exceeding \$3,000. In 1977, Louisiana raised the income tax rate from a flat rate of four percent to a five-tier tax rate schedule that ranged from four percent of the first \$25,000 of taxable income to a maximum of eight percent of the taxable income exceeding \$200,000. Louisiana allows a deduction for paid on income taxable in Louisiana federal income tax 100 percent of the in computing taxable income, which reduces the effective corporation income tax rates.

Like many other states that impose a corporate income tax, Louisiana closely follows the federal system. That is, the state employs the federal definition of income and deductions with certain modifications. Act 16 of the First Extraordinary Session of 1986 enacted R.S. 47:287.2 through 47:287.785 relative to corporation income tax and provided for the conformance of this tax to the federal tax system.

For multi-state corporations, Louisiana net income is generally determined through formula apportionment. Under the formula apportionment method, total net income is generally apportioned to Louisiana based on the average of three factors: property, revenue, and wages.

Domestic corporations and other entities taxed as corporations for federal income tax purposes that organized under the laws of Louisiana, unless specifically exempted, must file an income tax return each year. Foreign corporations and other entities taxed as corporations for federal income tax purposes, organized under the laws of other states, who derive income from Louisiana sources, regardless of whether or not they have net income, must file an income tax return unless specifically exempted.

An income tax return must be filed on or before the fifteenth day of the fourth month following the close of an accounting period.

Legal Citations

R.S. 47:287.2 through 47:287.785

Tax Base

Taxable income earned within or derived from sources within Louisiana.

Tax Rate

Four percent on the first \$25,000; five percent on the next \$25,000; six percent on the next \$50,000; seven percent on the next \$100,000; eight percent on the taxable income above \$200,000.

Type of Tax Exemptions

Corporation income tax exemptions are in the form of exemptions/exclusions, deductions, and credits. An exemption/exclusion generally means that a corporation is statutorily exempt from the imposition of the corporate income tax because of the nature of the corporation's business or a specific item of income that is not taxed. Deductions are generally defined as a reduction in net income to arrive at taxable income. Credits are generally defined as a reduction to the amount of tax due. All exemptions related to corporation income tax are contained in this report.

The federal income tax deduction, although a statutory deduction, is also required by the state constitution. Repeal of this deduction requires a vote of the people. For this reason, this deduction has been separated from the others and appears at the end of this section.

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 103 eliminated the three year carryback of the net operating loss deduction for purposes of calculating corporate income tax liability and increases the carryover period from 15 years to 20 years for any claim filed on or after July 1, 2015, regardless of the taxable year to which the return relates. Effective July 1, 2015.

Acts 2015, No. 108 amended the tax credit for the rehabilitation of historic structures for nonresidential property. The Act provides that the amount of the credit shall equal 25% of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, regardless of the year in which the property is placed in service. The amount of the credit shall equal 20% of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018, regardless of the year in which the property is placed in service. No taxpayer, or any entity affiliated with such taxpayer, shall claim more than five million dollars of credit annually for any number of structures rehabilitated with a particular downtown development or cultural district. The tax credit shall not be allowed for the rehabilitation costs and expenses that are paid for with state or federal funds, unless

Corporation Income Tax

{ Introduction }

the state or federal funds are reported as taxable income or are structured as repayable loans. It also provides for a single fee to be charged per application by the state historic preservation office and the Department of Revenue. The Act extended the sunset of the tax credit to January 1, 2022. Effective June 19, 2015.

Acts 2015, No. 112 provided for the calculation of the Louisiana apportionment percent and taxable capital for manufacturers of certain aircraft. Effective June 19, 2015.

Acts 2015, No. 123 reduced exclusions and deductions from corporate gross income for a variety of situations by 28%. The reductions are applicable when claimed on any return filed on or after July 1, 2015, but before June 30, 2018, regardless of the taxable year to which the return relates, unless the exclusion or deduction is claimed under one of the following scenarios:

- The filing of an amended return filed on or after July 1, 2015, but before June 30, 2018 when the amendment relates to an exclusion or deduction previously claimed on an original return filed prior to July 1, 2015.
- The filing of an original return on or after July 1, 2015 but before the extended due date for which a filing extension has been allowed prior to July 1, 2015. In such an instance, any portion reduced shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018 and 2019.

Acts 2015, No. 125 reduced certain income tax credits. The reductions are applicable when claimed on any return filed on or after July 1, 2015, but before June 30, 2018, regardless of the taxable year to which the return relates, unless the credit is claimed under one of the following scenarios:

- The filing of an amended return filed on or after July 1, 2015, but before June 30, 2018 when the amendment relates to a credit previously claimed on an original return filed prior to July 1, 2015.
- The filing of an original return on or after July 1, 2015 but before the extended due date for which a filing extension has been allowed prior to July 1, 2015. In such an instance, any portion of the credit reduced by the provisions of Section 1, 2, & 3 of Act 125 shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018 and 2019.
- The Act contains specific and controlling language regarding the effective date of the reductions to the credits in the applicable statute and is listed in this summary.
- Any reductions made pursuant to Act 125 are prohibited from being added to any carry forward provision allowed by law except as provided by Section 7(C) of Act 125.

Acts 2015, No. 131 reduced the maximum value of the solar energy systems tax credit for both purchased and leased systems as follows: For purchased systems, the credit is equal to the lesser of: 1.) two dollars multiplied by the total size of the system as measured in DC watts or; 2.) 50% of the first \$20,000. For leased systems, the credit is equal to 38% of the first \$20,000 subject to the per watt cost and total kilowatt restrictions. Establishes a cap for both purchased and leased systems and provides for various changes regarding system eligibility and requirements for the claiming of the credit. Effective June 19, 2015.

Acts 2015, No. 133 changed the tax credit for ad valorem taxes paid to political subdivisions on inventory and natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. If the amount of the credit authorized exceeds the amount of tax liability for the tax year, the following amounts of the excess credit is refundable or may be carried forward, as follows: For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was less than \$10,000, any excess credit is refundable. For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was \$10,000 or more, a refund of 75 percent of the excess credit is refundable, and the remaining 25 percent of the credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

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Corporation Income Tax

{ Exemptions/Exclusions }

1. Credit Unions

Credit unions, together with all accumulations therein, are exempt from all taxes except for immovable property owned. The shares of a credit union are not subject to a stock-transfer tax when issued by the corporation or when transferred from one member to another. No fees or taxes, nor any of the stipulations as to capital stock set forth in general statutes for corporations, apply to credit unions. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

Legal Citation

R.S. 6:662

Origin

Acts 1924, No. 40

Effective Date

July 1, 1924

Beneficiaries

Individuals who are a member of a state- or federal-chartered credit union

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

2. Exemption for Certain Foreign Corporations

Foreign corporations operating as mutual savings banks, mutual savings funds societies, real estate investment trusts, state banks or trust companies, insurance companies, corporations associated with real estate investment trusts, group insurance and annuity corporations, and nonprofit or nontrading corporations are exempt from state corporation income tax if their Louisiana operations are limited to certain activities related to making, acquiring, or participating in loans. The purpose of this exemption is to make it easier for Louisiana businesses and individuals to borrow money.

Legal Citations

R.S. 12:302(K) and (L)

Origin

Acts 1968, No. 105

Effective Date

1968

Beneficiaries

Certain foreign corporations referred to in the law

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Income Tax

{ Exemptions/Exclusions }

3. Electric Cooperatives

Electric cooperatives are exempt from all excise and income taxes, except for the fee of \$10 for each 100 persons, or fraction thereof, to whom electricity is supplied within the state. The purpose of this exemption is to minimize the tax burden on nonprofit electric cooperatives.

Legal Citation

R.S. 12:425

Origin

Acts 1924, No. 266

Effective Date

July 1, 1940

Beneficiaries

Individuals and companies purchasing electricity from electric cooperatives

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

4. State Banking Corporations and Shareholders

State banking corporations and their shareholders are taxed in the same manner as National Banking Corporations who are exempt from corporation income tax. The purpose of this exemption is to grant state corporations and their shareholders the same tax exemptions allowed to national banking corporations and their shareholders.

Legal Citations

R.S. 47:8, R.S. 47:121(2)

Origin

Acts 1966, No. 445

Effective Date

July 1, 1966

Related Provision

R.S. 12:302(K) and (L)

Beneficiaries

State chartered banks and their shareholders

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Income Tax

{ Exemptions/Exclusions }

5. Dividends from National Banking Corporations and State Banking Corporations

Dividends from national banking corporations and state banking corporations are excluded from the gross income of corporations. The federal law in effect at the time the state income tax statutes were enacted prohibited states from taxing dividends of national banking corporations. Although this prohibition was removed, Louisiana did not change its statutes to tax these dividends. The purpose of this exclusion is to comply with federal laws in effect at the time of enactment.

The exemption was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The exemption allowed starting in FYE 6-16 is 72 percent of the amounts received as dividend income.

Legal Citations

R.S. 47:287.71(B)(6)

Origin

Acts 1934, No. 21, Acts 1986, 1st Ex. Sess., No. 16, amended by Acts 2015, No. 123

Related Provision

R.S. 47:287.738(F)

Beneficiaries

Individual and corporate shareholders of national banking corporations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

6. Interest on State or Local Government Obligations

Interest earned on state or local obligations issued by the state of Louisiana or its political or municipal subdivisions is excluded from gross income. The purpose of this exclusion is to encourage investment in Louisiana obligations.

Legal Citations

R.S. 47:48, R.S. 47:287.71(B)(4)

Origin

Acts 1934, No. 21, Acts 1986, 1st Ex. Sess., No. 16

Effective Date

1934

Related Provision

R.S. 47:287.738(F)

Beneficiaries

State and local governments and the individuals and entities that invest in their obligations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Income Tax

{ Exemptions/Exclusions }

7. Certain Exempt Entities

Organizations described in Internal Revenue Code sections 401(a) or 501 are exempt from corporation income tax to the extent that those organizations are exempt from income taxation under federal law. Also, the Louisiana corporation income statute exempts certain other entities. The purpose of this exemption is to provide financial assistance to these nonprofit organizations. The following is a list of exempt entities:

- A. Labor, agricultural, and horticultural organizations that are educational or instructive in character, and are designed to encourage the development of agricultural and horticultural products. The income from these organizations must be used exclusively to meet the necessary expenses of upkeep and operation.
- B. Mutual savings banks, national banking corporations, and banking corporations organized under the laws of the state of Louisiana, who pay a tax for their shareholders, or whose shareholders pay a tax on their shares of stock under other laws of this state, and building and loan associations.
- C. Fraternal beneficiary societies, orders, or associations operating under the lodge system, or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to members of the society, order, or association or their dependents.
- D. Nonprofit cemetery companies owned and operated exclusively for the benefit of their members.
- E. Any corporation, community chest, or fund, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals.
- F. Business leagues, chambers of commerce, real estate boards, or boards of trade not organized for profit and no part of the net earnings benefits any private shareholder or individual.
- G. Nonprofit civic leagues or organizations operated exclusively for charitable, educational, or recreational purposes.
- H. Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes.

7. Certain Exempt Entities (continued)

- I. Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations, but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.
- J. Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including interinsurers and reciprocal underwriters), but only if the income of which is used or held for the purpose of paying losses or expenses.
- K. Certain farmers, fruit growers, or like associations organized and operated on a cooperative basis for the purpose of marketing products or purchasing supplies and equipment.
- L. Corporations organized by exempt farmers' cooperatives to finance crop operations of members.
- M. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to organizations that are organized and operated exclusively for religious, charitable, scientific, literary, and educational purposes. No part of the net earnings can benefit any private stockholder.
- N. Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents.
- O. Teachers' retirement fund associations of a purely local character, if no part of their net earnings (other than through payment of retirement benefits) benefits a private shareholder or individual, and if the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments.

Legal Citations

R.S. 47:121(1)-(15), R.S. 47:287.501(A), R.S. 47:287.501(B)(1), R.S. 47:287.521(A)

Origin

Acts 1934, Nos. 21 and 28, amended by Acts 1986, 1st Ex. Sess., No. 16

Corporation Income Tax

{ Exemptions/Exclusions }

7. Certain Exempt Entities (continued)

Effective Date

1934

Beneficiaries

Members and shareholders of these exempt corporations

Administration

The purpose of these exemptions are achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

8. Louisiana Community Development Financial Institutions

A Louisiana Community Development Financial Institution (LCDFI) is any legal entity whose primary business activity is the investment of cash to acquire equity in or provide financing assistance as a licensed business and industrial development corporation to qualified Louisiana businesses in low-income communities.

LCDFI corporations themselves are exempt from corporation income and franchise taxes for five consecutive taxable periods. The exemption from the corporation income tax shall commence with the taxable period in which the capital company is certified by the commissioner.

The exemption was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The exemption allowed starting in FYE 6-16 is for four consecutive taxable periods.

Legal Citations

R.S. 51:3092

Origin

Acts 2005, No. 491, amended by Acts 2007, No. 345; Acts 2015, No. 123

Effective Date

July 12, 2005

Sunset Date

July 1, 2009

Related Provision

R.S. 51:3085

Beneficiaries

Taxpayers that invest in LCDFI's, the LCDFI, and low-income communities

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Income Tax

{ Exemptions/Exclusions }

9. Governmental Subsidies for Operating Public Transportation Systems

Funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system are excluded from gross income. The purpose of this exclusion is to provide financial assistance to public transportation systems.

The exemption was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The exemption allowed starting in FYE 6-16 is limited to 72 percent of the funds received.

Legal Citations

R.S. 47:51, R.S. 47:287.71(B)(2)

Origin

Acts 1979, No. 300, Acts 1986, 1st Ex. Sess., No. 16, amended by Acts 2015, No. 123

Effective Date

Taxable periods beginning on or after January 1, 1979

Beneficiaries

Certain public-service corporations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; this exclusion has been inactive. No future activity is anticipated.

10. Subchapter S Corporation

Corporations classified as S corporations under Subchapter S of the Internal Revenue Code are required to file Louisiana corporation income tax returns. To arrive at taxable income Subchapter S corporations may exclude a percentage of their Louisiana net income. The excludable percentage is determined by dividing the number of issued and outstanding shares of capital stock of the Subchapter S corporation owned by Louisiana "resident individuals" on the last day of the corporation's tax year by the total number of issued and outstanding shares of capital stock of the corporation on the last day of the corporation's tax year. No share will be excluded unless its owner has filed a Louisiana individual income tax return that includes the owner's share of the Subchapter S corporation's income. The purpose of this exclusion is to limit income taxation on Subchapter S corporation income to either the corporate or shareholder level. The revenue loss associated with this exclusion is the gross revenue loss calculated using corporate income tax return data and is not offset by the amount of income tax paid on the Subchapter S corporation income included on individual income tax returns.

Legal Citation

R.S. 47:287.732

Origin

Acts 1989, No. 622

Effective Date

Taxable periods beginning on or after January 1, 1991

Beneficiaries

Subchapter S corporation shareholders

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$620,205,000	\$652,694,000

Corporation Income Tax

{ Deductions }

11. Percentage Depletion

An additional deduction in determining net income is allowed for oil and gas depletion. The deduction is based on a percentage of gross income from the property limited to 50 percent of the net income from the property calculated without the deduction for depletion. The purpose of this deduction is to promote oil and gas exploration and production.

The deduction was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the deduction is reduced; but one-third of the reduced portion of the deduction may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The deduction allowed starting in FYE 6-16 is deduction is based on a percentage of gross income from the property limited to 36 percent of the net income of the taxpayer.

Legal Citations

R.S. 47:158(C), R.S. 47:287.745

Origin

Acts 1934, No. 21, Acts 1986, 1st Ex. Sess., No. 16, amended by Acts 2015, No. 123

Effective Date

1934

Beneficiaries

Corporations with percentage depletion on oil and gas properties that is greater than their cost depletion

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

12. Net Louisiana Operating Loss

Corporations are allowed to carry a net operating loss deduction forward for 20 years. The purpose of this deduction is to allow corporations to offset losses made in one tax year with income earned in another.

The deduction was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018 regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the deduction is reduced; but one-third of the reduced portion of the deduction may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The deduction allowed starting in FYE 6-16 is limited to 72 percent of the amounts of net Louisiana loss incurred in a preceding year.

Legal Citations

R.S. 47:246, R.S. 47:287.86

Origin

Acts 1979, No. 586, Acts 1986, 1st Ex. Sess., No. 16, amended by Acts 2015, Nos. 103 and 123

Effective Date

Taxable periods beginning after December 31, 1978

Beneficiaries

Corporations that have losses for one year that can be offset against income earned during other years

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$335,267,000	\$384,703,000

Corporation Income Tax

{ Deductions }

13. Deduction for I.R.C. Section 280C Expense

A deduction is allowed for any expenses that are disallowed under I.R.C. Section 280C. For federal purposes, taxpayers can not claim certain tax credits and deduct certain expenses associated with those credits. I.R.C. Section 280C requires a taxpayer who elects to claim certain credits that are based on an expense to reduce the federal deduction for the expense by the dollar amount of the credit claimed. This deduction allows the taxpayer to reduce their federal taxable income by the amount of the deduction that was disallowed for federal income tax purposes.

The deduction was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the deduction is reduced; but one-third of the reduced portion of the deduction may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The deduction allowed starting in FYE 6-16 is limited to 72 percent of the expenses disallowed under I.R.C. Section 280C.

Legal Citations

R.S. 47:287.73(C)(4)

Origin

Acts 1986, 1st Ex. Sess., No. 16, amended by Acts 2015, No. 123

Effective Date

December 24, 1986

Beneficiaries

Corporations claiming certain credits on their federal returns

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

14. Deduction for Interest Income and Dividend Income

A deduction is allowed from gross income of an amount equal to interest and dividend income that is included on the federal income tax return.

The deduction was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the deduction is reduced; but one-third of the reduced portion of the deduction may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The deduction allowed starting in FYE 6-16 is limited to 72 percent of the dividends that would otherwise be included in gross income.

Legal Citations

R.S. 47:287.738(F)

Origin

Acts 2005, No. 401, amended by Acts 2015, No. 123

Effective Date

Taxable periods beginning after December 31, 2005

Beneficiaries

Taxpayers who have received interest income or dividend income that was included on their federal income tax return

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Corporation Income Tax

{ Deductions }

15. Deduction for Hurricane Recovery Entity Benefits

Corporations who received funds from a hurricane recovery entity and were required to include those funds on the federal income tax return are allowed a deduction for such funds. The deduction is for hurricane recovery benefits provided by the Road Home Corporation, the Louisiana Recovery Authority, the Louisiana Family Recovery Corps and the Disaster Recovery Unit, and is retroactive.

The deduction was changed by Act 123 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the deduction is reduced; but one-third of the reduced portion of the deduction may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The deduction allowed starting FYE 6-16 is limited to 72 percent of the funds from a hurricane recovery entity if such benefit was included in federal adjusted gross income.

Legal Citations

R.S. 47:287.738(G)

Origin

Acts 2007, No. 247, amended by Acts 2011, No. 401; Acts 2015, No. 123

Effective Date

July 6, 2007 but is retroactive

Beneficiaries

Taxpayers who have received hurricane recovery benefits that were included on their federal income tax return

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

{ Credits }

16. Insurance Company Premium Tax

A credit is allowed for any premium taxes paid to the Insurance Commissioner of the state of Louisiana. The purpose of this credit is to allow an offset for the premium taxes paid. An offset provided under R.S. 22:832 and R.S. 22:2058 against the premium tax liability has reduced the impact of the premium tax credit.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of premium taxes paid.

Legal Citation

R.S. 47:227

Origin

Acts 1934, Nos. 21 and 61, amended by Acts 2015, No. 125

Effective Date

1934

Beneficiaries

Insurance companies that pay premium taxes

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$34,706,000	\$39,269,000

Corporation Income Tax

{ Credits }

17. Bone Marrow Donor Expense

A non-refundable credit is allowed for bone-marrow donor expenses incurred by employers. The credit is for 25 percent of the expenses paid or incurred during the tax year by an employer to provide a program for employees who are potential or actual bone-marrow donors. The purpose of this credit is to encourage bone-marrow donations.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 18 percent of the expenses paid or incurred.

Legal Citation

R.S. 47:287.758

Origin

Acts 1992, No. 206, amended by Acts 2015, No. 125

Effective Date

August 21, 1992

Provision for Other Taxes

R.S. 47: 297(I)

Beneficiaries

Individuals who donate bone-marrow and individuals who need bone-marrow transplants

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

18. Employment of Certain First-time Nonviolent Offenders

A non-refundable credit of \$200 per employee per year for a maximum of two years is allowed for employing certain first-time nonviolent offenders. The offender must have successfully completed a court-ordered program and have worked 180 full-time days. The purpose of this credit is to encourage employment of first-time nonviolent offenders.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$140 per employee per year.

Legal Citations

R.S. 47:287.752

Origin

Acts 1994, 3rd Ex. Sess., No. 104, amended by Acts 2005, No. 285; Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 1994

Provision for Other Taxes

R.S. 47:297(O)

Beneficiaries

First-time nonviolent offenders who are employed by businesses that receive the credit and the companies and individuals who employ them

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

Corporation Income Tax

{ Credits }

19. Donations to Assist Qualified Playgrounds

A non-refundable credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The credit shall be an amount equal to the lesser of \$1,000 or 1/2 of the value of the donation. The purpose of this credit is to encourage donations to qualified playgrounds.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is the lesser of \$720 or 36 percent of the value of the donation.

Legal Citation

R.S. 47:6008

Origin

Acts 1992, No. 898 amended by Acts 1997, No. 658; Acts 2002, No. 11; Acts 2015, No. 125

Effective Date

Tax periods beginning after December 31, 1992

Beneficiaries

Economically depressed areas benefit from this credit, which should help to improve the quality of life of the residents.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible

20. Contribution of Tangible Personal Property of Sophisticated & Technological Nature to Educational Institutions

A non-refundable credit is allowed to corporations, persons, estates, and trusts that donate, sell below cost, or contribute properties of a sophisticated and technological nature to educational institutions in the state of Louisiana. Eligible property includes computer or data processing equipment hardware and software, capable of being used for research, research training, or direct education of students. The credit allowed is 40 percent of the property's value, or, in the case of sales below cost, 40 percent of the difference between the price received and the property's value, subject to the limitations prescribed in the statute. The purpose of this credit is to encourage donations of qualifying equipment to educational institutions.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 29 percent of the property's value.

Legal Citations

R.S. 47:37, R.S. 47:287.755

Origin

Acts 1983, No. 667; Acts 1986, 1st Ex. Sess., No. 16; Acts 1997, No. 658, amended by Acts 2015, No. 125

Effective Date

January 1, 1984

Beneficiaries

Educational institutions, students, teachers, and the state as a whole

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible

Corporation Income Tax

{ Credits }

21. Employee and Dependent Health Insurance Coverage Credit

A non-refundable tax credit is allowed for providing employee and dependent health insurance coverage when any contractor or subcontractor with a contract for the construction of a public work offers health insurance coverage and pays at least 75 percent of the total premium for the health insurance coverage for each full-time employee who elects to participate and pays at least 50 percent of total premium for each dependent of the full-time employee who elects to participate. Contractors who participate are eligible for a five percent income tax credit on 40 percent of the amount of the contract received in a tax year, not to exceed \$3,000,000 per year. The credit is allowed against the income tax for the period in which the credit is earned.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is for 3.6 percent on 40 percent of the amount of the contract received in a tax year, not to exceed \$3,000,000 per year, if 85 percent of the full time employees of each contractor are offered health insurance coverage.

Legal Citation

R.S. 47:287.759

Origin

Acts 2005, No. 504, amended by Acts 2015, No. 125

Effective Date

For tax years beginning on and after January 1, 2005

Sunset Date

December 31, 2007

Beneficiaries

Qualified contractors or subcontractors offering health insurance coverage

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; credit not in effect.

22. Donations to Public Elementary or Secondary Schools

A non-refundable credit is allowed for qualified donations made to public elementary or secondary schools. The credit allowed is for 40 percent of the appraised value of the donation and not to exceed the taxpayer's total tax liability for the year. "Qualified donation" means a donation of immovable property purchased or otherwise acquired by a corporation and donated to a public school immediately adjacent or contiguous to the property.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 29 percent of the appraised value.

Legal Citation

R.S. 47:6013

Origin

Acts 1998, No. 51, amended by Acts 2015, No. 125

Effective date

July 1, 1998

Beneficiaries

Corporations that make donations and public schools in the state

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

Corporation Income Tax

{ Credits }

23. Credit for Debt Issuance Costs

An economic development corporation is allowed a non-refundable credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the filing fee paid.

Legal Citation

R.S. 47:6017

Origin

Acts 2002, No. 78, amended by Acts 2015, No. 125

Effective Date

June 25, 2002

Beneficiaries

Economic development corporations

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

24. Donations of Property to Certain Offices and Agencies

A non-refundable credit is allowed for 50 percent of the value of historical property donated to the Old State Capitol, the State Capitol Complex, and the State Archives. The amount of the credit in any year is limited to 25 percent of the donor's tax liability. The maximum amount of credit that may be granted in the aggregate in any single year is \$70,000. The purpose of this credit is to encourage donations to certain state agencies property with historical value. This serves to preserve such property for future generations.

Legal Citation

R.S. 47:6011

Origin

Acts 1996, No. 10

Effective Date

August 1, 1996

Sunset Date

June 30, 2000

However unused credits can be carried forward until used.

Beneficiaries

Corporations that make donations

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; this credit has been inactive. No future activity is anticipated.

Corporation Income Tax

{ Credits }

25. Donations of Material, Equipment, or Instructors Made to Certain Training Providers

A non-refundable credit is allowed for donations of materials, equipment, or instructors made to training providers, vocational/technical schools, apprenticeship programs registered with the Louisiana Workforce Commission, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 36 percent of the value of the donated materials, equipment, or services rendered by the instructor.

Legal Citation

R.S. 47:6012

Origin

Acts 1998, No. 30, amended by Acts 2002, No. 11; Acts 2015, No. 125

Effective date

June 24, 1998

Sunset date

December 31, 2000

Reestablished

August 15, 2002 for taxable periods beginning after December 31, 2002

Beneficiaries

Corporations who take the tax credit and the citizens of the state that benefit from better equipped training facilities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

26. Vehicle Alternate Fuel Usage

A credit is allowed for vehicle conversion to certain alternative-fuel usage or for the purchase of vehicles that use certain alternative fuels. The amount of the credit is 20 percent of the cost of qualified clean-burning motor vehicle fuel property. If the vehicle is purchased with the equipment installed by the manufacturer, the tax credit is the lesser of 20 percent of 10 percent of the cost of the motor vehicle or \$1,500. The purpose of this credit is to encourage the usage of alternative fuels, which will result in a cleaner environment.

Legal Citation

R.S. 47:287.757, R.S. 47:38

Origin

Acts 1991, No. 1060

Effective Date

January 1, 1991

Related Provision

R.S. 47:6035, enacted by Acts 2009, No. 469

Repealed

Acts 2009, No. 469, effective July 9, 2009. However, taxpayers have three years to utilize the credit.

Beneficiaries

Corporations that purchase qualified clean burning motor fuel vehicle property

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; credit not in effect

Corporation Income Tax

{ Credits }

27. Employment of the Previously Unemployed

A non-refundable credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit is \$750 for each qualified new job and employee and is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage creation of new jobs, which will provide job opportunities for the unemployed.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$540 for each qualified new job and employee.

Legal Citation

R.S. 47:6004

Origin

Acts 1989, No. 636, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after July 1, 1990

Beneficiaries

Corporations that hire the previously unemployed in a newly created full-time job benefit from this credit. The state as a whole benefits because these individuals are now employed and productive.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

28. Purchase of Qualified New Recycling Manufacturing or Process Equipment and/or Service Contracts

A non-refundable credit is allowed for the purchase of new recycling manufacturing or process equipment and/or qualified service contracts. The amount of the credit is computed at 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment, but may not exceed 50 percent of the tax liability before the credit; unused credits may be carried forward until exhausted. If the equipment is sold before the total credit is claimed, the credit otherwise allowable may be claimed in the tax year of the sale and any unused credit is canceled for future periods. Total credits certified by the secretary of the Department of Environment Quality in any calendar year shall not exceed five million dollars.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the original credit.

Legal Citation

R.S. 47:6005

Origin

Acts 1991, Nos. 359 and 1052, amended by Acts 2005, No. 319; Acts 2015, No. 125

Effective Date

Reestablished June 30, 2005

Beneficiaries

Corporations who invest in qualifying equipment benefit from this credit. The general public also benefits from an improved environment.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

Corporation Income Tax

{ Credits }

29. Louisiana Basic-skills Training

Corporations are allowed a non-refundable credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a twelfth-grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated workforce.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to \$180 per qualified employee. The credit cannot exceed \$21,600 for any single business in a particular year.

Legal Citation

R.S. 47:6009

Origin

Acts 1992, No. 1098; amended by Acts 1997, No. 658; Acts 2015, No. 125

Effective Date

July 1, 1993

Beneficiaries

Individuals benefit from this credit by enabling them to bring their reading, writing, and mathematical skills to at least a 12-grade level. A better educated employee will be an asset to employers and the state.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

30. Apprenticeship Tax Credit

A credit is allowed for employers for employing eligible apprentices. The credit is equal to one dollar for each hour of employment of each eligible apprentice, not to exceed 1,000 hours for each eligible apprentice. An eligible apprentice means a person who has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program or a person who is enrolled in a training program accredited by the National Center for Construction Education and Research that has no less than four levels of training and no less than 500 hours of instruction.

Legal Citation

R.S. 47:6033

Origin

Acts 2007, No. 472, Amended by Acts 2011, No. 126

Effective Date

July 11, 2007 for taxable periods beginning after December 31, 2007

Repealed

Acts 2015, No. 357, effective June 29, 2015. However, taxpayers have ten years to utilize the credit.

Beneficiaries

Employers of eligible apprentices

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$604,000	\$616,000

Corporation Income Tax

{ Credits }

31. Cash Donations to the Dedicated Research Investment Fund

A credit is allowed for cash donations of \$200,000 or more to the Dedicated Research Investment Fund. The credit is equal to 35 percent of cash donations to the Dedicated Research Investment Fund. The purpose of this credit is to encourage donations to qualifying funds, which will assist the research industry in the state.

Legal Citation

R.S. 51:2203

Origin

Acts 1987, No. 300

Effective Date

July 5, 1987

Beneficiaries

Qualifying research institutions

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to participate

32. New Jobs Credit

A credit is allowed for each employee hired into a newly created job. The amount of the credit depends on whether the new employee qualifies as economically disadvantaged or is a resident of a neighborhood with an unemployment rate of 10 percent or more. The total jobs credit is limited to 50 percent of the tax liability. The purpose of this credit is to encourage corporations to create new jobs in Louisiana.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 50 percent of the tax liability.

Legal Citations

R.S. 47:34, R.S. 47:287.749

Origin

Acts 1978, No. 596, amended by Acts 1986, No.16; Acts 2015, No. 125

Effective Date

1978

Beneficiaries

Corporations creating new jobs

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$371,000	\$436,000

Corporation Income Tax

{ Credits }

33. Certain Refunds Issued by Utilities

Refunds made by utility companies, resulting from denial of rate increases, may be credited against gross income. If a deduction from gross income would result in a net loss, the utility company may elect to take an income tax credit subject to certain limitations. The purpose of this credit is to accurately reflect the utility company's gross income.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the income tax increase.

Legal Citations

R.S. 47:265, R.S. 47:287.664

Origin

Acts 1960, Nos. 1 and 210, amended by Acts 2015, No. 125

Effective Date

1960

Beneficiaries

Utility companies making refunds under these circumstances

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The effects of this credit have been replaced by the provisions of the net operating loss statute. (See R.S. 47:287.86.) Therefore, as long as §287.86, is valid there should be no fiscal effect.

34. Hiring Eligible Re-entrants

A credit is allowed for hiring re-entrants who have been convicted of a felony and who have successfully completed the Intensive Incarceration Program. The purpose of this credit is to provide job opportunities to qualified individuals.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$108 per eligible re-entrant.

Legal Citation

R.S. 47:287.748

Origin

Acts 1987, No. 758, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning after December 31, 1986

Beneficiaries

Individuals employed as a result of this tax credit

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible

Corporation Income Tax

{ Credits }

35. Neighborhood Assistance

A credit is allowed to businesses that provide neighborhood assistance, job training for individuals, community service, or crime prevention to upgrade impoverished areas. The Commissioner of Administration may allow a credit of up to 70 percent of the actual amount contributed to approved programs. The credit for any corporation shall not exceed \$250,000. The total amount of the tax credit granted for programs approved by the Commissioner may not exceed one percent of the total amount of state corporate income tax collected in the prior fiscal year. The purpose of this credit is to encourage assistance to impoverished areas.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 50 percent of the actual amount contributed to approved programs.

Legal Citations

R.S. 47:35, R.S. 47:287.753

Origin

Acts 1982, No. 653, amended by Acts 2015, No. 125

Effective Date

July 22, 1982

Beneficiaries

Residents of impoverished areas of the state

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to participate

36. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible cost and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural product district. Eligible structures must be nonresidential real property or residential rental property. The credit is for 25 percent of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018 and 20 percent for eligible costs and expenses incurred on or after January 1, 2018. No taxpayer or affiliate shall claim more than \$5,000,000 of credit per year for any number of structures rehabilitated within a particular downtown development or a cultural product district. The credit is earned only in the year in which the property attributable to the expenditures is placed in service.

Legal Citation

R.S. 47:6019

Origin

Acts 2002, No. 60, amended by Acts 2004, 1st Ex. Sess., No. 12; Acts 2005, No. 439; Acts 2007, No. 182 and 298; Acts 2009, No. 444; Acts 2011, No. 409; Acts 2013, No. 263 and 418; Acts 2015, No. 108

Effective Date

July 1, 2002 and taxable periods beginning January 1, 2008 for a cultural product district.

Sunset Date

December 31, 2017

However, taxpayers have five years to utilize the credit.

Beneficiaries

Individuals or businesses rehabilitating a qualified historic structure

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$8,745,000	\$10,987,000

Corporation Income Tax

{ Credits }

37. Louisiana Community Development Financial Institutions Act Credit

This provision creates the Louisiana Community Development Financial Institutions Act. A Louisiana Community Development Financial Institution (LCDFI) is any legal entity whose primary business activity is the investment of cash to acquire equity in or provide financing assistance as a licensed business and industrial development corporation to qualified Louisiana businesses in low-income communities and provides for an income and franchise tax credit for individuals and businesses that invest in LCDFIs. The investment credit is to be calculated as 75 percent of the investment. These credits are transferable and can be carried forward indefinitely. The total amount that can reduce tax revenues in fiscal years 2007 through 2009 is \$5 million. Any unused allocation of credits from a previous year may be carried forward and granted in the next year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 54 percent of the investment.

Legal Citation

R.S. 51:3081 through 3094

Origin

Acts 2005, No. 491 , amended by Acts 2007, No. 345; Acts 2015, No. 125

Effective Date

July 12, 2005

Sunset Date

July 1, 2009, but provisions relevant to any granted tax credits continue to apply until July 1, 2012

Beneficiaries

Taxpayers that invest in LCDFI's, LCDFIs and low-income communities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

38. Low-income housing

A credit is allowed to providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Act 972 of the 1990 Legislative Session. The purpose of this credit is to encourage investment in low-income housing.

Legal Citation

R.S. 47:12

Origin

Acts 1990, No. 1033

Effective Date

Taxable periods beginning on or after July 1, 1990

Sunset date

December 31, 1993

However unused credits can be carried forward until used.

Beneficiaries

Corporations providing low-income housing and the tenants in the housing

Administration

The purpose of this credit is achieved in a fiscally effective manner, as taxpayers can carry over credits to succeeding years until used.

Estimated Fiscal Effect

\$0; this credit has been inactive. No future activity is anticipated.

Corporation Income Tax

{ Credits }

39. Inventory Tax/Ad Valorem Tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 1991, No. 153, amended by Acts 1994, No. 28; Acts 2002, No. 11; Acts 2005, No. 363; amended by Acts 2015 No. 133

Effective Date

July 1, 1992

Related Provision

R.S. 47:6028 (sunset date, December 31, 2007)

Beneficiaries

All corporations that are manufacturers, distributors and retailers paying ad valorem taxes on inventory

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$166,894,000	\$322,288,000

40. Ad Valorem Tax on Natural Gas

A credit is allowed for ad valorem taxes paid to political subdivisions of Louisiana on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 2005, No. 363; amended by Acts 2015 No. 133

Effective Date

August 15, 2005

Beneficiaries

All corporations paying ad valorem taxes on natural gas held, used, or consumed in providing natural gas storage services

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,108,000	\$2,968,000

Corporation Income Tax

{ Credits }

41. Ad Valorem Tax Credit for Offshore Vessels

A credit is allowed for ad valorem taxes paid on vessels that operate principally in Outer Continental Shelf Lands Act Waters. To qualify for the credit, the taxpayer must certify to the assessor that the vessel operated principally in outer continental shelf waters within the calendar year immediately before the tax year of assessment of the vessel and the ad valorem tax must have been paid to the political subdivision without protest. The credit is equal to 100 percent of the taxes paid.

Legal Citation

R.S. 47:6006.1

Origin

Acts 1994, 3rd Ex. Sess., No. 59, amended by Acts 2002, No. 11

Effective Date

July 7, 1994

Related Provision

R.S. 47:6028 (sunset date, December 31, 2007)

Beneficiaries

All corporations paying ad valorem taxes on vessels operating in Outer Continental Shelf Lands Act Waters

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$18,407,000	\$31,000,000

42. Credit for Ad Valorem Tax Paid by Certain Telephone Companies

A credit is allowed for 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties which are assessed by the Louisiana Tax Commission at 25 percent of fair market value pursuant to R.S. 47:1854.

Legal Citation

R.S. 47:6014

Origin

Acts 2000, No. 22

Effective Date

The credit is effective for income tax years ending on or after December 31, 2001.

Beneficiaries

Telephone companies in an amount equal to 40 percent of ad valorem taxes paid to political subdivisions for public service properties

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$14,803,000	\$21,179,000

Corporation Income Tax

{ Credits }

43. Credit for Purchases from Prison Industry Enhancement Contractors

A tax credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor. PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the sales and use taxes paid.

Legal Citation

R.S. 47:6018

Origin

Acts 2002, No. 32, amended by Acts 2007, No. 466; Acts 2015, No. 125

Effective Date

The credit is effective for income and franchise tax becoming due after December 31, 2002

Beneficiaries

Private Sector Prison Industry Enhancement contractors and corporations who purchases items from them

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

44. Credit for the LA Citizens Property Insurance Corporation Assessments

A credit is allowed in the amount of surcharges, market equalization charges, or assessments paid as a result of the assessments levied by the Louisiana Citizens Property Insurance Corporation due to Hurricanes Katrina and Rita. This credit is available to taxpayers who paid the assessments as a part of their property insurance premium. For assessments paid on or after January 1, 2007, a corporation can claim the credit after payment is made on a form provided by the secretary instead of on their Louisiana corporation income tax return.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the assessment paid.

Legal Citation

R.S. 47:6025

Origin

Acts 2006, 2nd Ex. Sess., No. 4 , amended by Acts 2007, No. 382; Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 2006

Beneficiaries

Taxpayers who have paid the assessments levied by the LA Citizens Property Insurance Corporation

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,716,000	\$3,199,000

Corporation Income Tax

{ Credits }

45. Sugarcane Transport Credit

A credit is allowed for the cost paid by a taxpayer to acquire an eligible sugarcane trailer, to replace an eligible sugarcane trailer, or to convert an ineligible sugarcane trailer to an eligible sugarcane trailer. "Eligible sugarcane trailer" means a trailer that hauls sugarcane and meets the requirements of R.S. 32:387.7(B). Effective for costs of conversions or modifications of eligible sugarcane trailers paid on and after January 1, 2009, but before January 1, 2014.

Legal Citation

R.S. 47:6029

Origin

Acts 2007, No. 365, amended by Acts 2007, No. 368

Effective Date

January 1, 2009

Sunset Date

December 31, 2013

Repealed

Acts 2015, No. 357, effective June 29, 2015.

Beneficiaries

Owners of vehicles hauling sugarcane

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; credit not in effect

46. Wind and Solar Energy System Credit

A credit is allowed for the cost of purchase and installation of a solar energy system by a taxpayer at their residence located in Louisiana by a taxpayer who owns a residential rental apartment project, or by a taxpayer who purchases and installs such a system in a residence or a residential rental apartment project which is located in Louisiana. The credit is 50 percent of the first \$25,000 of the cost of a system purchased and installed on or after January 1, 2008. The credit for leased systems is 38 percent of the first \$20,000 of the cost of purchase installed on after January 1, 2014. For systems installed after July 1, 2015, the credit for purchased systems is now equal to the lesser of 1) \$2.00 multiplied by the total size of the system as measured in DC watts or 2) 50 percent of the first \$20,000 of the cost of purchase and installation. The credit may be used in addition to any federal tax credits earned for the same system, except that, a taxpayer may not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for property for which a tax credit has been received under this Section. Only one tax credit is available for any eligible system and use of the credit must be disclosed when the property is sold.

Fiscal Year	Leased	Non-Leased
2014-2015	\$19 million	No cap
2015-2016	\$10 million	\$10 million
2016-2017	\$10 million	\$10 million
2017-2018	\$5 million	\$5 million

Legal Citation

R.S. 47:6030

Origin

Acts 2007, No. 371, amended by Acts 2009, No. 467; Acts 2013, No. 428; Acts 2015, No. 131

Effective Date

January 1, 2008

Beneficiaries

Taxpayers installing wind or solar energy systems on their property

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for individual income tax and includes the total revenue loss for corporation income and individual income taxes.

Corporation Income Tax

{ Credits }

47. Milk Producers Tax Credit

A credit is allowed for resident taxpayers engaged in the business of producing milk for sale. The credit will be allowed when the USDA Uniform Price in Federal Order Number 7 drops below the announced production price established by the Department of Agriculture and Forestry any time during the calendar year. Qualified taxpayers are eligible for tax credits based on the production and sale of milk below the announced production price over a calendar year.

The Department of Health and Hospitals must certify to the Department of Revenue, by January 31 of the following year, which milk producers are eligible to receive the credits. Any producer not certified by the Department of Health and Hospitals will not be entitled to the credits. The credits allowed for each milk producer may not exceed \$30,000 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$2.5 million per calendar year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 may not exceed \$21,600 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$1.8 million per calendar year.

Legal Citation

R.S. 47:6032

Origin

Acts 2007, No. 461, amended by Acts 2015, No. 125

Effective Date

January 1, 2007

Beneficiaries

Resident taxpayers engaged in the business of producing milk for sale

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$108,000	\$110,000

48. Conversion of Vehicles to Alternative Fuel

A credit is allowed for 50 percent of the cost of the qualified clean burning motor vehicle fuel property for the taxable period in which the property is purchased and installed. If the taxpayer purchases a new motor vehicle originally equipped with qualified clean burning motor vehicle fuel property and is unable to or elects not to determine the exact cost attributable to the property, the taxpayer may claim a credit equal to 10 percent of the cost of the motor vehicle or \$3,000, whichever is less, provided the motor vehicle is registered in Louisiana. The purpose of this credit is to provide an incentive to persons or corporations to invest in qualified clean-burning motor vehicle fuel property.

The purpose of the credit is to provide an incentive to persons or corporations to invest in qualified clean burning motor vehicle fuel property.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the taxable year to which the return relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting with FYE 6-16 is 36 percent of the cost of the qualified clean-burning motor vehicle fuel property. If the taxpayer is unable to, or elects not to determine the exact cost, the credit is equal to 7.2 percent of the cost of the motor vehicle or \$1,500, whichever is less.

Legal Citation

R.S. 47:6035

Origin

Acts 2009, No. 469, amended by Acts 2015, No. 125

Effective Date

January 1, 2009

Beneficiaries

Owners purchasing qualified clean burning motor vehicle fuel property

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$4,611,000	\$4,702,000

Corporation Income Tax

{ Credits }

49. School Readiness Child Care Provider Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education (LDE) for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

Child care providers participating in Quality Start are allowed a credit based on the average monthly number of children who either participate in the Child Care Assistance Program administered by the LDE or who are foster children in the custody of DCFS and attending facilities operated by a child care provider, multiplied by an amount based upon the quality rating of the facility.

Legal Citation

R.S. 47:6105

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Child care providers participating in Quality Start, a program that is designed to increase the quality of child care and early learning for all children throughout Louisiana.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for corporation income tax and includes the total revenue loss for individual income, corporation income and franchise taxes.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,484,000	\$2,533,000

50. School Readiness Business Supported Child Care Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A credit is allowed for a taxpayer who incurs eligible business-supported child-care expenses. The credit amount depends upon the quality rating of the child care facility to which the expenses are related or the quality rating of the child care facility that the child attends. Eligible business-supported child-care expenses include expenses to construct, renovate, or expand a child care center, purchase equipment for a center, maintain or operate a center, or subsidize child care for their employees.

Legal Citation

R.S. 47:6107(A)(1)

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Businesses that support child care centers participating in Quality Start, the child care centers and students and the state through the increase in the quality of child care and early learning

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$349,000	\$356,000

Corporation Income Tax

{ Credits }

51. School Readiness Fees and Grants to Resource and Referral Agencies Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A credit is allowed for a taxpayer whose business pays fees and grants to child care resource and referral agencies. These are private agencies that contract with the Department of Education to provide important information and services to parents and child care providers. The credit is equal to the amount donated but cannot exceed \$5,000 per tax year.

Legal Citation
R.S. 47:6107(A)(2)

Origin
Acts 2007, No. 394

Effective Date
January 1, 2008

Beneficiaries
Participating child care providers and children attending child care facilities participating in Quality Start

Administration
The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$241,000	\$246,000

{ Rebates }

52. Donations to School Tuition Organization

A rebate is available for taxpayers who donate to certain school tuition organizations (STO). In order to qualify for receive the rebate the taxpayer must file an income tax return with LDR. The rebate is equal to the amount of the donation used by the STO to fund a scholarship, not including any administrative costs paid by the donation. Rebates will be claimed and paid after the conclusion of school year after receiving certification by the STO and the Department of Education.

Legal Citations
R.S. 47:6301

Origin
Acts 2012, No. 25

Effective Date
January 1, 2013 for donations made to a STO which provides scholarships to qualified students to attend a qualified school for the 2013-2014 school year and thereafter.

Beneficiaries
Taxpayers that make such donations and low-income students that receive such scholarships

Administration
The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$100,000	\$100,000

Corporation Income Tax

{ Exemption Required by the
State Constitution }

53. Federal Income Tax Deduction

A deduction is allowed for federal income taxes paid on income taxed by Louisiana. The purpose of this deduction is to reduce the corporate income tax burden.

Legal Citations

La. Const., art. VII, Part I, § 4(A), R.S. 47:55, R.S. 47:241, R.S. 47:287.85

Origin

1974 Constitution and Acts 1974, No. 188

Effective Date

1974

Beneficiaries

All corporate taxpayers that paid federal income tax

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$181,616,000	\$204,576,000

Individual Income Tax Exemptions

Individual Income Tax

{ Introduction }

Louisiana's individual income tax was first imposed in 1934. The tax is assessed on a resident individual's income derived from all sources and a nonresident individual's income derived from Louisiana sources. Resident individuals are allowed a credit for income tax paid to other states on income that is also taxed by Louisiana.

Like other states that impose a personal income tax, Louisiana closely follows the federal system utilizing the federal definition of income and deductions with certain modifications. Louisiana tax-table income is a modified federal adjusted gross income less federal income taxes paid.

The income tax base is partially diminished by a combined personal exemption/standard deduction of \$4,500 for single filers and married taxpayers filing separately or \$9,000 for married taxpayers filing jointly, head-of-household filers, and qualifying widowers. Additional \$1,000 deductions are given for each dependent and each taxpayer who is blind or 65 years of age or older.

Any resident, nonresident, or part-year resident required to file a tax return must do so by the fifteenth day of the fifth month after the close of their taxable year.

Legal Citations

R.S. 47:21 through 47:285, R.S. 47:290 through 47:299

Tax Base

The tax base is comprised of federal adjusted gross income less federal income tax and the portion of federal itemized deductions that were in excess of the federal standard deduction with adjustments for other modifications to federal adjusted gross income.

The income tax brackets have been revised for all taxable periods beginning after December 31, 2002, with the passing of the amendment of La. Const. art. VII, §4(A) and passing of La. Const. art. VII, §2.2. Legislation was passed in 2008 to return the four percent and six percent brackets to those provided for before the enactment of the Stelly Plan for tax years beginning after December 31, 2008.

Tax Rate

Tax tables are used to determine tax liability using rates as follows:

	Effective for taxable periods beginning after December 31, 2002	Effective for taxable periods beginning after December 31, 2008
Married couple filing joint return or qualifying widow:	2% on the first \$25,000	2% on the first \$25,000
	4% on the next \$25,000	4% on the next \$75,000
	6% on the taxable income above \$50,000	6% on the taxable income above \$100,000
Single, Head of Household, or married filing separately	2% on the first \$12,500	2% on the first \$12,500
	4% on the next \$12,500	4% on the next \$37,500
	6% on the taxable income above \$25,000	6% on the taxable income above \$50,000

Types of Tax Exemptions

Individual income tax exemptions are in the form of exemptions/exclusions, deductions, and credits. Exemptions/exclusions generally mean a specific item of income that is not included in taxable income. Deductions are generally defined as a reduction in net income to arrive at taxable income. Credits are generally defined as a reduction to the amount of tax due. All exemptions related to individual income tax are contained in this report.

The federal income tax deduction, although a statutory deduction, is also required by the state constitution. Repeal of this deduction requires a vote of the people. For this reason, this deduction has been separated from the other exemptions and appears at the end of this section.

Individual Income Tax

{ Introduction }

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 108 amended the tax credit for the rehabilitation of historic structures for nonresidential property. The Act provides that the amount of the credit shall equal 25% of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, regardless of the year in which the property is placed in service. The amount of the credit shall equal 20% of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018, regardless of the year in which the property is placed in service. No taxpayer, or any entity affiliated with such taxpayer, shall claim more than five million dollars of credit annually for any number of structures rehabilitated with a particular downtown development or cultural district. The tax credit shall not be allowed for the rehabilitation costs and expenses that are paid for with state or federal funds, unless the state or federal funds are reported as taxable income or are structured as repayable loans. It also provides for a single fee to be charged per application by the state historic preservation office and the Department of Revenue. The Act extended the sunset of the tax credit to January 1, 2022. Effective June 19, 2015.

Acts 2015, No. 109 amended the individual income tax credit for income taxes imposed by and paid to another state on income subject to Louisiana tax. For all returns filed on or after July 1, 2015, regardless of the taxable year for which the return is filed, the credit is subject to the following conditions:

- Will be allowed only if the other state provides a similar credit for Louisiana income taxes paid on income derived from property located in, or from services rendered in, or from business transacted in this state.
- Will be limited to the amount of Louisiana income tax that would have been imposed if the income earned in the other state had been earned in this state.
- Will not be allowed for income taxes paid to a state that allows a nonresident a credit against the income taxes imposed by that state for taxes paid or payable to the state of residence.
- Provisions of R.S. 47:33(A)(4) through (6) will not apply to an amended return filed on or after July 1, 2015 relating to a claim for the credit if the credit was properly claimed on an original return filed prior to July 1, 2015.
- If a return is filed after July 1, 2015 and a valid filing extension was allowed prior to July 1, 2015, then any portion of the credit that was disallowed pursuant to R.S. 47:33(A)(4) through (6) will be allowed as a tax credit in the amount of one-third of the disallowed portion of the credit on the return for each taxable years beginning during calendar years 2017, 2018, and 2019.
- R.S. 47:33(A)(4) through (6) become effective on July 1, 2015 and will remain effective through June 30, 2018. Effective July 1, 2018, R.S. 47:33(A)(4) through (6) are repealed in their entirety.

Acts 2015, No. 117 provided for an individual income tax deduction for each taxpayer who provides continuous employment, as described in the Act, to a qualified individual with a disability within this state. The amount of the deduction is equal to 50% of the gross wages paid to the individual during the first four continuous months of employment and 30% of the gross wages paid during each subsequent continuous month of employment. The Act limits the number of qualified individuals for which the deduction may be claimed to 100 and further authorizes the Department of Revenue to share confidential information with the Department of Health and Hospitals for purposes of implementing the program. Effective June 19, 2015.

Acts 2015, No. 125 reduces certain income tax credits. The reductions are applicable when claimed on any return filed on or after July 1, 2015, but before June 30, 2018, regardless of the taxable year to which the return relates, unless the credit is claimed under one of the following scenarios:

- The filing of an amended return filed on or after July 1, 2015, but before June 30, 2018 when the amendment relates to a credit previously claimed on an original return filed prior to July 1, 2015.
- The filing of an original return on or after July 1, 2015 but before the extended due date for which a filing extension has been allowed prior to July 1, 2015. In such an instance, any portion of the credit reduced by the provisions of Section 1, 2, & 3 of Act 125 shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018 and 2019.
- The Act contains specific and controlling language regarding the effective date of the reductions to the credits in the applicable statute and is listed in this summary.

Introduction

{ Introduction }

- Any reductions made pursuant to Act 125 are prohibited from being added to any carry forward provision allowed by law except as provided by Section 7(C) of Act 125.

Acts 2015, No. 131 reduces the maximum value of the solar energy systems tax credit for both purchased and leased systems as follows: For purchased systems, the credit is equal to the lesser of: 1.) two dollars multiplied by the total size of the system as measured in DC watts or; 2.) 50% of the first \$20,000. For leased systems, the credit is equal to 38% of the first \$20,000 subject to the per watt cost and total kilowatt restrictions. Establishes a cap for both purchased and leased systems and provides for various changes regarding system eligibility and requirements for the claiming of the credit. Effective June 19, 2015.

Acts 2015, No. 133 changed the tax credit for ad valorem taxes paid to political subdivisions on inventory and natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. If the amount of the credit authorized exceeds the amount of tax liability for the tax year, the following amounts of the excess credit is refundable or may be carried forward, as follows: For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was less than \$10,000, any excess credit is refundable. For those eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was \$10,000 or more, a refund of 75 percent of the excess credit is refundable, and the remaining 25 percent of the credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

Acts 2015, No. 140 grants a transferable Student Assessment for a Valuable Education (SAVE) credit for each student enrolled at a public institution of higher education. Each student assessed will be granted a SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million. The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total head count enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund. The credit or assessment cannot exceed the amount appropriated by the legislature from the Higher Education Initiatives Fund for each fiscal year. The Board of Regents will distribute all funds appropriated from the Higher Education Initiatives Fund from the SAVE Credit Program pursuant to its formula for the equitable distribution of funds to public institutions of higher education. No student or student's parent or legal guardian will be required to pay an assessment that is not offset by a SAVE credit. The SAVE Credit Program will be null, void, and of no effect after July 1, 2020. The Save Credit Program is applicable to tax years beginning on and after January 1, 2015. Effective June 19, 2015.

Acts 2015, No. 290 provided for individual income tax return checkoff for The American Rose Society, effective for taxable periods beginning on or after January 1, 2016.

Acts 2015, No. 349 provided for individual income tax return checkoff for The Extra Mile, Southeast La. and other regional The Extra Mile organizations, effective for taxable periods beginning on or after January 1, 2016.

Acts 2015, No. 388 provided for an individual income tax return checkoff for the Louisiana Naval War Memorial Commission; U.S.S. Kidd. The Act also provides for individual income tax return checkoff for the Emerge Center for Communications, Behavior, and Development, effective for taxable periods beginning on or after January 1, 2016.

Acts 2015, No. 411 provided, relative to the Achieving a Better Life Experience in Louisiana ("ABLE) Act Account Program, that for tax years beginning on and after January 1, 2016, amounts deposited in an ABLE Account on behalf of any designated beneficiary shall be excluded from tax table income for purposes of Louisiana income tax in accordance with applicable provisions of R.S. 47:293(9)(a). Effective July 1, 2015.

Individual Income Tax

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Individual Income Tax

{ Exemptions/Exclusions }

1. Interest on State or Local Government Obligations

Interest received on obligations issued by the state or its political or municipal subdivisions is exempt from taxable income. The purpose of this exclusion is to encourage investment in Louisiana obligations.

Legal Citation

R.S. 47:48, R.S. 47:293(9)(b)

Origin

Acts 1934, No. 21

Effective Date

1934

Beneficiaries

State and local governments and the individuals and entities that invest in their obligations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

2. Exemption for Resident Estates and Trusts

Resident estates and trusts are allowed to exempt up to \$2,500 of their federal taxable income when calculating their Louisiana taxable income. The \$2,500 exemption includes any exemption allowed under IRC section 642(a).

Legal Citation

R.S. 47:300.6(B)(2)(c)

Origin

Acts 2000, No. 40

Effective Date

Taxable periods beginning after December 31, 2000.

Beneficiaries

Resident Estates and trusts subject to Louisiana income tax

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Individual Income Tax

{ Exemptions/Exclusions }

3. Annual Retirement Income Exclusion

Persons 65 years or older may exclude up to \$6,000 of annual retirement income from their taxable income. The purpose of this exclusion is to reduce the tax burden for persons 65 years or older.

Legal Citation

R.S. 47:44.1(A)

Origin

Acts 1981, No. 880

Effective Date

Taxable periods beginning after December 31, 1980

Beneficiaries

Retirees, 65 years or older, with taxable retirement income

Administration

The purpose of this exemption/exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$23,927,000	\$24,396,000

4. Disability Income Exclusion

Individuals receiving annual disability income for a permanent total disability as provided for in R.S. 23:1221(2) may exclude up to \$6,000 of disability income. An individual claiming an exemption under R.S. 47:79(A)(2), for blindness, loss of one or more limbs, mental incapacitation, or for deafness is not eligible for this exemption.

Legal Citation

R.S. 47:44.1(B)

Origin

Act 2000, No. 34

Effective Date

January 1, 2001

Beneficiaries

Individual receiving certain disability income

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$5,647,000	\$5,757,000

Note: this amount includes the total revenue loss for S Bank income exclusion, deduction for adaptive home improvements for disabled individuals, and deduction for military family assistance fund. (See numbers 9, 10, and 22, individual income tax section).

Individual Income Tax

{ Exemptions/Exclusions }

5. State Employees, Teachers, and Other Retirement Benefits Exclusion

Individuals receiving benefits from certain retirement systems are allowed to exclude those benefits from their Louisiana tax-table income. Acts 68 and 69 of 1991, amended and reenacted R.S. 33:7203 and R.S. 40:427.2(E), relative to Municipal and State Police Employees Retirement Systems, to provide that deferred retirement option plan funds are exempt from state income tax. The purpose of this exclusion is to shelter certain retirement benefits from the income tax.

Legal Citations

- R.S. 11:405 State Employees' Retirement System
- R.S. 11:570 Funded Judicial Retirement Plan
- R.S. 11:1378 Non-contributory Judicial Retirement Plan Beginning after Dec. 30, 1980
- R.S. 11:704 Teachers' Retirement System
- R.S. 11:704 Teachers' Retirement System of Orleans Parish
- R.S. 11:1003 Louisiana School Employees' Retirement System
- R.S. 11:1331 Louisiana State Police Retirement System
- R.S. 11:1403 Assessors Retirement Fund
- R.S. 11:1526 Clerks' of Court Retirement and Relief Fund
- R.S. 11:1583 District Attorneys' Retirement System
- R.S. 11:1735 Municipal Employees' Retirement System
- R.S. 11:1735 City of Baton Rouge Retirement System
- R.S. 11:1735 Employees' Retirement System of East Baton Rouge Parish
- R.S. 11:1735 Employees' Retirement System of Shreveport
- R.S. 11:1905 Parochial Employees' Retirement System
- R.S. 11:3014 City of Alexandria Employees' Retirement System
- R.S. 11:2033 Registrars of Voters Employees' Retirement System
- R.S. 11:2182 Sheriffs' Pension and Relief Fund
- R.S. 11:2228 Municipal Police Employees' Retirement System
- R.S. 11:2263 Firefighters Retirement System (See note at end of this list.)
- R.S. 11:3389 Firefighters' Pension and Relief Fund of New Orleans
- R.S. 11:3566 Policemen's Pension and Relief Fund for Alexandria

5. State Employees, Teachers, and Other Retirement Benefits Exclusion (continued)

- R.S. 11:3568 Policemen's Pension and Relief Fund for City of Bossier City
- R.S. 11:3608 Policemen's Pension and Relief Fund for City of Lafayette
- R.S. 11:3658 Policemen's Pension and Relief Fund for the Police Department of the City of New Orleans
- R.S. 11:2228 Policemen's Pension and Relief Fund for Lafayette
- R.S. 11:3691 Harbor Police Retirement System (Port of New Orleans)
- R.S. 11:2228 Policemen's Pension and Relief Fund of the City of Shreveport
- R.S. 11:3823 Employees' Retirement System of the City of New Orleans
- R.S. 11:952.3 LSU Retirement System

Note: The Firefighters' Retirement System was established effective January 1, 1980, by R.S. 11:2251 et seq. As of October 1999, all of the local firefighters' retirement systems have merged with this system except the systems for the cities of Baton Rouge and New Orleans.

Firemen's Pension and Relief Fund of:

- R.S. 11:3118 Alexandria
- R.S. 11:3205 Bossier City
- R.S. 11:3300 Lafayette
- R.S. 11:3389 New Orleans

Origin

Various legislation since 1946

Effective Date

1946 and subsequent years

Beneficiaries

Retirees of various Louisiana public retirement systems

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$91,959,000	\$93,762,000

Individual Income Tax

{ Exemptions/Exclusions }

6. Federal Retirement Benefits Exclusion

Federal retirement benefits received by federal retirees, both military and nonmilitary, may be excluded from Louisiana taxable income. The purpose of this exclusion is to shelter federal retirement benefits from the income tax.

Legal Citation

R.S. 47:44.2 Federal Retirement System Benefits
 R.S. 47:44.2 Railroad Retirement System Benefits
 R.S. 47:52 Disability Pay to World War II Veterans
 U.S.C.A. 45:231(m) Railroad Retirement Supplemental

Origin

Acts 1989, No. 812

Effective Date

1988

Beneficiaries

Individuals receiving federal retirement income, both military and nonmilitary

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$31,342,000	\$31,956,000

7. Social Security Benefits Exclusion

Social Security benefits received by individuals that are taxable for federal purposes may be excluded from Louisiana taxable income. The purpose of this exclusion is to shelter Social Security benefits from the income tax.

Legal Citation

R.S. 47:44.2

Origin

Acts 1984, No. 298

Effective Date

1984

Beneficiaries

Individuals receiving Social Security income

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$98,054,000	\$102,723,000

Individual Income Tax

{ Exemptions/Exclusions }

8. Military Pay Exclusion

Compensation of the first \$30,000 paid to a member of the United States armed forces for services performed outside the state is exempt from income tax. The exemption is for tax periods beginning after December 31, 2002. Such member must be on active duty and the duty must be continuous and uninterrupted for 120 days or more.

Legal Citation

R.S. 47:293(9)(e)

Origin

Act 2000, No. 34, amended by Acts 2006, 1st Ex. Sess. No. 25; Acts 2007, No. 160

Effective Date

January 1, 2001

Beneficiaries

Military personnel deriving income outside Louisiana

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$6,085,000	\$6,204,000

9. S Bank Income Exclusions

An S Bank shareholder may exclude an amount equal to the S Bank shareholder's nontaxable income from Louisiana tax table income. S Bank non-taxable income is defined as the portion of the income reported by an S Bank on Form 1120S Schedule K-1, or equivalent document, which is attributable to the net earnings used to compute the S Bank's shares tax as provided in R.S. 47:1967.

Legal Citation

R.S. 47:297.3, R.S. 47:300.6 (B)(2)(d), R.S. 47:300.7 (C)(2)(c)

Origin

Acts 2002, No. 30

Effective Date

Tax periods beginning on or after January 1, 2003

Beneficiaries

Individuals, trusts, and estates that are S Bank Shareholders

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 4, individual income tax section.

Individual Income Tax

{ Deductions }

10. Deduction for Adaptive Home Improvements for Disabled Individuals

Individuals with a disability, as described by R.S. 51:2232(11), that is permanent in nature are allowed to deduct from gross income up to \$5,000 of expenses incurred to make necessary adaptations to their home. The disabled individual's gross family income must be \$50,000 or less to qualify for this deduction. The purpose of this deduction is to provide financial relief to individuals for expenses incurred modifying their homes to accommodate disabilities.

Legal Citations

R.S. 47:59.1

Origin

Acts 1994, No. 11

Effective Date

June 7, 1994

Beneficiaries

Individuals with disabilities who incur qualified home adaptation expenses

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 4, individual income tax section.

11. Dependent Exemption/Deduction

A \$1,000 deduction from the lowest tax bracket is allowed for each dependent. The purpose of this deduction is to reduce the tax burden for taxpayers with dependents.

Legal Citations

R.S. 47:79(B), R.S. 47:294(B)

Origin

Acts 1934, No. 21, amended by Acts 1980, No. 316

Effective Date

January 1, 1935

Beneficiaries

All individual taxpayers who file a tax return and claim one or more dependents

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$30,550,000	\$31,793,000

Individual Income Tax

{ Deductions }

12. Deduction for Construction Code Retrofitting

A deduction is allowed for voluntarily retrofitting an existing residential structure for which the taxpayer claims the homestead exemption. "Voluntarily retrofitting an existing residential structure" means that the retrofitting is not a construction, reconstruction, alteration, or repair of the structure required by the State Uniform Construction Code because the structure is a new residential structure or because of damage or destruction of an existing residential structure. The deduction is equal to 50 percent of the cost paid or incurred on or after January 1, 2007, less any other state, municipal or federal-sponsored incentives. The total amount of deduction granted may not exceed \$5,000 per retrofitted residential structure, and will be claimed on the return for the taxable year in which the work is completed.

Legal Citations

R.S. 47:293(2)(a)(i)

Origin

Acts 2007, No. 467

Effective Date

July 11, 2007 for tax years beginning on and after January 1, 2008

Beneficiaries

Individual taxpayers who are homeowners

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

13. Excess Federal Itemized Deductions

For taxable periods beginning before December 31, 2002, taxpayers were allowed to deduct a portion of the federal itemized deductions that were in excess of the federal standard deduction. The purpose of this deduction was to shelter a portion of a taxpayer's income from state income tax.

The deduction for excess federal itemized deductions was repealed for tax years 2003 through 2006. The deduction was reinstated in 2007 but was phased in over three years. In 2007, a deduction for 57.5 percent of "excess itemized deductions" is allowed. In 2008, the allowable percentage is 65 percent. For tax years 2009 and forward the deduction is for 100 percent of excess itemized deductions.

Legal Citation

R.S. 47:293(3)

Origin

Acts 1980, No. 316, amended by Acts 2000, No. 38; Acts 2002, No. 24; Acts 2002, No. 51; Acts 2007, No. 399

Effective Date

Reestablished August 15, 2007 for taxable periods beginning on or after January 1, 2007

Beneficiaries

Individual taxpayers who itemize their federal deductions

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$325,762,000	\$348,988,000

Individual Income Tax

{ Deductions }

14. Deduction for Hurricane Recovery Entity Benefits

Individuals who received funds from a hurricane recovery entity and were required to include those funds on the federal income tax return are allowed a deduction for such funds. The deduction is for hurricane recovery benefits provided by the Road Home Corporation, the Louisiana Recovery Authority, the Louisiana Family Recovery Corps and the Disaster Recovery Unit, and is retroactive.

Legal Citations

R.S. 47:293(5)

Origin

Acts 2007, No. 247, amended by Acts 2011, No. 401

Effective Date

July 6, 2007, but the deduction is retroactive

Beneficiaries

Taxpayers who received hurricane recovery benefits that were included on their federal income tax return.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

15. Deduction for Recreation Volunteer

A \$500 deduction is allowed for recreation department volunteers who volunteer a minimum of 30 hours in a calendar year and receive a written certification from the recreation department that they have completed the required number of service hours.

Legal Citations

R.S. 47:293(7)(a)

Origin

Acts 2007, No. 458

Effective Date

January 1, 2007

Beneficiaries

Communities where individuals volunteer with their recreation departments

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000	\$21,000

Individual Income Tax

{ Deductions }

16. Deduction for Volunteer Firefighter

A \$500 deduction for volunteer firefighters who complete 24 hours of continuing education during the calendar year and are either an active member of the Louisiana State Fireman's Association or are on the personnel roster for the State Fire Marshal's Volunteer Fireman's Insurance Program.

Legal Citations

R.S. 47:293(7)(a)

Origin

Acts 2007, No. 458

Effective Date

January 1, 2007

Beneficiaries

Communities with volunteer firefighters

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$62,000	\$63,000

17. Deduction for START Savings Program Contribution

Relative to the Student Tuition Assistance and Revenue Trust Program, the amount an owner deposits into an education savings account shall be deducted from taxable income up to a maximum of \$2,400 per account owned per taxable year for account owners filing single returns and up to a maximum of \$4,800 per beneficiary per taxable year for account owners filing joint returns. An individual may designate on his income tax return that any part of his income tax refund be deposited into the fund. Any funds withdrawn from the account to pay expenses other than qualified higher education expense as defined in R.S. 17:3092(10) are included in taxable income. The law was amended in 2001 to allow for the difference between the total deposited, if less than the maximum and \$2,400 to be carried forward to subsequent years.

Legal Citations

R.S. 17:3095(A)(1), 17:3098, 47:120.62, 47:293

Origin

Acts 2000, No. 45, amended by Acts 2001, No. 332; Acts 2005, No. 292

Effective Date

July 1, 2000, for taxable periods after January 1, 2001

Beneficiaries

All individuals who deposit funds into a qualified education savings account

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,229,000	\$2,273,000

Individual Income Tax

{ Deductions }

18. Deduction for I.R.C. Section 280C Expense

A deduction is allowed for any expenses that are disallowed under I.R.C. Section 280C. For federal purposes, taxpayers can not claim certain tax credits and deduct certain expenses associated with those credits. I.R.C. Section 280C requires a taxpayer who elects to claim certain credits that are based on an expense to reduce the federal deduction for the expense by the dollar amount of the credit claimed. This deduction allows the taxpayer to reduce their federal adjusted gross income by the amount of the deduction that was disallowed for federal income tax purposes.

Legal Citations

R.S. 47:293(9)(a)(ix)

Origin

Acts 2006, 1st Ex. Sess., No. 25

Effective Date

Taxable periods beginning after December 31, 2003

Beneficiaries

Individuals who are business owners who claim certain credits on their federal returns

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$512,000	\$522,000

19. Deduction for Teachers

A \$1,000 deduction is allowed for individuals who were previously employed as a public school classroom teacher in Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany parishes and who signed a contract to be employed as a public school classroom teacher for at least three years.

Legal Citations

R.S. 47:293

Origin

Acts 2007, No. 351

Effective Date

Taxable periods beginning in 2007 and 2008

Sunset Date

December 31, 2008

Beneficiaries

Teachers previously employed as a public school classroom teacher in Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany parishes

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Not in effect	Not in effect

Individual Income Tax

{ Deductions }

20. Deduction for Net Capital Gains

Taxpayers are allowed a deduction for net capital gains, limited to gains recognized and treated for federal income tax purposes as arising from the sale or exchange of an equity interest in or substantially all of the assets of a nonpublicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in this state.

Legal Citation

R.S. 47:293(9)(a)(xvii)

Origin

Acts 2009, No. 457

Effective Date

August 15, 2009 for all taxable periods beginning on or after January 1, 2010

Beneficiaries

Investors in nonpublicly traded companies domiciled in Louisiana

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$52,844,000	\$53,880,000

21. Personal Exemption—Standard Deduction

Taxpayers are allowed a deduction from tax table income. The combined personal exemption/standard deduction is \$4,500 for taxpayers filing single or separate returns and \$9,000 for taxpayers filing joint returns or as head of household and is deducted from the lowest tax bracket. The purpose of this deduction is to shelter a portion of a taxpayer's income from state income tax.

Legal Citation

R.S. 47:294(A)

Origin

Acts 1934, No. 21

Effective Date

1934

Beneficiaries

All individual taxpayers who file a tax return

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$243,838,000	\$253,851,000

* The fiscal effect assumes no restrictions on eliminating this deduction. Assuming that to reduce this deduction below the levels in effect January 1, 1974, would require a constitutional amendment, 58 percent of the fiscal effect should be considered constitutionally protected.

Individual Income Tax

{ Deductions }

22. Deduction for Military Family Assistance Fund

Activated military personnel or family members of activated military personnel who receive payments or awards from the Louisiana Military Family Assistance Fund are allowed a deduction of the payments received.

Legal Citation

R.S. 47:297.5

Origin

Acts 2005, No. 151

Effective Date

June 28, 2005

Beneficiaries

Activated military personnel or family members of activated military personnel who have received benefits from the Military Family Assistance Fund

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 4, individual income tax section.

23. Elementary & Secondary School Tuition Deduction

Residents with dependents attending a nonpublic elementary or secondary school which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528 and Section 501(c)(3) of the Internal Revenue Code or any public elementary or secondary laboratory school operated by a public college or university are allowed a deduction for tuition and fees required by the school. The deduction is equal to 50 percent of the tuition and fees per dependent, limited to \$5,000. Starting with the 2011 tax year, the deduction is equal to the actual amount paid, limited to \$5,000. Amounts paid on or after January 1, 2009 for tuition, fees, uniforms, textbooks and other supplies required by the school can be deducted for a child who was claimed as a dependent on the current or prior year's tax return.

Legal Citation

R.S. 47:297.10

Origin

Acts 2008, 2nd Ex. Sess., No. 8, amended by Acts 2009, No. 460 and 451

Effective date

March 24, 2008

Beneficiaries

Taxpayers with dependents attending a nonpublic elementary or secondary school

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$22,172,000	\$22,606,000

Individual Income Tax

{ Deductions }

24. Educational Expenses for Home-Schooled Children Deduction

Residents with dependents who are home-schooled are allowed a deduction for educational expenses. The deduction is equal to 50 percent of the qualified educational expenses for each dependent, limited to \$5,000. Qualified educational expenses include amounts paid on or after January 1, 2009 for the purchase of textbooks and curricula necessary for home-schooling of each child claimed as a dependent on the current or prior year's tax return.

Legal Citation

R.S. 47:297.11

Origin

Acts 2008, 2nd Ex. Sess., No. 8, amended by Acts 2009, No. 460 and 451

Effective date

March 24, 2008

Beneficiaries

Taxpayers who are home-schooling their dependents

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$236,000	\$240,000

25. Deduction for Fees and Other Educational Expenses for a Quality Public Education

Residents with dependents attending a public elementary or secondary school are allowed a deduction for fees or other amounts paid during the year. The deduction is equal to 50 percent of the amounts paid per dependent, limited to \$5,000. The amounts that can be deducted include amounts paid on or after January 1, 2009 for uniforms, textbooks and other supplies required by the school for each child claimed as a dependent on the current or prior year's tax return.

Legal Citation

R.S. 47:297.12

Origin

Acts 2008, 2nd Ex. Sess., No. 8, amended by Acts 2009, No. 460 and 451

Effective date

March 24, 2008

Beneficiaries

Taxpayers with dependants attending a public elementary or secondary school

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,935,000	\$2,993,000

Individual Income Tax

{ Deductions }

26. Deduction for Employment of Qualified Disabled Individuals

A deduction is allowed from income taxes imposed for each taxpayer who provides continuous employment to a qualified disabled individual within Louisiana. A taxpayer shall be eligible to claim the deduction provided for in this Section after employing a qualified individual with a disability for four continuous months for no less than an average of twenty hours a week at a rate comparable to and in the same setting as other employees of the taxpayer performing the same or similar task.

Legal Citation

R.S. 47:297.13

Origin

Acts 2015, No. 117

Effective date

June 19, 2015

Beneficiaries

Taxpayers that employ qualified disabled individuals within Louisiana.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate

{ Credits }

27. Net Income Taxes Paid to Other States

A credit is allowed for taxes paid to other states. The purpose of this credit is to allow taxpayers to deduct the income tax paid to other states on income also taxed by Louisiana, so as not to subject the taxpayer to double taxation.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018. The credit is allowed only if the other state provides a similar credit for Louisiana income taxes paid on income derived from property located in, or from services rendered in, or from business transacted in Louisiana; shall be limited to the amount of Louisiana income tax that would have been imposed if the income earned in the other state had been earned in Louisiana and not allowed for income taxes paid to a state that allows nonresident a credit against the income taxes imposed by that state for taxes paid or payable to the state of residence.

Legal Citation

R.S. 47:33

Origin

Acts 1946, No. 203, amended by Acts 2015, No. 109

Effective date

1946

Beneficiaries

Louisiana resident individuals who derive taxable income from other states

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$45,789,000	\$60,264,000

Individual Income Tax

{ Credits }

28. Contribution of Tangible Personal Property of a Sophisticated & Technological Nature to Educational Institutions

A credit is allowed for contributions of tangible personal property of a sophisticated and technological nature to educational institutions. The credit allowed is 40 percent of the property's value, or, in the case of sales below cost, 40 percent of the difference between the price received and the property's value, subject to the limitations prescribed in the statute. The purpose of this credit is to allow a tax credit to corporations, persons, estates, and trusts that donate, sell below cost, or contribute properties of a sophisticated and technological nature to educational institutions in the state of Louisiana.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 29 percent of the property's value.

Legal Citation

R.S. 47:37, R.S. 47:287.755

Origin

Acts 1983, No. 667, amended by Acts 2015, No. 125

Effective Date

January 1, 1984

Beneficiaries

Educational institutions, students, teachers, the state as a whole, and donors who make a contribution of equipment

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$855,000	\$969,000

29. Certain Disabilities

A credit of \$100 is allowed for taxpayers, spouses, or dependents who are blind, deaf, mentally incapacitated, or have lost the use of a limb. The purpose of this credit is to reduce the tax burden for persons with certain disabilities.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$72 for persons with certain disabilities.

Legal Citation

R.S. 47:297(A)

Origin

Acts 1980, No. 316, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning after December 31, 1979

Beneficiaries

Individual taxpayers with certain disabilities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,026,000	\$2,104,000

Individual Income Tax

{ Credits }

30. Special Allowable Credits

A credit is allowed for ten percent of the amount of certain federal income tax credits. Beginning in 1975, the use of federal tax as an entry into state tax tables gave taxpayers benefit of the following credits:

- credit for contributions to candidates for public office
- credit for the elderly
- investment credit
- foreign tax credit
- work incentive credit
- jobs credit
- residential energy credit

In 1980, the method was changed to use federal adjusted gross income to calculate the amount of tax due. Because the change eliminated federal tax credits, this provision was enacted. Beginning in 1986, the credit was limited to \$25. The purpose of this credit is to allow some of the federal credits to also be applied against the state tax liability.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is for 7.2 percent of the federal credits, limited to \$18.

Legal Citation

R.S. 47:297(B)

Origin

Acts 1980, No. 316

Effective Date

Taxable periods beginning after December 31, 1979

Beneficiaries

Individual taxpayers who are entitled to certain federal credits

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$814,000	\$861,000

31. Education

A credit of \$25 is allowed for each qualified dependent child who was in school in kindergarten through 12th grade at least part of the year. This credit enacted in 1980, was suspended beginning with the tax year 1986 through tax year 1995.

The credit was suspended by Act 38 of the 2000 Legislative Session for the taxable years beginning after December 31, 1999, and before January 1, 2002. Acts 2002, No. 25 suspended the credit for tax years beginning on or after January 1, 2000, and prior to January 1, 2006.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$18 for each qualified dependent. Also, Acts 2015, No. 140 limited the credit to Louisiana residents for dependents attending school in Louisiana who does not claim the elementary and secondary school tuition deduction.

Legal Citation

R.S. 47:297(D)

Origin

Acts 1980, No. 316, amended by Acts 2000, No. 38; Acts 2002, No. 25; Acts 2015, No. 125; Acts 2015, No. 140

Effective Date

Taxable periods beginning after December 31, 2005

Beneficiaries

Individual taxpayers with school age dependent children

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$10,083,000	\$10,501,000

Individual Income Tax

{ Credits }

32. Credit for Certain Child Care Expenses

Taxpayers are allowed a credit for a percentage of the federal child and dependent care credit taken on a resident's federal income tax return. If a federal credit was not taken because of the alternative minimum tax, then no state credit is allowed because the Louisiana credit is based on the credits taken on the federal return.

The state child care tax credit is allowed as follows:

<i>Federal Adjusted Gross Income</i>	<i>Percent of Federal Credit</i>
\$25,000 or less	50%
\$25,001 to \$35,000	30%
\$35,001 to \$60,000	10%
Over \$60,000	Lesser of \$25 or 10%

For tax years beginning on or after January 1, 2006 taxpayers whose federal adjusted gross income is \$25,000 or less will be allowed a refundable credit without regard to whether a federal credit is claimed.

Legal Citation

R.S. 47:297.4

Origin

Acts 2002, No. 25, amended by Acts 2005, No. 495

Effective Date

Taxable periods beginning on or after January 1, 2003

Beneficiaries

Individual taxpayers who are claiming a child and dependent care credit on their federal income tax return

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$17,809,000	\$18,323,000

33. Gasoline & Special Fuels Taxes for Commercial Fisherman

A credit is allowed for gasoline and special fuels taxes paid for operating or propelling any commercial fishing boat, if a refund of the taxes has not been received pursuant to R.S. 47:802.2 and R.S. 47:1681. The purpose of this credit is to allow taxpayers additional time to obtain a refund of the taxes since under R.S. 47:802.2 and R.S. 47:1681 the refund application period is only six months.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the state gasoline and special fuels taxes paid.

Legal Citation

R.S. 47:297(C)

Origin

Act 1993, No. 164 164, amended by Acts 2015, No. 125

Effective Date

For taxable years beginning after December 31, 1992

Beneficiaries

Licensed commercial fishermen

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

Individual Income Tax

{ Credits }

34. Family Responsibility

A credit is allowed for 33.33 percent of the amount a taxpayer contributed in a program of voluntary family responsibility developed and implemented by the Department of Health and Human Resources. The credit is limited to \$200 per year. The purpose of this credit is to encourage individuals to donate money to the Family Responsibility Program.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to \$144 per year.

Legal Citations

R.S. 47:297(F) and R.S. 46:449

Origin

Acts 1983, No. 672, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning after December 31, 1982

Beneficiaries

Persons receiving intermediate or skilled nursing care in the state with insufficient income and resources to meet the costs of the care

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

35. Small-town Doctors/Dentist

A credit is allowed for qualified doctors affiliated with a small-town hospital and dentists who relocate their primary office to certain locations, for the lesser of the tax due or \$5,000 per taxable year up to a maximum of five years. The purpose of this credit is to encourage doctors and dentists to locate in small towns.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is the lesser of the tax due or \$3,000 per taxable year.

Legal Citation

R.S. 47:297(H)

Origin

Acts 1991, No. 1059, amended by Acts 2015, No. 125

Effective Date

January 1, 1991

Beneficiaries

Doctors and dentist who locate in small towns and the hospitals, residents, and patients of that area

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$578,000	\$624,000

Individual Income Tax

{ Credits }

36. Bone Marrow Donor Expenses

A credit is allowed for bone-marrow donor expenses incurred by an employer. The amount of the credit is 25 percent of certain expenses paid or incurred during the tax year by an employer to provide a program for employees who are potentially or who actually become bone-marrow donors. The purpose of this credit is to encourage bone-marrow donation.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 18 percent of the expenses paid or incurred.

Legal Citation

R.S. 47:297(I)

Origin

Acts 1992, No. 206, amended by Acts 2015, No. 125

Effective Date

August 21, 1992

Provision for Other Taxes

R.S. 47:287.758

Beneficiaries

Individuals transplants may need bone-marrow transplants

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

37. Educational Expenses Incurred for Degree Related to Law Enforcement

A credit is allowed certain law enforcement officers and employees of the Department of Public Safety and Corrections for certain educational expenses incurred in pursuit of an undergraduate degree related to law enforcement. The amount of credit allowed in a tax year is equal to the lesser of the tax due, the amount of the qualifying educational expenses, or \$750.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the qualifying educational expenses or \$540.

Legal Citation

R.S. 47:297(J)

Origin

Acts 1994, No. 23, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 1995

Beneficiaries

Employees and law enforcement officers pursuing a degree related to law enforcement

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$51,000	\$55,000

Individual Income Tax

{ Credits }

38. Employment of Certain First-time Drug Offenders

A credit of \$200 per employee per year for a maximum of two years is allowed for employing certain first-time drug offenders. The offender must have successfully completed a court-ordered drug treatment rehabilitation program, must be less than 25 years old at the time of initial employment, and must have worked for 180 full days. The purpose of this credit is to encourage employment of first-time drug offenders who complete a drug rehabilitation program.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$140 per employee per year.

Legal Citations

R.S. 47:297(K)

Origin

Acts 1994, No. 104, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 1994

Beneficiaries

First-time drug offenders who are employed by businesses that receive the credit and the companies and individuals who employ them

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

39. Purchase of Bulletproof Vest

A credit is allowed for the purchase of a bulletproof vest by qualified law enforcement officers and certain employees of the Department of Public Safety and Corrections. The credit allowed is for the purchase price of the vest or \$100, whichever is less. Only one credit is allowed for the Five-Year period beginning with the purchase of the vest.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the purchase price or \$72, whichever is less.

Legal Citation

R.S. 47:297(L)

Origin

Acts 1998, No. 20, amended by Acts 2015, No. 125

Effective date

Taxable periods beginning after December 31, 1997

Beneficiaries

Law enforcement officers and certain employees of the Department of Public Safety and Corrections

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$10,000	\$11,000

Individual Income Tax

{ Credits }

40. Employment of Certain First-time Nonviolent Offenders

A credit of \$200 per employee per year for a maximum of two years is allowed for employing certain first time nonviolent offenders. The offender must have successfully completed a court-ordered program and have worked 180 full-time days. The purpose of this credit is to encourage employment of first-time nonviolent offenders.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$140 per taxable year per eligible employee.

Legal Citation

R.S. 47:297(O)

Origin

Acts 2005, No. 285, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 2005

Provision for Other Taxes

R.S. 47:287.752

Beneficiaries

First time nonviolent offenders who are employed by businesses that receive the credit and the companies and individuals who employ them.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

41. Accessible and barrier-free constructed home

A credit is allowed for taxpayers who include accessible and barrier-free design elements in the construction of a new one- or two-family dwelling. To claim the credit, the taxpayer must own the newly constructed one- or two-family dwelling and must qualify for and claim the homestead exemption on the home.

The credit allowed is for the lesser of the tax due or \$1,000 and must be taken in the taxable year in which the construction of the dwelling is completed. Only one tax credit may be granted per dwelling.

The required accessible and barrier free design elements for the credit are:

- The dwelling must have one zero-step entrance at the front, back, or side of the residence.
- All main floor doors must have a clear passage space of at least thirty-two inches between doorjamb and strikes with the door at a ninety degree angle.
- All hallways and passages on the main floor must have at least thirty-six inches of clearance to the accessible bathroom and eating area.
- The main floor must have, at a minimum, a half bath with a minimum five-foot diameter of free and clear floor space.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$720 or 72 percent of the total tax liability, whichever is less.

Legal Citation

R.S. 47:297(P)

The credit was reduced by Act 125 of the 2015 **Origin**

Acts 2011, No. 392, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 2012

Beneficiaries

Owners of newly constructed homes

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$31,000	\$34,000

Individual Income Tax

{ Credits }

42. Donations to Assist Qualified Playgrounds

A credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The credit shall be an amount equal to the lesser of \$1,000 or half of the value of the donation. The purpose of this credit is to encourage donations to qualified playgrounds.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is the lesser of \$720 or 36 percent of the value of the donation.

Legal Citation

R.S. 47:6008

Origin

Acts 1992, No. 898, amended by Acts 2015, No. 125

Effective Date

Tax periods beginning after December 31, 1992

Beneficiaries

Economically depressed areas benefit from this credit, which should help to improve the quality of life of the residents.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$28,000	\$29,000

43. Credit for Debt Issuance Costs

An economic development corporation is allowed a credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the exemption is reduced; but one-third of the reduced portion of the exemption may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the filing fee paid.

Legal Citation

R.S. 47:6017

Origin

Acts 2002, No. 78, amended by Acts 2015, No. 125

Effective Date

June 25, 2002

Beneficiaries

Economic development corporations

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

Individual Income Tax

{ Credits }

44. Donations of Property to Certain Offices and Agencies

A credit is allowed for 50 percent of the value of historical property donated to the Old State Capitol, the State Capitol Complex, and the State Archives. The amount of the credit in any year is limited to 50 percent of the donor's tax liability. The maximum amount of credit that may be granted in the aggregate in any single year is \$70,000. The purpose of this credit is to encourage donations to certain state agencies of property with historical value. This serves to preserve such property for future generations.

Legal Citation

R. S. 47:6011

Origin

Acts 1996, No. 10

Effective Date

August 1, 1996

Sunset Date

June 30, 2000

However, unused credits may be carried forward until the full credit has been used.

Beneficiaries

Individuals who make such donations

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; this credit has been inactive. No future activity is anticipated.

45. Donations of Material, Equipment, or Instructors Made to Certain Training Providers

A credit is allowed for donations of materials, equipment, or instructors made to training providers, vocational/technical schools, apprenticeship programs registered with the Louisiana Workforce Commission, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 36 percent of the value of the donation.

Legal Citation

R.S. 47:6012

Origin

Acts 1998, No. 30, amended by Acts 2002, No. 11; Acts 2015, No. 125

Effective date

June 24, 1998

Sunset date

December 31, 2000

Reestablished

August 15, 2002 for taxable periods beginning after December 31, 2002

Beneficiaries

Individuals who take the tax credit and the citizens of the state that benefit from better equipped training facilities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$32,000	\$35,000

Individual Income Tax

{ Credits }

46. Long-term Care Insurance Premiums Credit

An individual who purchases a federally qualifying long-term care insurance policy is allowed a tax credit for 10 percent of the total amount of premiums paid annually. Taxpayers applying for the credit must complete a form prescribed by the department.

For the premiums to qualify for the credit, the long-term care insurance policy must:

- Be approved by the commissioner of insurance for sale in Louisiana.
- Comply with the requirements of Part VI of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950.
- Qualify for the federal credit as a long-term care insurance contract as defined in Section 7702(B)(6) of the Internal Revenue Code of 1986.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 7.2 percent of the total amount of premiums paid annually.

Legal Citation

R.S. 47:297(M)

Origin

Acts 2002, No. 54, amended by Acts 2015, No. 125

Effective Date

The credit becomes effective if and when the legislature enacts a special fund to finance the credit.

Beneficiaries

Individuals who purchase a federally qualifying long-term care insurance policy

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The legislature has not created a special fund to finance the credit.

47. Living Organ Donation Credit

A credit is allowed for expenses paid by a taxpayer if related to the taxpayer's travel or absence from work related to the taxpayer's or the taxpayer's spouse's living organ donation. The amount of credit allowed shall not exceed \$10,000 per organ donation.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 72 percent of the expenses paid.

Legal Citation

R.S. 47:297(N)

Origin

Acts 2005, No. 277, amended by Acts 2015, No. 125

Effective Date

July 1, 2005, applicable to tax years beginning on or after January 1, 2005

Beneficiaries

Taxpayers making a living organ donation

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$14,000	\$14,000

Individual Income Tax

{ Credits }

48. Employment-related Expense for Maintaining Household for Certain Disabled Dependents

A credit is allowed for persons maintaining a household that includes dependents who are physically or mentally disabled. The credit is equal to the applicable percentage of employment related expense allowable pursuant to Section 21 of the Internal Revenue Code. Unused credits are carried forward. The purpose of this credit is to provide some relief to taxpayers who incur such extraordinary expenses.

Legal Citation

R.S. 47:297.2

Origin

Acts 1996, No. 27

Effective Date

Taxable periods beginning after December 31, 1996

Beneficiaries

Families with disabled dependents benefit from this credit

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$352,000	\$368,000

49. Vehicle Alternative Fuel Usage

A credit is allowed for converting vehicles to certain alternative fuel usage or for the purchase of vehicles that use certain alternative fuels. The amount of the credit is 20 percent of the cost of qualified clean-burning motor vehicle fuel property. If the vehicle is purchased with the property installed by the manufacturer, then the tax credit is the lesser of 20 percent of 10 percent of the cost of the motor vehicle or \$1,500. The purpose of this credit is to encourage the use of alternative fuels.

Legal Citation

R.S. 47:38 (repealed)

Origin

Acts 1991, No. 1060

Effective Date

January 1, 1991

Provisions for Other Taxes

R.S. 47:6035, enacted by Acts 2009, No. 469

Repealed

Acts 2009, No. 469, effective July 9, 2009. However, taxpayers have three years to utilize the credit.

Beneficiaries

The general public benefits from this credit as the result of a cleaner environment

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Not in effect	Not in effect

Individual Income Tax

{ Credits }

50. Employment of the Previously Unemployed

A credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit is \$750 for each qualified new job and employee and is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage creation of new jobs, which will provide job opportunities for the previously unemployed.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is \$540 for each qualified new job and employee.

Legal Citation

R.S. 47:6004

Origin

Acts 1989, No. 636, amended by Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after July 1, 1990

Beneficiaries

Corporations that hire the previously unemployed in a newly created full-time job and the state as a whole because these individuals are now employed and productive.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Unable to anticipate	Unable to anticipate

51. Purchase of a Qualified Recycling Manufacturing or Process Equipment and/or Service Contracts

A credit is allowed for the purchase of new recycling manufacturing or process equipment and/or qualified service contracts. The amount of the credit is computed at 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment, but may not exceed 50 percent of the tax liability before the credit; unused credits may be carried forward until exhausted. If the equipment is sold before the total credit is claimed, the credit otherwise allowable may be claimed in the tax year of the sale and any unused credit is canceled for future periods. Total credits certified by the secretary of the Department of Environmental Quality in any calendar year shall not exceed five million dollars.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the original credit.

Legal Citation

R.S. 47:6005

Origin

Acts 1991, Nos. 359 and 1052, amended by Acts 2005, No. 319; Acts 2015, No. 125

Effective Date

Reestablished June 30, 2005

Beneficiaries

Individuals who invest in qualifying equipment and the general public, due to an improved environment.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$15,000	\$16,000

Individual Income Tax

{ Credits }

52. Louisiana Basic-skills Training

Corporations are allowed a credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a twelfth grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated workforce.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to \$180 per qualified employee. The credit cannot exceed \$21,600 for any single business in a particular year.

Legal Citation

R.S. 47:6009

Origin

Acts 1992, No. 1098, amended by Acts 2015, No. 125

Effective Date

July 1, 1993

Beneficiaries

Individuals benefit by bringing their reading, writing, and mathematical skills to at least a twelfth-grade level. A better educated employee will be an asset to employers and the state

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$17,000	\$18,000

53. Apprenticeship Tax Credit

A credit is allowed for employers for employing eligible apprentices. The credit is equal to one dollar for each hour of employment of each eligible apprentice, not to exceed 1,000 hours for each eligible apprentice. An eligible apprentice is a person who has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program or a person who is enrolled in a training program accredited by the National Center for Construction Education and Research that has no less than four levels of training and no less than 500 hours of instruction.

Legal Citation

R.S. 47:6033

Origin

Acts 2007, No. 472, amended by Acts 2011, No. 126

Effective Date

July 11, 2007 for taxable periods beginning after December 31, 2007

Repealed

Acts 2015, No. 357, effective June 29, 2015. However, taxpayers have ten years to utilize the credit.

Beneficiaries

Employers of eligible apprentices

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$277,000	\$323,000

Individual Income Tax

{ Credits }

54. Cash Donations to the Dedicated Research Investment Fund

A credit is allowed to persons or corporations who donate \$200,000 or more to the Dedicated Research Investment Fund. The credit is equal to 35 percent of cash donations to the Dedicated Research Investment Fund. The purpose of this credit is to encourage donations to the Dedicated Research Investment Fund.

Legal Citation

R.S. 51:2203

Origin

Acts 1987, No. 300

Effective Date

July 5, 1987

Beneficiaries

Qualifying research institutions

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Unable to anticipate	Unable to anticipate

55. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural product district. Eligible structures must be nonresidential real property or residential rental property. The credit shall equal 25 percent of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, 20 percent of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018 and no taxpayer or affiliate shall receive more than \$5,000,000 of credit for any number of structures rehabilitated within a particular downtown development or a cultural product district. The credit is earned only in the year in which the property attributable to the expenditures is placed in service.

Legal Citation

R.S. 47:6019

Origin

Acts 2002, No. 60, amended by Acts 2004, 1st Ex. Sess., No. 12; Acts 2005, No. 439; Acts 2007, No. 182 and 298; Acts 2009, No. 444; Acts 2011, No. 409; Acts 2015, No. 108

Effective Date

July 1, 2002 and taxable periods beginning January 1, 2008 for a cultural product district

Sunset Date

December 31, 2015

However, taxpayers have ten years to utilize the credit.

Beneficiaries

Individuals or businesses rehabilitating a qualified historic structure

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$33,920,000	\$37,234,000

Individual Income Tax

{ Credits }

56. Louisiana Community Development Financial Institutions Act Credit

This provision creates the Louisiana Community Development Financial Institutions Act. A Louisiana Community Development Financial Institution (LCDFI) is any legal entity whose primary business activity is the investment of cash to acquire equity in or provide financing assistance as a licensed business and industrial development corporation to qualified Louisiana businesses in low-income communities and provides for an income and franchise tax credit for individuals and businesses that invest in LCDFIs. The investment credit is to be calculated as 75 percent of the investment. These credits are transferable and can be carried forward indefinitely. The total amount that can reduce tax revenues in fiscal years 2007 through 2009 is \$5 million. Any unused allocation of credits from a previous year may be carried forward and granted in the next year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is 54 percent of the investment.

Legal Citation

R.S. 51:3081 through 3094

Origin

Acts 2005, No. 491, amended by Acts 2007, No. 345; Acts 2015, No. 125

Effective Date

July 12, 2005

Sunset Date

July 1, 2009, but provisions relevant to any granted tax credits continue to apply until July 1, 2012.

Beneficiaries

Taxpayers that invest in LCDFI's, and the LCDFI will benefit from the tax credits allowed under this provision and low-income communities will benefit from the creation of jobs and economic activity.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

57. Low-income Housing

A credit is allowed for providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Act 972 of the 1990 Legislative Session. The purpose of this credit is to ensure the availability of low-income housing.

Legal Citation

R.S. 47:12

Origin

Acts 1990, No. 1033

Effective Date

July 1, 1990

Sunset Date

December 31, 1993.

However unused credits can be carried forward until used.

Beneficiaries

Individuals who invest in low-income housing and tenants of low-income housing

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$97,000	\$105,000

Individual Income Tax

{ Credits }

58. Rehabilitation of an Owner Occupied Residential or Mixed-use Property

This provision provides a credit for a percentage of eligible expenses rehabilitating an owner occupied residential or mixed-use property located in a National Register historic district, a local historic district, a main street district, a cultural products district, or a downtown development district, or is eligible for listing on the National Register, or has been certified by the State Historic Preservation Office. The credit is limited to \$25,000 per structure and the percent of expenses allowed for the credit varies by income level. The tax credit is divided into five equal portions to be applied against the tax for the Five-Year period beginning in the taxable period in which the rehabilitated residential structure is first placed in service. Total credits granted cannot exceed \$10,000,000 in any calendar year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 74 percent of the original credit.

Legal Citations

R.S. 47:297.6

Origin

Acts 2005, No. 479, amended by Acts 2007, No. 188 and 298; Acts 2015, No. 125

Effective Date

January 1, 2006

Sunset Date

January 1, 2018

Beneficiaries

Individuals rehabilitating qualified property

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$187,000	\$238,000

59. Property Insurance

A credit is allowed for seven percent of the premiums paid by individuals on their primary residence for homeowners' insurance, condominium owners' insurance, or tenant homeowners' insurance. Any Citizens property insurance assessment must be subtracted from the total premium paid before applying the seven percent credit rate.

This credit is limited to tax years beginning in 2008 only.

Legal Citations

R.S. 47:297.7

Origin

Acts 2007, No. 447, amended by Acts 2007, No. 371

Effective Date

January 1, 2008

Sunset Date

December 31, 2008

Beneficiaries

Taxpayers who have paid premiums on their primary residence for homeowners' insurance, condominium owners' insurance, or tenant homeowners' insurance

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Not in effect	Not in effect

Individual Income Tax

{ Credits }

60. Earned Income Tax Credit

A credit is allowed for residents of the state who are eligible for the federal earned income tax credit. The credit is equal to 3.5 percent of the federal earned income tax credit taken on a resident's federal income tax return.

Legal Citations

R.S. 47:297.8

Origin

Acts 2007, No. 278

Effective Date

January 1, 2008

Beneficiaries

Individual taxpayers who are claiming the earned income tax credit on their federal income tax return

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$47,573,000	\$48,961,000

61. Credit for Amounts Paid by Certain Military Servicemembers for Obtaining Louisiana Hunting & Fishing Licenses

A credit is allowed for the amounts paid by an active or reserve military servicemember, the spouse of an active or reserve military servicemember, or the dependent of such servicemember for obtaining a Louisiana noncommercial hunting or fishing license. The license purchased shall be valid only during the time the servicemember is on active duty. The credit does not apply to purchases of lifetime licenses.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the original credit.

Legal Citations

R.S. 47:297.9

Origin

Acts 2007, No. 306, amended by Acts 2015, No. 125

Effective Date

July 1, 2007

Beneficiaries

Military personnel obtaining Louisiana hunting and fishing licenses

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$104,000	\$107,000

Individual Income Tax

{ Credits }

62. Inventory Tax/Ad Valorem Tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 1991, No. 153, amended by Acts 1994, No. 28; Acts 2002, No. 11; Acts 2005, No. 363 ; Acts 2015, No. 133

Effective date

July 1, 1992

Related Provision

R.S. 47:6028 (sunset date, December 31, 2007)

Beneficiaries

All corporations that are manufacturers, distributors, and retailers paying ad valorem taxes on inventory

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$11,174,000	\$13,561,000

63. Ad Valorem Tax on Natural Gas

A credit is allowed for ad valorem taxes paid to political subdivisions of Louisiana on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities. The credit was reduced by Act 133 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 regardless of the taxable year to which the return relates. The credit allowed starting in FYE 6-16 is equal to 100 percent of the ad valorem taxes paid if the amount paid is less than \$10,000. If the ad valorem taxes paid are \$10,000 or more, only 75 percent of the excess credit over tax can be refunded with the remaining 25 percent carried forward for five years.

Legal Citation

R.S. 47:6006

Origin

Acts 2005, No. 363; amended Acts 2015, No.133

Effective date

August 15, 2005

Beneficiaries

All corporations paying ad valorem taxes on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$45,000	\$45,000

Individual Income Tax

{ Credits }

64. Ad Valorem Tax Credit for Offshore Vessels

A credit is allowed for ad valorem taxes paid on vessels that operate principally in Outer Continental Shelf Lands Act Waters. To qualify for the credit, the taxpayer must certify to the assessor that the vessel operated principally in outer continental shelf waters within the calendar year immediately before the tax year of assessment of the vessel and the ad valorem tax must have been paid to the political subdivision without protest. The credit is equal to 100 percent of the taxes paid.

Legal Citation

R.S. 47:6006.1

Origin

Acts 1994, 3rd Ex. Sess., No. 59, amended by Acts 2002, No. 11

Effective date

July 7, 1994

Related Provision

R.S. 47:6028 (sunset date, December 31, 2007)

Beneficiaries

All corporations paying ad valorem taxes on vessels operating in Outer Continental Shelf Lands Act Waters

Administration

The purpose of this credit is achieved in a fiscally effective manner.

65. Ad Valorem Tax Paid by Certain Telephone Companies

A credit is allowed for 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties which are assessed by the Louisiana Tax Commission at 25 percent of fair market value pursuant to R.S. 47:1854.

Statutory Citation

R.S. 47:6014

Origin

Acts 2000, No. 22

Effective Date

Tax years ending on or after December 31, 2001

Beneficiaries

Telephone companies in an amount equal to 40 percent of ad valorem taxes paid to political subdivisions for public service properties

Administration

The purpose of the credit is achieved in a fiscally effective manner.

Estimated Effect

Unable to anticipate

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$3,173,000	\$19,798,000

Individual Income Tax

{ Credits }

66. Credit for Purchases from Prison Industry Enhancement Contractors

A tax credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor. PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the sales and use taxes paid.

Legal Citation

R.S. 47:6018

Origin

Acts 2002, No. 32, amended by Acts 2007, No. 466; Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after December 31, 2002

Beneficiaries

Private Sector Prison Industry Enhancement contractors and individuals who purchase from them

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Effect

Unable to anticipate

67. Credit for the LA Citizens Property Insurance Corporation Assessments

A refundable credit is allowed in the amount of surcharges, market equalization charges, or assessments paid as a result of the assessments levied by the Louisiana Citizens Property Insurance Corporation due to Hurricanes Katrina and Rita. This credit is available to taxpayers who paid the assessments as a part of their homeowner's insurance premium. For assessments paid on or after January 1, 2007, an individual taxpayer can claim the credit after payment is made on a form provided by the secretary instead of on their Louisiana individual income taxreturn.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is limited to 72 percent of the assessment paid.

Legal Citation

R.S. 47:6025

Origin

Acts 2006, 2nd Ex. Sess., No. 4, amended by Acts 2007, No. 382; Acts 2015, No. 125

Effective Date

Taxable periods beginning on or after January 1, 2006

Beneficiaries

Taxpayers who have paid the assessments levied by the LA Citizens Property Insurance Corporation

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$27,441,000	\$29,198,000

Individual Income Tax

{ Credits }

68. Sugarcane Transport Credit

A credit is allowed for the cost paid by a taxpayer to acquire an eligible sugarcane trailer, to replace an eligible sugarcane trailer, or to convert an ineligible sugarcane trailer to an eligible sugarcane trailer. "Eligible sugarcane trailer" means a trailer that hauls sugarcane and meets the requirements of R.S. 32:387.7(B). Effective for costs of conversions or modifications of eligible sugarcane trailers paid on and after January 1, 2009, but before January 1, 2014.

Legal Citation

R.S. 47:6029

Origin

Acts 2007, No. 365, amended by Acts 2007, No. 368

Effective Date

January 1, 2009

Sunset Date

December 31, 2013

Repealed

Acts 2015, No. 357, effective June 29, 2015.

Beneficiaries

Owners of vehicles hauling sugarcane

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Not in effect	Not in effect

69. Wind and Solar Energy System Credit

A credit is allowed for the cost of purchase and installation of a solar energy system by a taxpayer at their residence located in Louisiana by a taxpayer who owns a residential rental apartment project, or by a taxpayer who purchases and installs such a system in a residence or a residential rental apartment project which is located in Louisiana. The credit is 50 percent of the first \$25,000 of the cost of a system purchased and installed on or after January 1, 2008. The credit for leased systems is 38 percent of the first \$20,000 of the cost of purchase installed on after January 1, 2014. For systems installed after July 1, 2015, the credit for purchased systems is now equal to the lesser of 1) \$2.00 multiplied by the total size of the system as measured in DC watts or 2) 50 percent of the first \$20,000 of the cost of purchase and installation. The credit may be used in addition to any federal tax credits earned for the same system, except that, a taxpayer may not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for property for which a tax credit has been received under this Section. Only one tax credit is available for any eligible system and use of the credit must be disclosed when the property is sold.

Fiscal Year	Leased	Non-Leased
2014-2015	\$19 million	No cap
2015-2016	\$10 million	\$10 million
2016-2017	\$10 million	\$10 million
2017-2018	\$5 million	\$5 million

Legal Citation

R.S. 47:6030

Origin

Acts 2007, No. 371, amended by Acts 2009, No. 467; Acts 2013, No. 428; Acts 2015, No. 131

Effective Date

January 1, 2008

Beneficiaries

Taxpayers installing wind or solar energy systems on their property

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000,000	\$20,000,000

Individual Income Tax

{ Credits }

70. Milk Producers Tax Credit

A credit is allowed for resident taxpayers engaged in the business of producing milk for sale. The credit is allowed when the USDA Uniform Price in Federal Order Number 7 drops below the announced production price established by the Department of Agriculture and Forestry at any time during the calendar year. Qualified taxpayers are eligible for tax credits based on the production and sale of milk below the announced production price over a calendar year.

The Department of Health and Hospitals must certify to the Department of Revenue, by January 31 of the following year, which milk producers are eligible to receive the credits. Any producer not certified by the Department of Health and Hospitals will not be entitled to the credits. The credits allowed for each milk producer may not exceed \$30,000 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$2.5 million per calendar year.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 may not exceed \$221,600 per calendar year, and the total amount of tax credits allowed for all producers may not exceed \$1.8 million per calendar year.

Legal Citation

R.S. 47:6032

Origin

Acts 2007, No. 461, amended by Acts 2015, No. 125

Effective Date

January 1, 2007

Beneficiaries

Resident taxpayers engaged in the business of producing milk for sale.

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$666,000	\$718,000

71. Conversion of Vehicles to Alternative Fuel

A credit is allowed for 50 percent of the cost of the qualified clean burning motor vehicle fuel property for the taxable period in which the property is purchased and installed. If the taxpayer purchases a new motor vehicle equipped with qualified clean burning motor vehicle fuel property and is unable to or elects not to determine the exact cost attributable to the property, the taxpayer may claim a credit equal to 10 percent of the cost of the motor vehicle or \$3,000, whichever is less, provided the motor vehicle is registered in Louisiana. The purpose of this credit is to provide an incentive to persons or corporations to invest in qualified clean-burning motor vehicle fuel property.

Nothing in the current law is to be construed to authorize the credit for the cost of a purchase of, or conversion of a vehicle to, a flexible fuel vehicle that is designed to run on an alternative fuel and either petroleum gasoline or petroleum diesel if the vehicle has only a single fuel storage and delivery system and retains the capability to be propelled by petroleum gasoline or petroleum diesel.

The credit was reduced by Act 125 of the 2015 Legislative Session for tax returns filed beginning on or after July 1, 2015 but before June 30, 2018, regardless of the tax year to which it relates. If an extension was granted prior to July 1, 2015 and the return was filed by the extended due date, the credit is reduced; but one-third of the reduced portion of the credit may be claimed on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019. The credit allowed starting in FYE 6-16 is equal to 7.2 percent of the cost of the motor vehicle or \$1,500, whichever is less.

Legal Citation

R.S. 47:6035

Origin

Acts 2009, No. 469, amended by Acts 2015, No. 125

Effective Date

January 1, 2009

Beneficiaries

Owners purchasing qualified clean burning motor vehicle fuel property

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$373,000	\$514,000

Individual Income Tax

{ Credits }

72. School Readiness Child Care Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

The School Readiness Child Care Credit is allowed for children under the age of six who attended a quality-rated child care facility as designated by the Department of Education. The credit is for individuals based upon the credit provided for child care expenses in R.S. 47:297.4 and the quality rating of the child care facility.

Legal Citation

R.S. 47:6104

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Individual taxpayers who have a child under the age of six enrolled in an eligible child care facility participating in the Quality Start program that is designed to increase the quality of child care and early learning for all children throughout Louisiana

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$3,246,000	\$3,343,000

73. School Readiness Child Care Provider Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

Child care providers participating in Quality Start are allowed a credit based on the average monthly number of children who either participate in the Child Care Assistance Program administered by the LDE or who are foster children in the custody of DCFS and attending facilities operated by a child care provider, multiplied by an amount based upon the quality rating of the facility.

Legal Citation

R.S. 47:6105

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Child care providers participating in Quality Start, a program that is designed to increase the quality of child care and early learning for all children throughout Louisiana

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,029,000	\$2,215,000

Individual Income Tax

{ Credits }

74. School Readiness Child Care Directors and Staff Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

Child care teachers and directors will be eligible for the credit based on the level of their education if they teach in centers participating in Quality Start. As long as the center is participating in Quality Start, and therefore has at least one star, then the teachers and directors are eligible to apply for the credit. Eligible teachers and directors must meet all of the educational requirements and must have worked at least 6 months of the calendar year at the same child care center.

The credit is adjusted annually by the percentage increase in the Consumer Price Index United States city average for all urban consumers (CPI-U), as prepared by the United States Department of Labor, Bureau of Labor Statistics, as determined by the secretary of the Department of Revenue on December first of the preceding calendar year.

Legal Citation

R.S. 47:6106

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Eligible teachers and directors of licensed child care centers participating in the Quality Start program, the children of the facility and the State of Louisiana through the increase in the quality of child care and early learning for all children throughout the state

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$7,894,000	\$8,288,000

75. School Readiness Business Supported Child Care Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A credit is allowed for a taxpayer who incurs eligible business-supported child-care expenses. The credit amount depends upon the quality rating of the child care facility to which the expenses are related or the quality rating of the child care facility that the child attends. Eligible business-supported child-care expenses include expenses to construct, renovate, or expand a child care center, purchase equipment for a center, maintain or operate a center, or subsidize child care for their employees.

Legal Citation

R.S. 47:6107(A)(1)

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Businesses that support child care centers participating in Quality Start, the child care centers and students and the state through the increase in the quality of child care and early learning

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$163,000	\$195,000

Individual Income Tax

{ Credits }

76. School Readiness Fees and Grants to Resource and Referral Agencies Credit

The School Readiness Tax Credits are a comprehensive effort to support Quality Start, the new, voluntary, quality rating system by the Department of Education for child care centers through tax breaks to families, child care providers, child care teachers and directors, as well as businesses that support child care.

A credit is allowed for a taxpayer whose business pays fees and grants to child care resource and referral agencies. These are private agencies that contract with the Department of Education to provide important information and services to parents and child care providers. The credit is equal to the amount donated but cannot exceed \$5,000 per tax year.

Legal Citation

R.S. 47:6107(A)(2)

Origin

Acts 2007, No. 394

Effective Date

January 1, 2008

Beneficiaries

Businesses that support child care centers participating in Quality Start, the child care centers and students and the state through the increase in the quality of child care and early learning

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$661,000	\$738,000

77. Student Assessment for a Valuable Education (SAVE)

Students enrolled at a public institution of higher education will be granted a transferable, nonrefundable SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels taxes, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million.

The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total headcount enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund.

Legal Citation

R.S. 47:6039

Origin

Acts 2015, No. 140

Effective Date

June 19, 2015

Sunset Date

July 1, 2020

Beneficiaries

Students enrolled at a public institution of higher education

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$350,000,000	Unable to anticipate

Individual Income Tax

{ Rebate }

78. Donations to School Tuition Organization

A rebate is available for taxpayers who donate to certain school tuition organizations (STO). In order to qualify to receive the rebate the taxpayer must file an income tax return with LDR. The rebate is equal to the amount of the donation used by the STO to fund a scholarship, not including any administrative costs paid by the donation. Rebates will be claimed and paid after the conclusion of the school year after receiving certification by the STO and the Department of Education.

Legal Citations

R.S. 47:6301

Origin

Acts 2012, No. 25

Effective Date

January 1, 2013 for donations made to a STO which provides scholarships to qualified students to attend a qualified school for the 2013-2014 school year and thereafter.

Beneficiaries

Taxpayers that make such donations and low-income students that receive such scholarships

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Unable to anticipate	Unable to anticipate

{Exemptions Required by the State
Constitution or Federal Law }

79. Federal Income Tax Deduction

A deduction is allowed for federal income tax on income that Louisiana income tax is paid. The purpose of this deduction is to shelter from taxation the portion of a taxpayer's income that represents federal income taxes paid.

Legal Citations

La. Const., art. VII, Part I, § 4(A), R.S. 47:293(4), R.S. 47:293(9)

Origin

1974 Constitution and Acts 1974, No. 188

Effective Date

1974

Beneficiaries

All individual taxpayers who file a tax return and have paid federal income tax

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$789,673,000	\$877,194,000

Individual Income Tax

{ Exemptions Required by the State Constitution or Federal Law }

80. Interest on United States Government Obligations

Interest and dividends from obligations issued directly by the U.S. government such as Treasury bills, U.S. savings bonds and U.S. agency obligations are exempt from Louisiana state income tax under R.S. 47:293. Also, interest and dividends from U.S. government obligations is prohibited from state taxation by 31 U.S.C. Section 3124(a) which states in part, “stocks and obligations of the United States Government are exempt from taxation by a State or political subdivision of a State. The exemption applies to each form of taxation that would require the obligation, the interest on the obligation or both, to be considered in computing a tax.”

Legal Citations

31 U.S.C. Section 3124(a), R.S. 47:293

Beneficiaries

The U.S. government and the individuals and entities that invest in their obligations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$1,699,000	\$1,733,000

81. Native American Income

Income derived from sources on the reservation that have been earned or received by an enrolled member of a federally recognized Indian tribe who resides on that tribe’s reservation is exempt from Louisiana individual income tax.

Legal Citations

18 U.S.C. Section 1162, R.S. 47:293

Beneficiaries

Native Americans living and working on their tribe’s reservation

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$190,000	\$193,000

Inheritance Tax Exemptions

Inheritance Tax

{ Introduction }

Louisiana became the second state to adopt a death duty in 1828 when Act 95 was enacted imposing an inheritance tax. Acts 1921, No. 127, authorized by the 1921 Louisiana Constitution (now Article 7, Section 1, of the 1974 Constitution) provides for graduated, classified or progressive taxes on inheritances, legacies, and gifts made in contemplation of death subject to certain limits and exemptions. Exemptions are provided for under R.S.47:2402 and exclusions are found under R.S.47:2404(C).

The Department of Revenue assumed responsibility for the administration and collection of the tax on January 1, 1974. Prior to that time, inheritance taxes were administered and collected locally. In each parish, except Orleans, the Sheriff was designated as the ex-officio inheritance tax collector for the State and an attorney was appointed to assist him. In Orleans Parish, the Clerk of Court was the inheritance tax collector.

Acts 1982, No. 874 provided for an annual increase in the value of the inheritance, legacy, donation, or gift made in contemplation of death that would be exempt from taxation when made to direct descendants by blood or affinity, ascendants, or surviving spouse. By 1987, the value to be excluded from taxation for direct descendants by blood or affinity, ascendants or surviving spouse was \$25,000. Act 874 also provided that occurring during calendar year 1992 and thereafter, the total amount or value of the inheritance, legacy, donation or gift in contemplation of death to a surviving spouse was exempt from taxation.

Acts 1997, No. 818 provided for the phase out of the inheritance tax over seven years.

Acts 2007, No. 371 provided that no inheritance tax shall apply to deaths occurring after June 30, 2004. Act 371 further provided that all persons who paid inheritance taxes based upon a death which occurred after June 30, 2004 may claim a refund of those taxes between August 1, 2008 and December 31, 2009.

Acts 2008, No. 822, effective January 1, 2008, provides that inheritance taxes shall prescribe in three years from December 31st of the year in which the taxes become due. Inheritance taxes owed for deaths occurring before July 1, 2004, for which an inheritance tax return has not been filed before January 1, 2008, shall be due on January 1, 2008. Act 822 also repeals the inheritance tax law, La. R.S. 47:2401 through La. R.S. 47:2426, effective January 1, 2010.

Legal Citations

R.S. 47:2401 through 47:2425, repealed effective January 1, 2010.

Tax Base

The tax base for Louisiana inheritance tax consists of all property of every nature and kind included or embraced in every inheritance, legacy, or donation or gift made in contemplation of death. With regard to residents, the tax base includes all immovable property located within Louisiana and all movable property, tangible or intangible, wherever situated. With regard to nonresidents, the tax base includes immovable property located within Louisiana and only tangible movable property domiciled in Louisiana.

Tax Rates

The tax rates are graduated and progressive based upon the relationship of heirs and legatees to the decedent. The classifications of heirs and legatees and the respective tax rates are as follows:

- Direct descendants by blood or affinity, ascendants, or surviving spouse—2 percent of the actual value of the first \$20,000 taxable, plus 3 percent of the actual value in excess of \$20,000
- Collaterals (including brothers or sisters by affinity and their descendants)—5 percent of the actual value on the first \$20,000 taxable, plus 7 percent of the actual value in excess of \$20,000
- Strangers or nonrelated persons—5 percent of the actual value of the first \$5,000 taxable, plus 10 percent of the actual value in excess of \$5,000

Types of Tax Exemptions

The Louisiana inheritance tax law provides for tax exemptions under R.S. 47:2402 and exclusions under R.S. 47:2404(C). Exemptions are those amounts or values of an inheritance, legacy, donation, or gift made in contemplation of death that would be included in the tax base, but have been specifically exempted from the tax. Exclusions are items of property that have been excluded from the tax base.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes to the inheritance tax during the past year.

Inheritance Tax

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Inheritance Tax

{ Exemptions }

1. Direct descendants by blood or affinity, ascendants, or surviving spouses (prior to 1992) of decedent

This exemption allows descendants by blood or affinity, ascendants, or surviving spouses (for death's prior to 1992) of a decedent to inherit an initial amount tax exempt. Based upon the time of death, the exemption is as follows:

Deaths in Calendar Year	
1983 and prior years	\$5,000 each
1984	\$10,000 each
1985	\$15,000 each
1986	\$20,000 each
1987 and thereafter	\$25,000 each

The purpose of this exemption is to exempt the initial amount inherited.

Legal Citation

R.S. 47:2402(1)

Origin

Acts 1982, No. 874

Effective Date

January 1, 1984

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Direct descendants by blood or affinity, ascendants, and surviving spouses of decedents

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

2. Surviving Spouse

This exemption allows the surviving spouse of a decedent who dies in 1992 or thereafter to inherit an unlimited amount tax free. Although the exemption was passed in 1987, it did not become effective until 1992. The purpose of this exemption is to provide a total exemption for the property inherited by the surviving spouse of the deceased.

Legal Citation

R.S. 47:2402(1)(e)

Origin

Acts 1987, No. 236

Effective Date

January 1, 1992

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Surviving spouses of decedents

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Inheritance Tax

{ Exemptions }

3. Collateral Relations; \$1,000 Exemption

This exemption allows collateral relations (i.e. brothers or sisters) of a descendant (including brothers-in-law or sisters-in-law and their descendants) to inherit up to \$1,000 tax free. The purpose of this exemption is to exempt the first \$1,000 inherited by collateral relations.

Legal Citation

R.S. 47:2402(2)

Origin

Acts 1921 Ex. Sess., No. 127

Effective Date

November 19, 1921

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Collateral relations of decedents

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

4. Strangers or Nonrelated Persons; \$500 Exemption

This exemption allows persons and certain entities not related to a decedent to inherit up to \$500 tax free. The purpose of this exemption is to exempt the first \$500 inherited by strangers or nonrelated persons.

Legal Citation

R.S. 47:2402(3)

Origin

Acts 1921 Ex. Sess., No. 127

Effective Date

November 19, 1921

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Any nonrelated legatees of a decedent

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Inheritance Tax

{ Exemptions }

5. **Bequests to Charitable, Religious, or Educational Institutions in Louisiana**

This exemption allows legacies and donations to charitable, religious, and educational institutions located in Louisiana to be exempt from inheritance tax. The purpose of this exemption is to exempt all bequests to charitable, religious, or educational institutions located in Louisiana.

Legal Citation

R.S. 47:2402(4)

Origin

Acts 1921 Ex. Sess., No. 127

Effective Date

November 19, 1921

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Any charitable, religious, or educational institutions that are legatees of a decedent

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

6. **Bequests to the State, Incorporated Municipalities, or Political Subdivisions for Exclusive Public Use**

This exemption allows legacies and donations to the state of Louisiana, incorporated municipalities, or political subdivisions to be exempt from tax. The purpose of this exemption is to exempt all bequests, for exclusive public use, to the state of Louisiana, incorporated municipalities, or any political subdivision thereof.

Legal Citation

R.S. 47:2402(5)

Origin

Acts 1972, No. 543

Effective Date

July 12, 1972

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

The state of Louisiana, any incorporated municipality, or other political subdivision named as a legatee of a decedent

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Inheritance Tax

{ Exemptions }

7. **Bequests to Out-of-State Charitable, Religious, or Educational Institutions**

This exemption allows charitable, religious, or educational institutions located in other states or territories of the United States to receive unlimited legacies and donations tax free provided reciprocity exists between the State of Louisiana and the other state or territory. The purpose of this exemption is to exempt all bequests to qualifying institutions located outside of Louisiana if the state or territory where the institution is located has a reciprocal provision applicable to Louisiana bequests.

Legal Citation

R.S. 47:2402(6)

Origin

Acts 1974, No. 190

Effective Date

July 12, 1974

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Any charitable, religious, or educational institution located in other states or territories of the United States named as legatees of a decedent

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

{ Exclusions }

8. **Proceeds of Life Insurance Paid to Named Beneficiaries**

This exclusion allows the proceeds of life insurance payable to a named beneficiary, other than the estate of a decedent, to be excluded from the tax base. The purpose of the exclusion is to exempt the total proceeds of life insurance policies made payable to a named beneficiary.

Legal Citation

R.S. 47:2404(C)

Origin

Acts 1968, No. 352

Effective Date

July 18, 1968

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Persons, other than the estate, receiving the proceeds of life insurance

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Inheritance Tax

{ Exclusions }

9. Qualified Retirement or Pension Plans

This exclusion allows the proceeds of a retirement or pension plan payable to a named beneficiary, other than the estate of the decedent, to be excluded from the tax base, provided the plan is qualified under Sections 401 or 408 of the Internal Revenue Code. The purpose of the exclusion is to exempt bona fide pension plans.

Legal Citation

R.S. 47:2404(C)

Origin

Acts 1968 No. 352, amended by Acts 1992, No. 171

Effective Date

July 18, 1968

Repealed

Acts 2008, No. 822, effective January 1, 2010

Beneficiaries

Persons, other than the estate, receiving the proceeds of a qualified retirement or pension plan

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no future activity is anticipated.

Liquors-Alcoholic Beverage Tax Exemptions

Liquors-Alcoholic Beverage Tax

{ Introduction }

The alcoholic beverage tax law encompasses taxation on two categories of alcoholic beverages: (a) beverages of low-alcoholic content that are defined as alcoholic beverages containing not more than six percent alcohol by volume, and (b) beverages of high-alcoholic content that are defined as alcoholic beverages containing more than six percent alcohol by volume. Act 2 of the Extraordinary Session of 1933 first imposed an alcoholic beverage tax of \$1 per 31-gallon barrel on beer, porter, ale, fruit juices and wine. Act 15 of the 1934 Regular Session imposed a tax on liquor at 50¢ per wine gallon; sparkling wines at 50¢ per wine gallon; still wines not more than 14 percent alcohol by volume at 5¢ per wine gallon; still wines between 14 percent and 24 percent alcohol by volume at 10¢ per wine gallon; still wines over 24 percent alcohol by volume at 50¢ per wine gallon; and beer at \$1.50 per 31-gallon barrel. Tax stamps were used to indicate that the appropriate taxes had been paid. A discount of five percent of the face value of the stamps purchased in lots of \$100 or more was allowed to dealers.

The tax rates of beverages of alcoholic content have changed numerous times since 1934 as shown:

Low Alcohol and Malt Beverages

1934	\$1.50	per 31-gallon barrel
1948	\$10.00	per 31-gallon barrel

Liquor

1934	\$.50	per wine gallon
1935	\$.60	per wine gallon
1938	\$1.00	per wine gallon
1940	\$1.50	per wine gallon
1956	\$1.68	per wine gallon
1970	\$2.50	per wine gallon
1978	\$.66	per liter

Sparkling Wines and Still Wines over 24% alcohol by volume

1934	\$.50	per wine gallon
1935	\$.60	per wine gallon
1938	\$1.00	per wine gallon
1940	\$1.50	per wine gallon
1956	\$1.58	per wine gallon
1978	\$.42	per liter

Still Wines not over 14% alcohol by volume

1934	\$.05	per wine gallon
1940	\$.15	per wine gallon
1942	\$.10	per wine gallon
1956	\$.11	per wine gallon
1978	\$.03	per liter

Still Wines between 14% and 24% alcohol by volume

1934	\$.10	per wine gallon
1940	\$.30	per wine gallon
1942	\$.20	per wine gallon
1956	\$.21	per wine gallon
1978	\$.06	per liter

The provisions related to the use of tax stamps for alcoholic beverages and the purchase discount were repealed in 1964 and were replaced by a six percent discount for timely filing and remitting the taxes on beverages of high alcohol content. This discount was reduced to three and one-third percent in 1972 and a two percent discount was enacted for beverages of low alcohol content. Acts 1978, No. 441 changed the measurement of liquor and wines from gallons to liters for tax purposes. The rates effectively remained unchanged as the per-gallon rates convert to the per-liter rates.

Act 736 of the 1990 Regular Legislative Session enacted the Louisiana Native Wine Law. Rates for the native wines were set the same as rates for other wines. This law was repealed in 2006.

Liquors-Alcoholic Beverage Tax

{ Introduction }

The alcoholic beverages taxes are collected from the first handlers in Louisiana, usually bonded wholesale dealers. The bond required of manufacturers or wholesalers of alcoholic beverages is a minimum of \$10,000 for each type of permit held.

During the 1998 Regular Legislative Session, Act 71 established provisions by which sparkling and still wines could be sold and shipped directly to consumers in Louisiana by a manufacturer or retailer of such beverage domiciled outside of Louisiana. Included in the statutory requirements were the stipulations that in order for the wine to be shipped into Louisiana, the applicable taxes must be paid in full, the consumer to whom the wine is being shipped must be 21 years of age or older, and that the wine was purchased for the consumer's personal consumption.

Act 808 of the 2006 Regular Legislative Session repealed the Native Wine Law, defined and established permit procedures for wine producers. Furthermore, the law made provision that wine producers can, under certain conditions, ship product directly to consumers.

Legal Citations

R.S. 26:341 through 26:423

Tax Base

Quantity of beverage handled

Tax Rate

1. Liquors: 66¢ per liter
2. Sparkling wines: 42¢ per liter
3. Still wines:
 - a. Alcohol content not over 14% – 3¢ per liter
 - b. Alcohol content 14% to 24% – 6¢ per liter
 - c. Alcohol content over 24% – 42¢ per liter
4. Low alcohol 6% and under, malt beverages: \$10 per barrel

Types of Tax Exemptions

For alcoholic beverage tax purposes, tax exemptions are exemptions, refund/credits, and discounts. Exemptions are items that were included in the tax base, but have been specifically exempted. Refund/credits are items that taxes were paid on initially, but the taxpayer has a right to request a refund or a credit. Discounts are a proportionate deduction from the gross amount reported. The tax exemptions for beer have been separated from those for liquor and wine.

There are several statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes in the liquor tax laws during the past year.

Liquors-Alcoholic Beverage Tax

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Liquors-Alcoholic Beverage Tax

{ Low Alcohol Tax Discount }

1. Discount of Two Percent

A discount of two percent of the tax due is allowed for accurately reporting and timely remitting the taxes due. The purpose of this discount is to compensate the dealer for expenses incurred in accounting for the tax.

Legal Citation

R.S. 26:345

Origin

Acts 1972, No. 537, amended by Acts 2002, No. 14

Effective Date

July 26, 1972

Beneficiaries

Registered wholesalers who accurately and timely remit the tax reports

Administration

The purpose of the discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$700,000	\$705,000

{ Low Alcohol, Liquor & Wine Tax Refund/Credit }

2. Products Returned to Manufacturer or Destroyed by a Dealer

A tax refund or credit is allowed for alcoholic beverages that are returned to a manufacturer or destroyed by the dealer either due to the product being damaged or unfit for sale. The purpose of this provision is to give dealers credit for taxes paid on products returned as unsaleable.

Legal Citation

R.S. 26:347

Origin

Acts 1934, No. 15, amended by Acts 2002, No. 14

Effective Date

August 1, 1934

Beneficiaries

Licensed dealers or manufacturers of alcoholic beverages of low and high alcohol content

Administration

The purpose of the refund/credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$65,000	\$70,000

Liquors-Alcoholic Beverage Tax

{ Liquor and Wine Tax Exemptions }

3. Antiseptic, Scientific, Religious, and Chemical Uses

Liquor and wine that is not for consumption as an alcoholic beverage is exempt from the tax. The purpose of this exemption is to allow the tax-free sales of alcoholic products used in antiseptic preparations, chemical products, scientific products, and for religious purposes.

Legal Citation

R.S. 26:421

Origin

Acts 1934, No. 15

Effective Date

August 1, 1934

Beneficiaries

Religious organizations, pharmaceutical or chemical companies, and consumers of end products

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate; no reporting requirement.

{ Liquor and Wine Tax Discount }

4. Discount of 3.33 Percent

A dealer is allowed a discount of 3.33 percent of the tax due for accurately reporting and timely filing their excise taxes return together with the full tax amounts due to the Department. The purpose of this discount is to encourage compliance.

Legal Citation

R.S. 26:354(D)

Origin

Acts 1972, No. 537

Effective Date

July 26, 1972

Beneficiaries

Licensed wholesalers who accurately and timely remit the tax reports

Administration

The purpose of the discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$820,000	\$850,000

Liquors-Alcoholic Beverage Tax

{ Federally Imposed Exemptions-Low Alcohol Tax }

5. Interstate Shipments

Low alcohol and malt beverages that are exported beyond the borders of Louisiana are not subject to excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:366(B)

Origin

Acts 1933 Ex. Sess., No. 2

Effective Date

April 13, 1933

Beneficiaries

Dealers who export products in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$910,000	\$925,000

6. Sales to Federal Government and its Agencies

Sales of alcoholic beverages to the U.S. Government or any of its agencies may be exempt from the excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:422

Origin

Acts 1933 Ex. Sess., No. 2

Effective Date

April 13, 1933

Beneficiaries

The U.S. Government and its agencies

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$140,000	\$145,000

Liquors-Alcoholic Beverage Tax

{ Federally Imposed Exemptions-
Low Alcohol Tax }

7. Sales to Ships Engaged in Interstate or Foreign Commerce

Sales of alcoholic beverages to ships whose destination is beyond the borders of the state are exempt from excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:366(B)

Origin

Acts 1933 Ex. Sess., No. 2

Effective Date

April 13, 1933

Beneficiaries

Dealers who sell for export in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible; less than \$10,000.

{ Federally Imposed Exemptions-
Liquor and Wine Tax }

8. Interstate Shipments of Alcoholic Beverages

Alcoholic beverages exported beyond the border of Louisiana are not subject to any alcoholic beverage excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:366(A)

Origin

Acts 1934, No. 15

Effective Date

August 1, 1934

Beneficiaries

Licensed dealers who export products in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$30,000	\$35,000

Liquors-Alcoholic Beverage Tax

{ Federally Imposed Exemptions-Liquor and Wine Tax }

9. Foreign Consul and Foreign Commerce

All sales of alcoholic beverages to a foreign consulate or country are exempt from alcoholic beverage excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:366

Origin

Acts 1934, No. 15

Effective Date

August 1, 1934

Beneficiaries

Foreign nations and their consulates

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Negligible; less than \$10,000.

10. Sales to the Federal Government and its Agencies

Sales of alcoholic beverages to the U.S. Government or any of its agencies may be subject to the excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 26:422

Origin

Acts 1934, No. 15

Effective Date

August 1, 1934

Beneficiaries

The U.S. Government and its agencies

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$12,000	\$13,000

Natural Resources Severance Tax Exemptions

Natural Resources - Severance Tax

{ Introduction }

A severance tax is levied upon all natural resources severed from the soil or water, including all forms of timber, including pulp woods, and turpentine and other forest products; minerals such as oil, gas, natural gasoline, distillate, condensate, casinghead gasoline, sulphur, salt, coal, lignite, and ores; also marble, stone, gravel, sand, shells, and other natural deposits; and the salt content in brine.

Oil and gas collections account for almost 98 percent of all severance tax collections. Because of the significant revenues generated and the fact that only one minor exemption affects the other natural resources, the focus of this section is centered on the oil and gas taxes.

The first tax, based on the severance of oil and gas, was imposed in 1910. This tax was levied as an occupational license tax at a rate of 1/5¢ per 10,000 cubic feet or 10 MCF for gas, and 2/5¢ per barrel of oil.

Act 140 of 1922 carried into effect a 1921 constitutional authority for a severance tax. There have been many changes in the tax rates since 1910, including fluctuations from a volumetric to a percentage-of-value based tax. The changes are listed below in chronological order.

1910	Oil 2/5¢ per barrel; gas 1/5¢ per 10 MCF
1912	Oil and gas; 0.5% of gross value less royalty interest
1920	Oil and gas; 2% of gross value
1922	Oil and gas; 3% of gross market value
1928	Oil 4-11¢ per barrel depending on gravity; gas 1/5¢ per MCF
1936	Gas 3/10¢ per MCF
1940	Oil 6-11¢ per barrel depending on gravity; condensate 11¢ per barrel
1948	Oil 18-26¢ per barrel depending on gravity; condensate 20¢ per barrel
1958	Gas 2.3¢ per MCF
1972	Gas 3.3¢ per MCF
1974	Oil and condensate 12.5% of value; gas 7¢ per MCF
7/90	Gas 10¢ per MCF, indexed annually
7/91	Gas 9¢ per MCF
7/92	Gas 7¢ per MCF
7/93	Gas 7.5¢ per MCF
7/94	Gas 8.7¢ per MCF
7/95	Gas 7¢ per MCF
7/96	Gas 7.7¢ per MCF
7/97	Gas 10.1¢ per MCF
7/98	Gas 9.3¢ per MCF
7/99	Gas 7.8¢ per MCF
7/00	Gas 9.7¢ per MCF
7/01	Gas 19.9¢ per MCF
7/02	Gas 12.2¢ per MCF
7/03	Gas 17.1¢ per MCF
7/04	Gas 20.8¢ per MCF
7/05	Gas 25.2¢ per MCF
7/06	Gas 37.3¢ per MCF
7/07	Gas 26.9¢ per MCF
7/08	Gas 28.8¢ per MCF
7/09	Gas 33.1¢ per MCF
7/10	Gas 16.4¢ per MCF
7/11	Gas 16.4¢ per MCF
7/12	Gas 14.8¢ per MCF
7/13	Gas 11.8¢ per MCF
7/14	Gas 16.3¢ per MCF
7/15	Gas 15.8¢ per MCF

Natural Resources - Severance Tax

{ Introduction }

Tax Base

The tax is imposed upon severance of the oil and gas from the soil or water and is paid by the natural resource owners. The state of Louisiana has over 30,000 producing oil and gas wells.

Tax Rate

The capable tax rate for oil and condensate is 12.5 percent of value and accounts for over 98 percent of the oil and condensate tax collections. There is also an incapable rate and a stripper rate for low-producing oil wells. The capable rate for gas, presently 15.8¢ per MCF, is responsible for over 99 percent of total gas tax collections. There are also reduced tax rates for low-pressure oil-well gas and incapable gas-well gas. The current severance tax rates are:

Type	Rate
Oil severance tax	
Capable rate.....	12.5% of value
R.S. 47:633(7)(a)	
Incapable rate.....	6.25% of value
R.S. 47:633(7)(b)	
Stripper rate.....	3.125% of value
R.S. 47:633(7)(c)(i)	
Condensate severance tax.....	12.5% of value
R.S. 47:633(8)	
Gas severance tax	
Capable rate.....	15.8¢ per MCF
R.S. 47:633(9)(a)	
R.S. 47:633(9)(d)(i)	
Low pressure oil-well gas rate.....	3¢ per MCF
R.S. 47:633(9)(b)	
Incapable gas-well gas rate.....	1.3¢ per MCF
R.S. 47:633(9)(c)	

Types of Tax Exemptions

Severance tax exemptions for oil, gas, and minerals are in the form of exclusions, exemptions, special rates, deductions, and suspensions. Exclusions are by statute and refer to specific categories of natural gas upon which the tax shall not accrue. Exemptions and suspensions are also statutorily mandated and exempt or suspend the tax on oil or gas severed from wells that meet certain criteria. Special rates reduce the tax on natural resources severed from wells that qualify under specified criteria. Deductions are defined as a credit against or a reduction to the taxable base.

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 120 establishes the severance tax exemption for horizontally drilled wells and horizontally drilled recompletion wells for which production occurs on or after July 1, 2015.

The secretary shall determine the oil price upon which the exemption for a horizontal well that produces oil shall be based on July 1st of each year for the ensuing twelve months based upon the average New York Mercantile Exchange Price (NYMEX) per barrel of crude oil per month on the close of business June 30th for the prior twelve months. Effective July 1, 2015. The amount of the exemption for a horizontal well that produces oil shall be as follows:

1. One hundred percent if the price of oil is at or below \$70 per barrel. Therefore, no tax is due.
2. Eighty percent if the price of oil is above \$70 and at or below \$80 per barrel.
3. Sixty percent if the price of oil is above \$80 and at or below \$90 per barrel.
4. Forty percent if the price of oil is above \$90 and at or below \$100 per barrel.

Natural Resources - Severance Tax

{ Introduction }

5. Twenty percent if the price of oil is above \$100 and at or below \$110 per barrel.
6. There shall be no exemption in effect if the price of oil exceeds \$110 per barrel. Therefore, tax is due at the full rate of 12.5% of the gross value on the entire disposition (amount sold).

The secretary shall determine the natural gas price upon which the exemption for a horizontal well that produces natural gas shall be based on July 1st of each year for the ensuing twelve months based upon the average NYMEX per million BTU per month on the close of business June 30th for the prior twelve months. The amount of the exemption for a horizontal well that produces natural gas shall be as follows:

1. One hundred percent if the price of natural gas is at or below \$4.50 per million BTU. Therefore, no tax is due.
2. Eighty percent if the price of natural gas is above \$4.50 per million BTU and at or below \$5.50 per million BTU.
3. Sixty Percent if the price of natural gas is above \$5.50 per million BTU and at or below \$6.00 per million BTU.
4. Forty percent if the price of natural gas is above \$6.00 per million BTU and at or below \$6.50 per million BTU.
5. Twenty percent if the price of natural gas is above \$6.50 per million BTU and at or below \$7.00 per million BTU.
6. There shall be no exemption in effect if the price of natural gas exceeds \$7.00 per million BTU. Therefore, tax is due at the full rate.

Acts 2015, No. 126 reduced the amount of the rebate granted to those projects which the secretary makes a determination on or after July 1, 2015 for the Louisiana Mega-Project Energy Assistance Rebates. The amount of the rebate was reduced from one hundred percent to eighty percent of Louisiana severance taxes that were paid on any natural gas consumed or used directly in the operation of the mega-project facility or consumed indirectly in the manufacture or creation of energy sold to the mega-project facility for its operation. Effective July 1, 2015 to June 30, 2018.

Natural Resources - Severance Tax

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Natural Resources - Severance Tax

{ Natural Gas Exclusions }

1. Injection

An exclusion is allowed for the injection of gas into producing reservoirs. The gas injected maintains reservoir pressure and enhances the recovery of hydrocarbons. This gas will eventually be reproduced and sold, and at that time the tax will be paid. This is really more of a deferred payment than an exclusion. The purpose of this exclusion is to promote secondary recovery and repressurization programs.

Legal Citation

R.S. 47:633(9)(e)(i)

Origin

Acts 1940, No. 145

Effective Date

1940

Beneficiaries

Anyone in industry undertaking a repressurization or secondary recovery project

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,200,000	\$2,300,000

2. Produced Outside the State of Louisiana

An exclusion is allowed for gas produced outside the state and transported into Louisiana to be injected. The purpose of this exclusion is to clarify that natural gas severed outside the state is not taxable.

Legal Citation

R.S. 47:633(9)(e)(ii)

Origin

Acts 1960, No. 2

Effective Date

1960

Beneficiaries

The volume of gas imported is too small to benefit anyone. The only activity is around the three-mile offshore boundary separating state and federal leases.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000	\$21,000

Natural Resources - Severance Tax

{ Natural Gas Exclusions }

3. Flared or Vented

An exclusion is allowed for gas flared or vented to the atmosphere, provided such gas is not otherwise sold. Gas is normally vented or flared when testing, waiting on sales line, or when produced in noncommercial quantities. The purpose of this exclusion is to provide financial relief to producers of natural and casinghead gas.

Legal Citations

R.S. 47:633(9)(e)(iii), R.S. 47:633(9)(e)(vi)

Origin

Acts 1935, No. 24

Effective Date

1935

Beneficiaries

All of industry

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$435,000	\$420,000

4. Consumed in Field Operations

An exclusion is allowed for gas used or consumed for fuel in maintaining the operation of a field. This includes gas used for heating, separating, producing, dehydrating, compressing, and pumping oil and gas in the field where produced provided that the gas is not otherwise sold. The purpose of this exclusion is to provide financial assistance to qualifying producers.

Legal Citation

R.S. 47:633(9)(e)(iv)

Origin

Acts 1958, No. 2

Effective Date

1958

Beneficiaries

All of industry

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$8,000,000	\$8,000,000

Natural Resources - Severance Tax

{ Natural Gas Exclusions }

5. Consumed in the Production of Natural Resources in the State of Louisiana

An exclusion is allowed for gas consumed in the production of natural resources, other than oil and gas, in the state of Louisiana. The purpose of this exclusion is to provide financial assistance to qualifying producers.

Legal Citation

R.S. 47:633(9)(e)(v)

Origin

Acts 1974, No. 5

Effective Date

January 1, 1974

Beneficiaries

Producers who use natural gas in the production of natural resources, other than oil or gas.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

6. Used in the Manufacture of Carbon Black

An exclusion is allowed for gas consumed in the manufacture of carbon black in plants. The producer and seller of the gas are allowed an exclusion from the severance tax that in turn lowers the sales price. The purpose of this exclusion is to provide financial assistance to carbon-black manufacturers.

Legal Citation

R.S. 47:633(9)(e)(vii)

Origin

Acts 1958 Ex. Sess., No. 2

Effective Date

1958

Beneficiaries

Carbon-black companies operating in Louisiana

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$350,000	\$350,000

Natural Resources - Severance Tax

{ Natural Gas Suspensions }

7. Horizontal Wells

Any well drilled or recompleted horizontally from which production commences after July 31, 1994, shall have all severance tax suspended for 24 months or until payout of the well is achieved, whichever comes first. Payout of well cost shall be the cost of completing the well to the start of production. Acts 2015, No 120 amended R.S. 47:633(7) for any production commencing after July 1, 2015. The exemption is now dependent on the average oil price determined by the secretary on July 1st of each year for the ensuing 12 months. The purpose of this tax suspension is to encourage the drilling of horizontal wells.

Legal Citation

R.S. 47:633(7)(c)(iii)

Origin

Acts 1994, No. 2, amended by Acts 2015, No. 120

Effective Date

August 1, 1994

Beneficiaries

Any producer who successfully completes or recompletes a well horizontally

Administration

The Department of Natural Resources determines the well cost payout and the Department of Revenue administers the tax suspension.

Estimated Fiscal Effect

In accordance with Acts 2015, No. 120, the price of natural gas for FY 16 was set by the secretary at \$3.44 per million BTU. Since this amount is below the \$4.50 threshold for gas, the exemption is at 100 percent.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$89,500,000	\$89,500,000

8. Inactive Wells

Gas wells returned to service after being inactive for two or more years or having 30 days or less production for the past two years were allowed a severance tax exemption for five years. The June 30, 1996, deadline for applying for inactive status was extended to June 30, 1998, by Acts 1996, No. 16, and to June 30, 2000, by Acts 1998, No. 7. Acts 2002, No. 74 amended R.S. 47:633(7)(c)(iv) to reactivate the exemption effective for production beginning July 1, 2002, and ending June 30, 2006, and change the exemption period from five to two years. Acts 2005, No. 492 extended the time for taxpayers to apply for certification June 30, 2006, to June 30, 2010, and extended the suspension period from two to five years for any well granted inactive certification on or after January 1, 2005.

Legal Citation

R.S. 47:633(7)(c)(iv)

Origin

Acts 1994, No. 2

Effective Date

August 1, 1994

Beneficiaries

Gas producers with older mature fields containing inactive wells

Administration

The Department of Natural Resources certifies the well and the Department of Revenue administers the tax suspension.

Estimated Fiscal Effect

The application deadline was June 30, 2010 and the suspension is for five years from the date of production or ninety days from the date of application, whichever comes first. The exemption amount should start decreasing as the wells meet their five year exemption period.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$570,000	\$300,000

Natural Resources - Severance Tax

{ Natural Gas Suspensions }

9. Deep Wells

The severance tax on gas wells drilled to a true vertical depth of more than 15,000 feet is suspended for a period of 24 months or until payout of the well cost, whichever occurs first. Production must start after July 31, 1994. The purpose of this tax suspension is to encourage gas operators to invest in the drilling of deep wells.

Legal Citation

R.S. 47:633(9)(d)(v)

Origin

Acts 1994, No. 2

Effective Date

August 1, 1994

Beneficiaries

Gas producers that successfully drill to a depth greater than 15,000 feet

Administration

The purpose of the suspension is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$8,000,000	\$8,000,000

{ Natural Gas Special Rates }

10. Incapable Oil-Well Gas

Gas produced from an oil well that has been determined by the Secretary to have 50 pounds or less of wellhead pressure per square inch or producing by artificial methods, gas lift, or pumping, is eligible for a special reduced tax rate of 3¢ per MCF. The purpose of this special rate is to encourage continued production from low-pressure oil wells.

Legal Citation

R.S. 47:633(9)(b)

Origin

Acts 1958 Ex. Sess., No. 2

Effective Date

1958

Beneficiaries

The intent of the reduced rate is to encourage small independent operators to continue production on low-producing wells. Major oil companies also benefit from this special reduced rate.

Administration

The purpose of this special rate is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$1,000,000	\$1,000,000

Natural Resources - Severance Tax

{ Natural Gas Special Rates }

11. Incapable Gas-Well Gas

Gas produced from gas wells that are determined by the Secretary to be incapable of producing an average of 250,000 cubic feet of gas per day is eligible for a special reduced tax rate of 1.3¢ per MCF. The purpose of this special rate is to encourage the continued production from low-producing gas wells.

Legal Citation

R.S. 47:633(9)(c)

Origin

Acts 1958 Ex. Sess., No. 2

Effective Date

1958

Beneficiaries

The intent of the reduced rate is to encourage small independent operators to continue production on low-producing wells. Major oil companies also benefit from this special reduced rate.

Administration

The purpose of this special rate is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$25,000,000	\$25,000,000

{ Oil Deductions }

12. Trucking, Barging, and Pipeline Fees

Oil and condensate are taxable at the higher of 12.5 percent of the gross receipts less charges for trucking, barging, and pipeline fees or the posted field price. The Department's regulation, LAC 61:I.2903, allows producers transporting through their own facilities a 25¢ per barrel deduction; those with third-party transportation may deduct 25¢ per barrel or the actual amount charged. The purpose of the regulation is to allow a standard 25¢ per barrel deduction for all producers.

Legal Citation

R.S. 47:633(7)(a)

Origin

Acts 1973 Ex. Sess., No. 6

Effective Date

January 1, 1974

Beneficiaries

All of industry

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$700,000	\$700,000

Natural Resources - Severance Tax

{ Oil Suspensions }

13. Horizontal Wells

Any well drilled or recompleted horizontally from which production begins after July 31, 1994, will have all severance tax suspended for 24 months or until payout of the well is achieved, whichever occurs first. Payout of well cost is the cost of completing the well to the start of production. Acts 2015, No 120 amended R.S. 47:633(7) for any production commencing after July 1, 2015. The exemption is dependent on the average oil price determined by the secretary on July 1st of each year for the ensuing 12 months. The purpose of this tax suspension is to encourage drilling horizontal wells.

Legal Citation

R.S. 47:633(7)(c)(iii)

Origin

Acts 1994, No. 2, amended by Acts 2015, No. 120

Effective Date

August 1, 1994

Beneficiaries

Any producer who successfully completes or recompletes a well horizontally

Administration

The Department of Natural Resources determines the well cost payout and the Department of Revenue administers the tax suspension.

Estimated Fiscal Effect

In accordance with Acts 2015, No. 120, the price of oil for FY 16 was set by the secretary is \$69.22 per barrel of oil. Since this amount is below the \$70 per barrel threshold, the exemption is at 100 percent.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000,000	\$20,000,000

14. Inactive Wells

Oil wells returned to service after being inactive for two or more years or having 30 days or less production for the past two years were allowed a severance tax exemption for five years. The June 30, 1996, deadline for applying for inactive status was extended to June 30, 1998, by Acts 1996, No. 16, and to June 30, 2000, by Acts 1998, No. 7. Acts 2002, No. 74 amended R.S. 47:633(7)(c)(iv) to reactivate the exemption effective for production beginning July 1, 2002, and ending June 30, 2006, and change the exemption period from five to two years. Acts 2005, No. 492 extended the time for taxpayers to apply for certification June 30, 2006, to June 30, 2010, and extended the suspension period from two to five years for any well granted inactive certification on or after January 1, 2005.

Legal Citation

R.S. 47:633(7)(c)(iv)

Origin

Acts 1994, No. 2

Effective Date

August 1, 1994

Beneficiaries

Oil producers with older mature fields containing many inactive wells

Administration

The potential for a large number of participants, plus the combination of the Department of Natural Resources certifying and the Department of Revenue administering could present problems.

Estimated Fiscal Effect

The application deadline was June 30, 2010 and the suspension is for five years from the date of production or ninety days from the date of application, whichever comes first. The exemption amount should start decreasing as the wells meet their five year exemption period.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$18,500,000	\$10,000,000

Natural Resources - Severance Tax

{ Oil Suspensions }

15. Deep Wells

The severance tax on oil wells drilled to a true vertical depth of more than 15,000 feet is suspended for a period of 24 months or until payout of the well cost, whichever occurs first. Production must start after July 31, 1994. The purpose of this tax suspension is to encourage oil operators to invest in the drilling of deep wells.

Legal Citation

R.S. 47:633(9)(d)(v)

Origin

Acts 1994, No. 2

Effective Date

August 1, 1994

Beneficiaries

Oil producers that successfully drill to a depth greater than 15,000 feet

Administration

This incentive will be easy to administer as there should be a limited number of oil wells successfully completed at a depth of more than 15,000 feet.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$16,500,000	\$16,500,000

16. Tertiary Recovery Incentive

This suspension, enacted in 1983, provides that no severance tax is due on crude oil produced from a qualified tertiary project approved by the Department of Natural Resources until the project has reached payout. The purpose of this suspension is to provide financial assistance to producers undertaking large-scale carbon dioxide injection projects.

Legal Citation

R.S. 47:633.4

Origin

Acts 1983 Ex. Sess., No. 643, amended by Acts 2009, No. 450

Effective Date

July 20, 1983

Beneficiaries

Producers undertaking large-scale carbon dioxide injection projects were the intended beneficiaries of this suspension; however, the collapse of oil prices postponed these projects.

Administration

To date, with only three projects approved, there have been no problems.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$20,000,000	\$20,000,000

Natural Resources - Severance Tax

{ Oil Special Rates }

17. Incapable Oil

An oil well incapable of producing an average of more than 25 barrels of oil per producing day, and producing at least 50 percent salt water, and having no capable well on the lease is eligible for a special reduced tax rate of 6.25 percent of value. The purpose of this special rate is to encourage the continued production from low-volume wells.

Legal Citation

R.S. 47:633(7)(b)

Origin

Acts 1948, No. 10

Effective Date

1948

Beneficiaries

Oil producers in Louisiana with wells producing in the 10-25 barrel per day range

Administration

This special reduced rate program is becoming more efficient to administer, monitor, and enforce.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$10,000,000	\$10,000,000

18. Stripper Oil

An oil well incapable of producing an average of more than ten barrels of oil per producing day for the entire taxable month is eligible for a special reduced tax rate of 3.125 percent of value. The purpose of this special rate is to encourage the continued production from stripper oil wells.

Legal Citation

R.S. 47:633(7)(c)(i)(aa)

Origin

Acts 1973 Ex. Sess., No.5

Effective Date

January 1, 1974

Beneficiaries

Oil producers in Louisiana with low-producing oil wells

Administration

The purpose of the special reduced rate is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$30,000,000	\$30,000,000

Natural Resources - Severance Tax

{ Oil Special Rates }

19. Stripper Oil - Value Less than \$20 per Barrel

An oil well certified as a stripper well (incapable of producing an average of more than ten barrels of oil per producing day) is exempt from severance tax in any month in which the average posted price for a 30-day period is less than \$20 per barrel. Act 43 of the 1998 Regular Legislative Session amended the law to provide that the same value used as a basis to impose the severance tax under R.S. 47:633(7)(a) be used to determine the exemption for certified stripper production. The purpose of this exemption is to encourage producers to continue the operation of low-producing oil wells. However, stripper wells already qualify for a reduced tax rate of 3.125 percent of value.

Legal Citation

R.S. 47:633(c)(i)(bb)

Origin

Acts 1994, No. 2

Effective Date

June 1, 1994

Beneficiaries

Producers with oil wells certified as a stripper well

Administration

The purpose of the special reduced rate is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$0	\$0

20. Salvage Oil

A special reduced rate of 3.125 percent of value applies to salvage oil reclaimed by class-one reclamation facilities that are permitted by the Office of Conservation. The purpose of this special rate is to provide financial assistance to class-one salvage oil operators.

Legal Citation

R.S. 47:648.21

Origin

Acts 1986, No. 673

Effective Date

July 1, 1986

Beneficiaries

Class-one salvage oil operators benefit from this special reduced rate. There is a prohibition against any person or affiliate of a person actually engaged in severing of oil, gas, or other natural resources from participating in this reduced rate program.

Administration

The purpose of the special reduced rate is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

Natural Resources - Severance Tax

{ Oil Special Rates }

21. Horizontal Mining and Drilling Projects

The working-interest owners of horizontal- mining and drilling projects approved by the Office of Conservation are taxed at the special reduced rate of 3.125 percent of value until the cumulative value of hydrocarbon production from the project equals 2.33 times the private investment invested by the working-interest owners. The purpose of this special rate is to promote innovation in horizontal-mining and drilling technologies.

Legal Citation

R.S. 47:633(7)(c)(ii) (aa) and (cc)

Origin

Acts 1990, No. 551

Effective Date

August 1, 1990

Beneficiaries

Companies who undertake horizontal-mining and drilling projects benefit from this special rate. One project was planned, but never got off the ground and there are none planned for the near future.

Administration

There has been no activity; however, the language of recouping 2.33 times the private investment is unclear and could be difficult to administer.

Estimated Fiscal Effect

\$0; no activity is anticipated.

{ Oil and Gas Incentive }

22. Produced Water Injection Incentive

A 20 percent severance tax reduction is allowed on oil and gas produced from wells in which produced water is injected into the reservoir to increase recovery. This incentive was enacted to reduce produced water discharge by providing a severance tax saving for producers that inject produced waters into an oil or gas reservoir to increase recovery of oil or gas.

Legal Citation

R.S. 47:633.5(C)

Origin

Acts 1991, No. 625

Effective Date

July 17, 1991

Beneficiaries

Oil and gas producers that inject produced waters into an oil or gas reservoir to increase the recovery of oil or gas will benefit from this incentive.

Administration

There should be no problems administering this incentive.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Negligible	Negligible

Natural Resources - Severance Tax

{ Mineral Exemption }

23. Owned and Severed by Political Subdivisions

This exemption, enacted in 1988, applies to any political subdivision of the state that owns and severs natural resources for its own use. The purpose of this exemption is to provide financial assistance to police jurors severing gravel for their own use.

Legal Citation

R.S. 47:632(B)

Origin

Acts 1988, No. 594

Effective Date

1988

Beneficiaries

The political subdivisions that own and sever natural resources for their own use

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; no activity is anticipated in the future since the tax on gravel has been repealed.

{ Rebates }

24. Louisiana Mega-Project Energy Assistance Rebate

The secretary of the Department of Economic Development may grant assistance if it is determined that the consumption of energy will be a major cost component of the operation of a mega fund project and such assistance may moderate the cost of energy thereby becoming a major factor in inducing a mega fund project to locate, expand, or remain in the state. With respect to projects for which the secretary makes a determination on or after July 1, 2015, the rebate granted to a mega-project cannot exceed 80 percent of severance taxes that were paid to the state on any natural gas consumed or used directly in the operation or consumed indirectly in the manufacture or creation of energy sold to the mega-project facility for its operation.

Legal Citation

R.S. 51:2367

Origin

Acts 2010, No. 1006, amended by Acts 2015, No.126

Effective Date

July 1, 2010

Beneficiaries

Operators of mega-project facilities

Administration

The purpose of this rebate is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate. As of FYE 15, no rebates have been granted.

Petroleum Products Tax Exemptions

Petroleum Products Taxes

{ Introduction }

A tax on gasoline and motor fuels was first levied in the 1921 Louisiana Constitution at the rate of 1¢ per gallon. Special fuels were first taxed at the rate of 7¢ per gallon under a Use Fuel Tax as levied by Act 244 of 1940. This act also required fuel permits. Various amendments through the years set the rates as follows:

- 1921 Gasoline tax first levied at 1¢ per gallon
- 1924 Gasoline at 2¢ per gallon
- 1928 Gasoline at 4¢ per gallon
- 1930 Gasoline at 5¢ per gallon
- 1936 Gasoline at 7¢ per gallon
- 1940 Special fuels tax first levied at 7¢ per gallon
- 1948 Gasoline and special fuels at 9¢ per gallon
- 1952 Gasoline and special fuels at 7¢ per gallon
- 1968 Gasoline and special fuels at 8¢ per gallon
- 1984 Gasoline and special fuels at 16¢ per gallon
- 1990 Gasoline and special fuels at combined rate of 20¢ per gallon
- 2016 Special fuels (CNG and LNG) at 20¢ per gallon, LPG at 14.6¢ per gallon

Act 16 of the First Extraordinary Session of 1989 increased the total tax on gasoline, motor fuels, and special fuels to the current 20¢ per gallon, not by increasing the 16¢ per gallon rate imposed by R.S. 47:711 and R.S. 47:802, but by levying an additional 4¢ under a new part titled Transportation Infrastructure Model for Economic Development (TIMED). The money generated by this levy, which was effective January 1, 1990, was specifically dedicated. By the same legislation, the Transportation Trust Fund was created wherein the 16¢ per gallon tax collections would eventually be deposited.

Gasoline and Diesel Fuels Tax

The gasoline tax was collected from the dealer who first handles, sells, distributes, uses, or consumes the gasoline and motor fuel in Louisiana. However, Acts 2005, No. 252 enacted R.S. 47:818.1 et seq. to move the point of collection for tax on motor fuels to the terminal rack. Clear diesel fuel, as newly defined, will be subject to tax when the product leaves the terminal via the rack so that subsequent sales of the product should be of taxed fuel and any clear diesel ultimately used for a nontaxable purpose could be eligible for the refund of the fuel tax paid.

The act also changed the discounts allowed to dealers and marketers. Previously a discount was allowed to gasoline dealers for three percent of the first 1¢ of tax; gasoline jobbers were allowed three percent of the first 4¢ of tax; and special fuel suppliers were allowed three percent of net taxable gallons. Under the act, effective July 1, 2006, suppliers (refiners) were allowed to keep 1.5 percent of the tax if they timely filed and remitted the taxes and passed on one percent of the tax to the distributors (marketers).

Special Fuels Tax

Special fuels are defined as any gas or liquid, other than gasoline or diesel fuel, used or suitable for use as motor fuel in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. Special fuels include compressed natural gas, liquefied natural gas, and liquefied petroleum gas. The tax on special fuels was paid by any person who operates a motor vehicle upon the highways that uses or is capable of using LPG or CNG. The tax was paid on the annual return and is evidenced by a decal that is issued to the operator for each vehicle.

Owners or operators of motor vehicles that use liquefied natural gas, liquefied petroleum gas, or compressed natural gas pay an annual flat rate or tax based on usage depending on weight of the vehicle. Act 2005, No. 252 does not change the manner in which this tax will be reported or collected.

Fee for Inspection

To defray the expenses connected with the inspection, testing, and analyzing of petroleum products in the state, an inspection fee of 4/32 of one cent per gallon is collected on all petroleum products distributed, sold, or offered for sale or use or consumption in the state or used or consumed in the state. The fee, to be paid by the first person handling the fuel, must be paid before delivery to agents, dealers, or consumers in the state. The fee is not collected on liquefied petroleum gas, natural gas, or bulk sale or transfers and exports out of the state are not subject to the fee. In addition, no fee is due on fuels that are

Petroleum Products Taxes

{ Introduction }

eligible for tax refunds under the provisions of R.S. 47:818.15(A)(5) or that are sold for use in or distributed to seagoing vessels as defined in R.S. 3:4602.

Legal Citations

R.S. 47:818.6 enacted by Acts 2005, No. 252 provides that the provisions of the act, R.S. 47:818.1 et seq. supersede the provisions of R.S. 47:711-727, 771-788, and 801-815.1 to the extent that they are inconsistent or in conflict. The provisions of R.S. 47:711-727, 771-788, and 801-815.1 that are not inconsistent or in conflict with R.S. 47:818.1 et seq. remain in effect.

Gasoline and Diesel Fuels Tax:

R.S. 47:818.1 through 818.6-General Provisions

R.S. 47:818.11 through 818.62 Gasoline and Diesel Fuel

Special Fuels Tax:

R.S. 47:818.1 through 818.6-General Provisions

R.S. 47:818.111 through 818.132 Special Fuels

Fee for Inspection:

R.S. 3:4684

Tax Base

Gasoline and diesel fuel sold, used, or consumed in the state of Louisiana for domestic consumption; all special fuels sold, used, or consumed in Louisiana for the operation of motor vehicles that are licensed or required to be licensed for highway use.

Fee Base

All petroleum products distributed, sold, or offered or exposed for sale or use or consumption in the state of Louisiana except liquefied petroleum gas and natural gas.

Tax Rate

Gasoline and diesel fuels20¢ per gallon

Special fuels (CNG and LNG).....20¢ per gallon

Special Fuels (LPG) 14.6¢ per gallon

Fee for inspection4/32 of 1¢ per gallon

Special Fuels of liquefied natural gas, liquefied petroleum gas, and compressed natural gas:

- Beginning January 1, 2016, the special fuel tax will be collected by any person or entity upon the delivery of the fuel into the fuel supply tank of a motor vehicle.
- Previously, the tax was collected by the purchase of a decal at an annual flat rate of \$150 or a variable rate of 16¢ per gallon, but not to exceed \$150, for each vehicle operating on one of these fuels.

School buses that transport Louisiana students:

- One-half of the lesser of the regular flat rate or one-half of the variable rate.

Types of Tax Exemptions

Petroleum products tax exemptions are in the form of exemptions, refunds, and discounts. Exemptions are items that were included in the tax base, but have been specifically exempted statutorily. Refunds are a restitution of taxes paid. Discounts are a proportionate deduction from the amounts reported.

There are two statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

Petroleum Products Taxes

{ Introduction }

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 147 changes the tax levied on special fuels (Compressed Natural Gas, Liquefied Natural Gas, and Liquefied Petroleum Gas). Beginning Jan. 1, 2016, the tax shall not be collected pursuant to the annual decal but rather the amount of the tax shall be converted from a tax levied per gallon on such special fuel to a tax levied per gallon but based on the special fuel's energy content. Any person or entity that delivers or sells fuel into the fuel supply tank of a motor vehicle is required to register and acquire a license from the Department of Revenue.

The administrative discount allowed for Suppliers filing returns and remitting payments timely has been reduced from one and one-half percent to one-half percent. The discount allowed for a licensed Distributor or Importer has been reduced from one percent to one-third of one percent. The reduction in the administrative discount is effective July 1, 2015.

Acts 2015, No. 140 grants a transferable Student Assessment for a Valuable Education (SAVE) credit for each student enrolled at a public institution of higher education. Each student assessed will be granted a SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million. The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total head count enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund. The credit or assessment cannot exceed the amount appropriated by the legislature from the Higher Education Initiatives Fund for each fiscal year. The Board of Regents will distribute all funds appropriated from the Higher Education Initiatives Fund from the SAVE Credit Program pursuant to its formula for the equitable distribution of funds to public institutions of higher education. No student or student's parent or legal guardian will be required to pay an assessment that is not offset by a SAVE credit. The SAVE Credit Program will be null, void, and of no effect after July 1, 2020. The Save Credit Program is applicable to tax years beginning on and after January 1, 2015. Effective June 19, 2015.

Petroleum Products Taxes

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Petroleum Products Taxes

{ Gasoline Tax Exemptions }

1. Casinghead Gasoline

Casinghead and absorption gasoline, when sold to be blended or compounded with other less volatile liquids in the manufacture of commercial gasoline or motor fuel, is exempt from gasoline tax. The purpose of this exemption is to encourage the blending of casinghead and absorption gasoline with other less volatile liquids in the production of gasoline or motor fuels.

Legal Citation

R.S. 47:713

Origin

Acts 1928 Ex. Sess., No. 6

Effective Date

January 4, 1929

Beneficiaries

None

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; At present, no casinghead or absorption gasoline is being sold for blending or compounding with a less volatile liquid in the manufacturing of commercial gasoline as a motor fuel.

2. Aviation Gasoline

Aviation fuel used for propelling aircraft, including aircraft operated in interstate or foreign commerce under a certificate or permit issued by the Civil Aeronautics Board of the United States or any successor or federal governmental board or agency having similar authority is exempt from the tax. The purpose of this provision is to allow the sale of gasoline for aviation use to be exempt from the gasoline tax.

Legal Citation

R.S. 47:716.1 superseded by R.S. 47:818.14(A)(3)

Origin

Acts 1980, No. 559, superseded by Acts 2005, No. 252.

Effective Date

September 12, 1980

Beneficiaries

Owners/operators of aviation gasoline powered aircraft

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$175,000	\$185,000

Petroleum Products Taxes

{ Gasoline Tax Refunds }

3. School-bus Drivers

Contract drivers of all privately owned school buses transporting Louisiana students may qualify for a refund of three-fourths of the gasoline or diesel fuel tax paid beginning July 1, 2006. This refund does not apply to commercial buses that transport students only incidentally as a part of the operator's regular business. The purpose of this refund is to financially assist contract drivers of privately owned school buses.

Legal Citation

R.S. 47:715.1 superseded by R.S. 47:818.15(A)(1)

Origin

Acts 1984, No. 927, superseded by Acts 2005, No. 252

Effective Date

September 3, 1984

Beneficiaries

Contract drivers of privately owned school buses

Administration

The purpose of the refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$13,000	\$15,000

4. Farmers, Fishermen, and Aircraft

Tax paid on gasoline fuel used for the following purposes may be refunded when the requirements of R.S. 47:1681 et seq. have been met:

- Operating or propelling aircraft;
- Operating or propelling any commercial fishing boat or any vehicle used by a licensed fisherman in the administration of business associated with commercial fishing;
- Operating any boat used to transport children to or from school; and
- Operating any farm tractor or any farm machinery, including any stationary motor, used in the actual tilling of the soil and production of crops.

The purpose of this refund is to allow gasoline for certain uses to be free of tax and to provide financial assistance to the beneficiaries.

Legal Citation

R.S. 47:818.15(A)(2)

Origin

Acts 1950, No. 371 and Acts 2005, No. 252.

Effective Date

September 1, 1950

Beneficiaries

Farmers, fishermen, and operators of gasoline-powered aircraft

Administration

The purpose of the refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$25,000	\$26,000

Petroleum Products Taxes

{ Gasoline Tax Discounts }

5. Discount for Timely Filing and Payment by Suppliers/Permissive Suppliers

Suppliers and permissive suppliers that file a timely return and remit a timely payment are allowed to deduct an administrative discount of one-half percent of the tax due on gasoline fuels. The deduction is only allowed if the supplier allows a deduction of one-third of one percent to a purchaser with a valid distributor or importer license.

Legal Citation

R.S. 47:818.22(A)

Origin

Acts 2005, No. 252 amended by Acts 2015, No. 147

Effective Date

July 1, 2006

Beneficiaries

Suppliers and permissive suppliers that comply with the discount requirements

Administration

The purpose of the discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,400,000	\$2,499,000

{ Diesel Fuels Tax Refunds }

6. School-bus Drivers

Contract drivers of all privately-owned school buses transporting Louisiana students, whether such students are in private or public schools, are eligible for a refund of three-fourths of the diesel fuels tax. The purpose of this refund is to financially assist contract drivers of privately-owned school buses.

Legal Citation

R.S. 47:715.1 superseded by R.S. 47:818.15(A)(1)

Origin

Acts 1984, No. 927

Effective Date

September 3, 1984

Beneficiaries

Contract drivers of privately owned school buses

Administration

The purpose of the refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$200,000	\$205,000

Petroleum Products Taxes

{ Diesel Fuels Tax Refunds }

7. Diesel Fuels Used in Licensed Vehicles by Commercial Fishermen

Licensed commercial fishermen are eligible for a refund of the diesel fuels tax paid on the fuel used operating licensed motor vehicles when performing commercial fishing-related business. The purpose of this refund is to allow undyed diesel fuels used by fishermen to be free of tax and to financially assist the commercial fishermen.

Legal Citation

R.S. 47:802.2 superseded by R.S. 47:818.15(A)(2)

Origin

Acts 1982, No. 820 and Acts 2005, No. 252

Effective Date

January 1, 1983

Beneficiaries

Licensed commercial fishermen

Administration

The purpose of the refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; at present, no claims are being filed for this refund.

{ Diesel Fuels Tax Discount }

8. Discount for Timely Filing and Payment by Suppliers/Permissive Suppliers

R.S. 47:818.22(A) allows suppliers and permissive suppliers that file a timely return and remit a timely payment to deduct an administrative discount of one-half percent of the tax due on gasoline fuels. The deduction is only allowed if the supplier allows a deduction of one-third of one percent to a purchaser with a valid distributor or importer license.

Legal Citation

R.S. 47:818.22(A)

Origin

Acts 2005, No. 252 amended by Acts 2015, No. 147

Effective Date

July 1, 2006

Beneficiaries

Suppliers and permissive suppliers that comply with the discount requirements

Administration

The purpose of the discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$862,000	\$879,000

Petroleum Products Taxes

{ Special Fuels Tax Refunds }

9. School Bus Drivers

Contract drivers of all privately owned school buses transporting Louisiana students may qualify for a refund of three-fourths of the special fuel tax paid beginning January 1, 2016. This refund does not apply to commercial buses that transport students only incidentally as a part of the operator's regular business. The purpose of this refund is to financially assist contract drivers of privately owned school buses.

Legal Citation

R.S. 47:818.120

Origin

Acts 2015, No. 147

Effective Date

January 1, 2016

Beneficiaries

Contract drivers of privately owned school buses

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no current reporting requirement for the data.

{ Special Fuels Tax Discount }

10. Discount for timely Filing and Payment by Dealers

R.S. 47:818.119(A) allows licensed dealers that file a timely return and remit a timely payment to deduct an administrative discount of one-third of one percent of the tax due on special fuels.

Legal Citation

R.S. 47:818.119(A)

Origin

Acts 2015, No. 147

Effective Date

January 1, 2016

Beneficiaries

Licensed dealers that comply with the discount requirements

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no current reporting requirement for the data.

Petroleum Products Taxes

{ Inspection Fee Exemptions }

11. Gasoline and Undyed Diesel Brought into Louisiana in Fuel supply Tanks of Interstate Motor Fuel Users

The inspection fee does not apply to gasoline or undyed diesel fuels brought into Louisiana in the fuel supply tanks of interstate motor fuel users. The majority of these users are participants in the International Fuel Tax Agreement who file reports with their base jurisdiction to report miles traveled within this state and the related tax liability.

Legal Citation

R.S. 47:818.13(F), R.S. 3:4684

Origin

Acts 1976, No. 555

Effective Date

January 1, 1977

Beneficiaries

Interstate motor fuel users who travel into and through Louisiana

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$34,000	\$34,000

12. Undyed Diesel Fuel Used by Commercial Fisherman

The inspection fee does not apply to taxed undyed special fuel that is purchased and used in vehicles utilized by licensed commercial fishermen in the administration of the business associated with commercial fishing that is subject to a tax refund in accordance with R.S. 47:818.15(A)(5).

Legal Citation

R.S. 3:4684

Origin

Acts 2003, No. 139

Effective Date

September 1, 2003

Beneficiaries

Licensed commercial fishermen

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; at present, no reports are being filed claiming this exemption.

Petroleum Products Taxes

{ Inspection Fee Exemption }

13. Diesel Fuels Used in or Distributed to Seagoing Vessels

The inspection fee does not apply to fuels sold for use in or distributed to seagoing vessels as defined at R.S. 3:4602. These vessels must also be in possession of an exemption certificate issued under the provisions of R.S. 47:305.1.

Legal Citation

R.S. 3:4684

Origin

Acts 2003, No. 139

Effective Date

September 1, 2003

Beneficiaries

Seagoing vessels

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$1,000,000	\$1,100,000

14. Exports of Gasoline or Diesel Fuels

The inspection fee does not apply to gasoline or diesel fuels that are exported from Louisiana.

Legal Citation

R.S. 3:4684

Origin

Acts 2003, No. 139

Effective Date

September 1, 2003

Beneficiaries

Those who export products in interstate commerce

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$900,000	\$905,000

Petroleum Products Taxes

{ Gasoline And Special Fuels Tax Credit }

15. Student Assessment for a Valuable Education (SAVE)

Students enrolled at a public institution of higher education will be granted a transferable, nonrefundable SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels taxes, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million.

The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total headcount enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund.

Legal Citation

R.S. 47:6039

Origin

Acts 2015, No. 140

Effective Date

June 19, 2015

Sunset Date

July 1, 2020

Beneficiaries

Students enrolled at a public institution of higher education

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for individual income tax and includes the total revenue loss for individual income, sales and use, gasoline, and special fuels taxes.

{ Federally Imposed Exemptions }

16. Gasoline Sales to Federal Government and its Agencies

Bulk gasoline sales of 6,000 gallons or more per transaction to the U.S. Government and gasoline sold to the U.S. armed forces for propelling ships of the Navy or Coast Guard or for aviation purposes is exempt from the gasoline taxes. The purpose of this provision is to provide an exemption for bulk sales and for fuel used for specific government purposes and not for resale at retail.

Legal Citation

R.S. 47:715 superseded by R.S. 47:818.14(A)(1) and (2)

Origin

Acts 1944, No. 131

Effective Date

July 6, 1944

Beneficiaries

The U.S. Government

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$65,000	\$65,000

Petroleum Products Taxes

{ Federally Imposed Exemptions }

17. Interstate Gasoline and Diesel Shipments/Exports

Gasoline or undyed diesel fuel exported to any other state is exempt from the tax only when the tax of the destination state is remitted to the supplier for that state. This exemption does not apply to any gasoline or undyed diesel fuel that is transported and delivered outside this state in the fuel supply tank of a highway vehicle.

In addition, gasoline or undyed diesel fuel exported to a foreign country is exempt from the tax if the bill of lading indicates the foreign destination.

The purpose of these exemptions is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citations

R.S. 47:717 superseded by R.S. 47:818.14(C) and (D) and the U.S. Constitution

Origin

Acts 1928 Ex. Sess., No. 6

Effective Date

January 4, 1929

Beneficiaries

Dealers who export products in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$100,000,000	\$105,000,000

Public Utilities and Carriers Tax Exemptions

Public Utilities and Carriers Taxes Inspection and Supervision Fee

{ Introduction }

The inspection and supervision fee was first imposed by Act 108 passed during the Extraordinary Session of 1921. This act established that each common carrier and public utility doing business in Louisiana and subject to the control and jurisdiction of the Public Service Commission would pay an annual fee for the inspection, control, and supervision of the business, service, and rates of such common carrier and public utility. The fee was set on a graduated scale, with a minimum annual fee established of \$10 not to exceed a maximum of \$500, to be due at the end of December. Changes to the fee and rate schedules occurred in 1928, 1935, 1962, 1970, and again in 1972 when a minimum annual fee of \$35 was established and the maximum amount eliminated.

The year 1985 brought forth two pieces of legislation. Act 182 changed the due date from December 31 to April 1; while Act 561 implemented a supplemental fee of 20 percent of the inspection and supervision fee payment on each gas, electric, and telephone public utility. Act 700 of 1986 changed the reporting period from annually to quarterly, adjusted the rates, and established the minimum amount to be paid at not less than \$12.50 quarterly, \$50 annually. The rates were adjusted again in 2007 by Act 234, which also repealed the supplemental fee and increased the minimum fee to \$20 per quarter, \$80 annually.

As a result of Section 601 of the Federal Aviation Administration Act of 1994, Act 301 of 1995 was enacted removing certain motor carriers from the jurisdiction of the Louisiana Public Service Commission thus eliminating these carriers from the imposition of the Inspection and Supervision Fee.

Legal Citations

R.S. 45:1177 through 45:1179

Tax Base

Gross receipts from Louisiana intrastate business from each common and contract carrier and public utility.

Tax Rate

- \$4.94 per \$1,000 for the first \$100,000 or less of such gross receipts;
- \$4.16 per \$1,000 of such gross receipts in excess of \$100,000 and not more than \$250,000;
- \$3.38 per \$1,000 of such gross receipts in excess of \$250,000 and not more than \$500,000;
- \$2.61 per \$1,000 of such gross receipts in excess of \$500,000 and not more than \$750,000;
- \$2.22 per \$1,000 of such gross receipts in excess of \$750,000 and not more than \$1,000,000;
- \$1.83 per \$1,000 of such gross receipts in excess of \$1,000,000 and not more than \$2,000,000;
- \$1.44 per \$1,000 of such gross receipts in excess of \$2,000,000 and not more than \$5,000,000;
- \$1.06 per \$1,000 of such gross receipts in excess of \$5,000,000 and not more than \$10,000,000;
- \$.90 per \$1,000 of such gross receipts in excess of \$10,000,000 and not more than \$25,000,000
- \$.75 per \$1,000 of such gross receipts in excess of \$25,000,000 and not more than \$100,000,000;
- \$.6350 per \$1,000 of such gross receipts in excess of \$100,000,000.

In no case shall the fee be less than \$80 annually.

Types of Tax Exemptions

For the purpose of the fee, the tax exemptions are in the form of exclusions. Exclusions are items specifically not included in the tax base.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes to the transportation and communication utilities in the past year.

Public Utilities and Carriers Taxes Transportation and Communication Utilities Tax

{ Introduction }

A tax on transportation and communication utilities was first imposed by Act 13 of the 1934 Regular Legislative Session. The tax was levied on every person owning or operating any public utility in this state. Public utilities has been defined to include railroads and railways, sleeping cars, motor bus lines, motor freight lines, express companies, boat or packet lines, and pipe lines. The basic law has remained relatively unchanged over the years with the majority of changes occurring to the definitions of the various utilities and what constitutes gross receipts for the respective utilities.

Acts 1991, No. 388 repealed the transportation and communication tax as it applied to telephone companies and at the same time the telephone companies' services became subject to sales and use tax.

Legal Citations

R.S. 47:1001 through 47:1010

Tax Base

Gross receipts, as defined, from the utility's intrastate business.

Tax Rate

Two percent of gross receipts as defined.

Types of Tax Exemptions

The only tax exemption provided for is an exclusion. An exclusion is an item specifically not included in the tax base.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes to the transportation and communication utilities taxes during the past year.

Public Utilities and Carriers Taxes

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R.S. 45:1177(A)(5)

{ **EXCLUSION-TRANSPORTATION AND COMMUNICATION UTILITIES TAXES** }

- 3. **Seven-mile Zone Exclusion.** 233
R.S. 47:1003(11)

Public Utilities and Carriers Taxes Inspection and Supervision Fee

{ Exclusions-*Inspection and Supervision Fee* }

1. Ten-mile Zone Exclusion

Certain common carriers operating sightseeing passenger vehicles are allowed to exclude a ten-mile zone from the computation of their gross receipts. The common carrier must operate the vehicles within the limits and not more than ten miles from one incorporated municipality under a municipal certificate of public convenience and necessity. The purpose of this exclusion is to shelter the ten-mile zone from taxation.

Legal Citation

R.S. 45:1177(A)(4)

Origin

Acts 1980, No. 626

Effective Date

September 12, 1980

Beneficiaries

Carriers conducting business operations as provided

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate; no reporting requirement.

2. Power Cost Exclusion

A deduction from gross receipts is allowed for the cost paid for the purchase of wholesale power for resale by electric cooperatives organized pursuant to R.S. 12:401 et seq. The purpose of this exclusion is to eliminate the double taxation of power; first when it is purchased for resale and second when it is sold.

Legal Citation

R.S. 45:1177(A)(5)

Origin

Acts 1990, No. 39

Effective Date

September 7, 1990

Beneficiaries

Electric cooperatives and their customers

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate; no reporting requirement.

Public Utilities and Carriers Taxes Transportation and Communication Utilities Tax

{ Exclusion-*Transportation and Communication Utilities Taxes* }

3. Seven-mile Zone Exclusion

Gross receipts from the transportation of passengers, freight, or property that originates and is delivered to points within the corporate limits of the same city or town or within a seven-mile zone adjacent to the city or town and within two contiguous parishes each with a population of 400,000 or more and a seven-mile adjacent zone, are not subject to the excise tax. The purpose of this exclusion is to shelter the seven-mile zone from taxation.

Legal Citation

R.S. 47:1003(11)

Origin

Acts 1965, No. 34; amended by Acts 1991, No. 291

Effective Date

June 28, 1965

Beneficiaries

Public utilities that transport within the specified area

Administration

The purpose of the exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$2,900,000	\$2,900,000

Sales Tax Exemptions

Sales Tax

{ Introduction }

Louisiana sales tax was first imposed in 1936. The original sales tax was enacted as a two percent luxury sales tax. It was replaced by a one percent general sales tax that was in effect between 1938 and 1940. In 1942, a one percent war emergency tax was enacted and set to run for a two-year period. The first permanent sales tax was enacted in 1944 at a rate of one percent (R.S. 47:302); increased to two percent in 1948 (R.S. 47:302); increased to three percent in 1970 (R.S. 47:321); and increased to a four percent rate in 1984 (R.S. 47:331).

The general sales tax rate was four percent until June 30, 1988. In 1988, the legislature created the Louisiana Recovery District and authorized the District to issue bonds to be secured through the imposition of a sales tax. The one percent general sales tax imposed under R.S. 47:321 was repealed and was replaced by the one percent Recovery District tax. Due to bonding requirements, the taxes levied by the Recovery District are not affected by tax law changes subsequent to 1988. This combination of a three percent general sales tax, along with a one percent Recovery District tax remained in effect from July 1, 1988 to September 30, 1990.

In 1990, the legislature created the Louisiana Tourism Promotion District and granted it the authority to levy a tax. On October 1, 1990, the Tourism Promotion District levied a .03 percent sales tax, and on the same date the general sales tax rate imposed under R.S. 47:331 was reduced to .97 percent totalling the same overall tax rate of one percent. The tax base is the same for the Tourism Promotion District and general sales tax. On September 30, 1996, the bonds of the Recovery District were retired and the Recovery District ceased to exist. The levy of the Recovery District was replaced with a one percent general sales tax levy under R.S. 47:321.

For the purposes of this report, the term general sales tax is used to reference the four percent tax imposed by both the state and the Tourism Promotion District.

Exclusions and exemptions from the sales tax have existed since the first tax levy and new exclusions and exemptions have been enacted over the years. The exemptions were effective against the total sales tax base until 1986. During the 1986 Regular Legislative Session, House Concurrent Resolution 55 was enacted, which suspended the sales tax exemptions imposed under R.S. 47:331 for the period of July 1, 1986 through June 30, 1987. As a result of the suspension, traditionally exempt items were subject to a one percent sales tax. The legislature continued the one percent suspension until July 31, 1989. Effective August 1, 1989, the suspension rate was changed to three percent through December 31, 1989; two percent from January 1, 1990 through July 9, 1990; and three percent from July 10, 1990 through June 30, 1997. From July 1, 1993 to September 30, 1996, exemptions from the one percent sales tax levied by the Louisiana Recovery District were also suspended, resulting in a four percent suspension rate.

In order to extend tax relief, the Louisiana Legislature began enacting exclusions from the tax under the definitions in R.S. 47:301, rather than the exemptions under R.S. 47:305. Some of the new exclusions replaced existing exemptions that were taxable under the suspension of exemptions. This action resulted in two statutes affecting the same subject. In 1998, duplicative exemptions were repealed leaving only the exclusion as the statutory authority.

From July 1, 1997 to June 30, 2000, the suspension rate is three percent. From July 1, 2000 to June 30, 2009 the suspension rate is four percent, except for sales of non-residential electricity, water utility service, natural gas, and steam, which is subject to a suspended tax rate of 3.8 percent through December 31, 2005. For the period January 1, 2006, to June 30, 2008 sales for nonresidential purposes of natural gas for energy and electric power were subject to a suspended rate of 3.3 percent. Sales of steam and water for nonresidential use were taxed at the suspended rate of 3.8 percent. From July 1, 2008 to June 30, 2009 sales for nonresidential purposes of natural gas for energy and electric power were subject to a suspended rate of 2.3 percent. For the period July 1, 2008 through June 30, 2009, sales of steam and water for nonresidential use were taxed at the suspended rate of 2.8 percent.

In the 2009 Legislative Session, no legislation was proposed to continue the suspension of the sales tax exemptions. As a result, the exemptions found under R.S. 47:305 are now exempt from three of the four percent general sales tax. These unprotected exemptions remain subject to the permanent suspension of the one percent tax imposed under R.S. 47:321. The revenue loss for these exemptions are reported in the row labeled "Exemptions subject to 1% suspended rate".

Effective January 1, 2009, advance sales tax was repealed. As a result, all sales for resale became excluded from sales tax. Only the final sale to the consumer is now subject to the state sales tax.

The sales tax currently collected by the Department of Revenue is as follows:

Sales Tax

{ Introduction }

Legal Citations

R.S. 47:301 - 47:333

R.S. 4:168

R.S. 4:227

R.S. 12:425

R.S. 22:2065

R.S. 33:4169

R.S. 40:582.1 - 40:582.7

R.S. 47:1121

R.S. 47:1515.1

R.S. 47:6001

R.S. 51:1301

Tax Base

The tax base consists of retail sales of tangible personal property, rental or lease of movable property, and sales of selected services. The tax base also includes use tax due on the cost of tangible personal property imported into this state or purchased within this state without the proper payment of sales tax.

Type	Rate	Source
General Sales Tax	2.00 %	R.S. 47:302
	1.00 %	R.S. 47:321
	.97 %	R.S. 47:331
Tourism Prom. Dist.	.03 %	R.S. 51:1286
Total	4.00 %	

Types of Tax Exemptions

Louisiana sales tax exemptions are in the form of exclusions, exemptions, alternate reporting methods, credits, and refunds. Exclusions are items that have been excluded from the tax base by definition. Exemptions are items that were included in the tax base, but have been specifically exempted. Alternate reporting methods allow taxpayers to report and remit taxes in a manner different from the normally required procedure. Statutorily prescribed methods of taxation are items that have statutory methods to calculate the tax. Credits are situations when the taxpayer can deduct the credit amount from the tax due and pay only the net tax due. Refunds are the result of taxes paid initially, but for which the taxpayer may be reimbursed. All tax exemptions that are the result of Louisiana tax statutes are included in this report.

There are several statutory tax exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

Fiscal Effect

The fiscal effect shown in this budget reflects all current statutory language and is not broken down by the various levies.

Legislation to continue the suspension of most of the state sales tax exemptions through June 30, 2009, was enacted during the 2004 1st Extraordinary Session by Act 4. The full suspension expired on July 1, 2009 and as a result, the exemptions found under R.S. 47:305 are now exempt from three of the four percent general sales tax. These unprotected exemptions remain subject to the permanent suspension of the one percent tax imposed under R.S. 47:321.

Sales Tax

{ Introduction }

Significant Changes

Fiscal Year 2014-2015

HCR 8 of 2015 partially suspends the sales tax exemptions on most business utilities, thereby subjecting them to a tax rate of 1%. The suspension is applicable from July 1, 2015 until sixty days after final adjournment of the 2016 Regular Session of the Legislature. The 2016 Regular Session of the Legislature will adjourn on June 6, 2016 and sixty days after adjournment will fall upon the date of August 5, 2016.

Acts 2015, No. 90 clarifies that laundry, cleaning, pressing and dyeing services are taxable at the location where the article is returned to the customer. Effective August 1, 2015.

Acts 2015, No. 102 exempts bakery products sold at grocery stores, bakeries, and donut shops from state sales tax regardless of whether they furnish facilities for the consumption of food on the premises. Effective July 1, 2015.

Acts 2015, No. 107 authorizes the imposition of the state sales tax on vehicles if the purpose of a foreign business owning the vehicle is to avoid the tax, and the tax would be due had the business been formed in the state. Effective June 19, 2015.

Acts 2015, No. 116 amends the provisions for the exemption for certain aircraft manufactured or assembled in Louisiana which previously applied to aircraft with a capacity in excess of fifty persons to now apply to aircraft with a maximum capacity of eight persons. Effective June 19, 2015.

Acts 2015, No. 140 grants a transferable Student Assessment for a Valuable Education (SAVE) credit for each student enrolled at a public institution of higher education. Each student assessed will be granted a SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million. The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total head count enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund. The credit or assessment cannot exceed the amount appropriated by the legislature from the Higher Education Initiatives Fund for each fiscal year. The Board of Regents will distribute all funds appropriated from the Higher Education Initiatives Fund from the SAVE Credit Program pursuant to its formula for the equitable distribution of funds to public institutions of higher education. No student or student's parent or legal guardian will be required to pay an assessment that is not offset by a SAVE credit. The SAVE Credit Program will be null, void, and of no effect after July 1, 2020. The Save Credit Program is applicable to tax years beginning on and after January 1, 2015. Effective June 19, 2015.

Sales Tax

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Sales Tax

{ Exclusions }

1. Purchases by Pari-mutuel Horse Racetracks

This exclusion allows racetracks licensed by the Racing Commission to make purchases of tangible personal property, services, and leases and rentals without the payment of sales or use tax. The state imposes certain license fees, commissions, and taxes on racetracks and horse racing. The purpose of this exclusion is to remove the liability for sales tax in lieu of the special taxes imposed on licensed racetracks.

Legal Citation

R.S. 4:168

Origin

Acts 1968, No. 554

Effective Date

July 19, 1968

Beneficiaries

Horse-racing tracks licensed by the Louisiana State Racing Commission

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

2. Purchases by Off-track Wagering Facilities

This exclusion allows off-track wagering facilities licensed by the Racing Commission to make purchases of tangible personal property, services, leases, and rentals without the payment of sales or use tax. The state imposes certain license fees, commissions, and taxes on the racetracks and horse racing. The purpose of this exclusion is to remove the liability for sales tax in lieu of the special taxes imposed on the licensed off-track wagering facilities and to extend the exclusion enjoyed by pari-mutuel racetracks to these off-track wagering facilities.

Legal Citation

R.S. 4:227

Origin

Acts 1990, No. 1013

Effective Date

July 26, 1990

Beneficiaries

Off-track wagering facilities licensed by the Louisiana State Racing Commission

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

3. Purchases, Services, and Rentals by a Private Company Working for Local Authority on Construction or Operation of Sewerage or Wastewater Treatment Facilities

The provision allows a private company with a contract to construct or operate a sewerage or wastewater treatment facility for a local governmental authority to be entitled to the same exclusions and exemptions as the governmental authority. The governmental entity has an exclusion for the purchase of tangible personal property and services and the rental/lease of tangible personal property under R.S. 47:301(8)(c). The purpose of this exclusion is to provide financial assistance to local governments through lower contract cost.

Legal Citation

R.S. 33:4169(D)

Origin

Acts 1982, No. 795

Effective Date

September 10, 1982

Related Exclusion

R.S. 47:301(8)(c)

Beneficiaries

Private companies and local governments

Administration

The purpose of this exclusion is achieved in a fiscally effective manner but it is not used extensively.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

4. Isolated or Occasional Sales of Tangible Personal Property

This exclusion allows isolated or occasional sales, other than motor vehicles, that are not sold as a part of regular business activity to be sold tax free. This exclusion can be claimed by both businesses and individuals. The purpose of this exclusion is to allow tax-free sales between individuals who are not in the retail business and by businesses for sales outside their normal course of business.

Legal Citations

R.S. 47:301(1), R.S. 47:301(10)(c)(ii)(bb)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

The beneficiaries of this exclusion are individuals not in the business of selling and the consumers who purchase occasional-sale items. Businesses also utilize this exclusion when they sell items outside their normal business activity (example: the sale of a cash register by a department store).

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

5. Installation Charges on Tangible Personal Property

This exclusion allows separately stated installation charges associated with the sale of tangible personal property to be tax free. The purpose of this exclusion is to eliminate the tax on installation charges.

Legal Citation

R.S. 47:301(3)(a)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

The beneficiaries of this exclusion are individuals and businesses who purchase equipment for which an installation charge is made.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

6. Installation of Board Roads to Oil-field Operators

This exclusion allows installers of board roads, when dealing with oil-field operators, to separately itemize the installation charges associated with the board road and to exclude these charges from sales tax. The purpose of this exclusion is to eliminate the sales tax imposed on installation charges paid by oil-field contractors.

Legal Citation

R.S. 47:301(3)(c)

Origin

Acts 1983, No. 446

Effective Date

July 3, 1983

Beneficiaries

Oil-field contractors.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

7. Manufacturers Rebates on New Motor Vehicles

This exclusion allows the taxable amount of a new vehicle to be reduced by the amount of a manufacturer's rebate allocated directly to the consumer. The purpose of this exclusion is to relieve the new-car buyer of the tax on the rebate, which represent reductions in the sales price.

Legal Citations

R.S. 47:301(3)(e), R.S. 47:301(13)(b)

Origin

Acts 1991, No. 350

Effective Date

September 6, 1991

Beneficiaries

The general public purchasing new motor vehicles where manufacturers' discounts or rebates are transferred directly to the consumer.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$16,496,000	\$16,826,000

8. Manufacturers Rebates Paid Directly to a Dealer

This exclusion allows any payments made directly between the manufacturer and a third-party dealer (not the manufacturer's customer) for the manufacturer's product for the specific purpose of reducing the sales price and which actually reduces the price as stated to the consumer for the tangible personal property to be free of sales tax. The actual sales price to be paid directly by the consumer will be subject to sales tax. Manufacturers coupons used by the consumer as part payment of the "sales price" at the time of purchase and redeemed by the dealer will remain taxable. This exclusion excludes this payment from the definition of "cost price" and "sales price." The purpose of this exclusion is to clearly identify the taxable sales price being paid for tangible personal property by the consumer at the time the property is purchased.

Legal Citations

R.S. 47:301(3)(g), R.S. 47:301(13)(e)

Origin

Acts 1996, No. 33

Effective Date

July 2, 1996

Beneficiaries

Dealers in cigarettes and their consumers of cigarettes.

Administration

It is not known if the purpose of this exemption is being achieved in a fiscally effective manner. This exclusion is only known to apply to payments made by cigarette manufacturers who make payments directly to the cigarette retailer. Other industries may have similar transactions.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

9. Purchases of Consumables by Paper and Wood Manufacturers and Loggers

This provision creates a phased-in state sales tax exclusion for tangible personal property consumed in the manufacturing process such as fuses, belts, wires, conveyer belts, lubricants, and motor oils and repairs and maintenance of manufacturing machinery and equipment. The exemption is available to manufacturers with an industry group designation of 3211 through 3222 or 11310 pursuant to the North American Industry Classification Code. These designations consist primarily of paper and wood manufacturers and loggers. The exemption will be phased-in at 25 percent of the cost price beginning July 1, 2010, and continue in 25 percent increments until it becomes 100 percent of the cost price July 1, 2013.

Legal Citation

R.S. 47:301(3)(k)

Origin

Acts 2009, No. 466

Effective Date

August 15, 2009

Beneficiaries

Paper and wood manufacturers and loggers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax Section

10. Leases or Rentals of Railroad Rolling Stock & Leases or Rentals by Railway Companies & Railroad Corporations

This exclusion removes lessors/rentors of railroad rolling stock from the requirement to charge the lease/rental tax to their lessees. This exclusion still requires lessees/rentees, with the exception of railway companies or railroad corporations, to self-assess the lease/rental tax and remit the tax directly to the state. The purposes of this exclusion are to relieve the lessors/rentors of railroad rolling stock from the burden of collecting the rental tax on rolling stock and to provide relief to railway companies and railroad corporations from the lease/rental tax.

Legal Citation

R.S. 47:301(4)(k)

Origin

Acts 1990, No. 444

Effective Date

September 7, 1990

Beneficiaries

Louisiana lessors/rentors of rail rolling stock and railway companies

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

11. Purchases of Manufacturing Machinery and Equipment

The exclusions, phased in over seven years, allow manufacturing machinery and equipment to be purchased free from the state sales, use, lease, and rental tax by eligible manufacturers. The term “manufacturer” is defined as a person whose principal activity is manufacturing, and who is assigned by the Louisiana Workforce Commission a North American Industry Classification code within the agricultural, forestry, fishing, and hunting Sector 11 or manufacturing Sectors 31-33, as they existed in 2002. Acts 2005, No. 471 expanded the definition of manufacturer to include those who would be assigned a NAICS code within Sector 11 or 31-33 but are not required to register with the Louisiana Workforce Commission for unemployment insurance and therefore do not receive such assignment. This same act also enacted a provision that allows machinery and equipment used by an industrial manufacturing plant to generate electric power for self consumption or cogeneration to be included in the definition of “machinery and equipment” for purposes of the sales tax exclusions for manufacturing and agricultural machinery and equipment. To qualify for the exclusion, the machinery and equipment must be used by the manufacturer in a plant facility and be used predominantly and directly in the actual manufacturing process. Acts 2007, No. 429 further expanded the definition of manufacturer to include certain recyclable material merchant wholesalers.

Effective July 1, 2005, 19 percent of the price of eligible manufacturing machinery and equipment was excluded from the state sales tax, increasing to 35 percent effective July 1, 2006 then 54 percent effective July 1, 2007. Effective July 1, 2008, 68 percent of the purchase price will be excluded. Effective July 1, 2009, 100 percent of the purchase price is excluded.

Legal Citation

R.S. 47:301(3)(i)(i), (13)(k)(i) and (28)(a), R.S. 47:337.10(I),

Origin

Acts 2004, 1st Ex. Sess., No. 1

Amended by Acts 2005, No. 471; Acts 2007, No. 429

Effective Date

July 1, 2004

11. Purchases of Manufacturing Machinery and Equipment (*continued*)

Beneficiaries

Manufacturers that have a NAICS Sector code of 31-33 or Sector 11 and certain recyclable material merchant wholesalers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$76,575,000	\$78,106,000

Sales Tax

{ Exclusions }

12. Purchases of Certain Machinery and Equipment Used to Produce a News Publication

This exclusion, phased in over seven years, allows certain machinery and equipment used primarily to produce a news publication to be purchased free from state sales, use and lease tax. Effective July 1, 2007, 54 percent of the price of eligible machinery and equipment was excluded from the state sales tax, increasing to 68 percent effective July 1, 2008, then 100 percent effective July 1, 2009.

Legal Citation

R.S. 47:301(3)(i)(ii)(aa)(I)(ccc), R.S. 47:301(3)(i)(ii)(bb)(III)

Origin

Acts 2007, No. 339

Effective Date

July 1, 2007

Beneficiaries

Producers of news publications.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax Section

13. Purchases of Electric Power and Natural Gas by Paper or Wood Products Manufacturing Facilities

This provision originally provided a state sales tax exclusion for purchases of electric power by paper or wood products manufacturing facilities for the period July 1, 2006 through December 31, 2008 and allowed these facilities to pay 3.3 percent tax on natural gas purchased for energy purposes only up to the purchase price of \$6.20 per MMBtu and fully excluded any amounts in excess of the \$6.20 per MMBtu price.

Acts 2007, No. 471 amends R.S. 47:301(3)(j) and 13(m) and repeals R.S. 47:302(T), 321(J) and 331(R) to provide a full state sales tax exclusion for purchases of electric power and natural gas by paper or wood products manufacturing facilities effective July 1, 2007.

Legal Citation

R.S. 47:301(3)(j) and 13(m), R.S. 47:302(T), 321(J) and 331(R) – repealed by Acts 2007, No. 471

Origin

Acts 2005, 1st Ex. Sess., No. 48, amended by Acts 2007, No. 471

Effective Date

July 1, 2006

Beneficiaries

Paper or wood products manufacturers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions for FY 6-16, see number 99 for FY 6-17.

Note: This exemption is not affected by the partial suspension of certain business utilities under HCR 8 of 2015.

Sales Tax

{ Exclusions }

14. Room Rentals at Camp and Retreat Facilities

This provision excludes from sales tax certain room rentals at camp and retreat facilities owned and operated by nonprofit organizations exempt from federal income tax under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3) of the Internal Revenue Code. The qualifying room rentals must be associated with the attendance of a function devoted to the nonprofit organization's purposes. Room rentals to persons merely purchasing lodging at the facility do not qualify for the exclusion.

Qualifying nonprofit organizations have a similar exclusion for places of amusement under R.S. 47:301(14)(b)(iv).

Legal Citation

R.S. 47:301(6)(b)

Origin

Acts 1998, No. 40, amended by Acts 2005, No. 377

Effective Date

August 15, 1998

Related Exclusion

R.S. 47:301(14)(b)(iv)

Beneficiaries

Qualifying camp and retreat facilities.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

15. Room Rentals at Certain Homeless Shelters

This provision removes certain homeless shelters from the definition of hotel, thereby creating an exclusion from state and local sales tax on lodging charges at these facilities. Qualifying facilities must be operated by a nonprofit organization exempt under Section 501(C)(3) of the Internal Revenue Code and devoted exclusively to temporary housing of homeless transient persons, for periods no longer than 30 days duration. Lodging charges can be no greater than \$20.00 per day.

Legal Citation

R.S. 47:301(6)(c)

Origin

Acts 2009, No. 456

Effective Date

July 1, 2009

Beneficiaries

Individual taxpayers who are homeless and transient.

Administration

Nearly all state tax on lodging is dedicated back to the local area where the tax is collected. Thus, any negative effect on state revenues as a result of this act is essentially a reduction in revenue statutorily dedicated back to local entities.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$0	\$0

Sales Tax

{ Exclusions }

16. Rentals or Leases of Certain Oil-field Property to be Re-leased or Re-rented

This exclusion allows oil-field equipment rental dealers to rent/lease certain oil-field equipment from other dealers for re-rent or re-lease, without paying a tax on the rental for re-rent or lease for re-lease. The tax is collected on the rental to the final consumer. The purpose of this exclusion is to relieve dealers from having to maintain a large inventory of rental equipment.

Legal Citation

R.S. 47:301(7)(b)

Origin

Acts 1966, No. 124

Effective Date

July 27, 1966

Beneficiaries

Oil-field equipment rental dealers.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

17. Certain Transactions Involving the Construction or Overhaul of U.S. Navy Vessels

This exclusion allows all rentals/leases and sales of services involved in the construction or overhaul of U.S. Navy vessels to be free of sales tax and applies to contractors involved with the construction or overhaul of the vessel. The purpose of this exclusion is to make Louisiana shipyards competitive with other states.

Legal Citations

R.S. 47:301(7)(c), R.S. 301(14)(h)

Origin

Acts 1989, No. 833

Effective Date

September 3, 1989

Beneficiaries

Shipyards and providers of repair services to U.S. Navy vessels

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

18. Rental or Purchase of Airplanes or Airplane Equipment and Parts by Louisiana Domiciled Commuter Airlines

This exclusion allows Louisiana domiciled commuter airlines to rent/lease or purchase airplanes or airplane equipment free of general sales tax. The purpose of this exclusion is to remove the tax due on Louisiana domiciled commuter airlines.

Legal Citations

R.S. 47:301(7)(d), R.S. 47:301(10)(k)

Origin

Acts 1991, No. 772

Effective Date

July 1, 1991

Beneficiaries

Any Louisiana based commuter airline

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

19. Purchases, Leases, and Sales of Services by Free Hospitals

This exclusion allows hospitals that provide free care to all patients to purchase, lease, or rent tangible personal property, or receive sales of services without paying sales tax. The purpose of this exclusion is to provide financial relief to hospitals providing free services.

Legal Citations

R.S. 47:301(7)(e), R.S. 47:301(10)(p), R.S. 47:301(18)(c)

Origin

Acts 1994, No. 6, amended by Acts 1996, No. 43

Effective Date

July 1, 1994

Beneficiaries

Hospitals that provide free care to all patients.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

20. Certain Educational Materials and Equipment Used for Classroom Instruction

This exclusion allows approved parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code to rent/lease or purchase specific materials and equipment for classroom instruction free of sales tax. The materials and equipment are limited to books, workbooks, computers, computer software, films, videos, and audio tapes. These items must be used for classroom instruction only. This statute also excludes the sales of tangible personal property by the approved school from the sales tax, when the proceeds of such sales are used solely and exclusively to support the school. This exclusion for sales does not allow tax-free sales to students or their families by promoters or regular dealers through the use of the school name or facilities. The purpose of this exclusion is to allow financial relief to qualifying schools for classroom materials and equipment and to assist in fund-raising.

Legal Citations

R.S. 47:301(7)(f), R.S. 47:301(10)(q), R.S. 47:301(18)(e)

Origin

Acts 1996, No. 15; Amended by Acts 1998, No. 47; Acts 2000, No.33; Acts 2003, No.141; Acts 2005, No. 357; Acts 2009, No. 206

Effective Date

July 1, 1997

Beneficiaries

Qualifying parochial and private elementary and secondary schools.

Administration

It is not known if the purpose of this exclusion is being achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

21. Sales and Rentals to Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc.

This exclusion allows Boys State of Louisiana, Inc., and Girls State of Louisiana, Inc., to purchase and lease or rent tangible personal property without the payment of sales tax when the property is used by their educational and public service programs for youth. The purpose of this exclusion is to provide financial relief to these two organizations.

Legal Citations

R.S. 47:301(7)(g), R.S. 47:301(10)(r), R.S. 47:301(18)(f)

Origin

Acts 1996, No. 20

Effective Date

July 1, 1996

Beneficiaries

Boys State of Louisiana, Inc., and Girls State of Louisiana, Inc.

Administration

It is not known if the purpose of this exclusion is being achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

22. Vehicle Rentals for Re-rent to Warranty Customers

This provision allows licensed motor vehicle dealers to lease or rent motor vehicles without the payment of the tax when the vehicles will be provided at no charge to their customers under the terms of the warranty agreement associated with the purchase of a motor vehicle. The provision also extends to work associated with an applicable warranty that has lapsed and the rental is provided at no charge. The purpose of this exclusion is to provide financial assistance to motor vehicle dealers.

Legal Citation

R.S. 47:301(7)(h)

Origin

Acts 1998, No. 49

Effective Date

August 1, 1998

Beneficiaries

Motor vehicle dealers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

23. Property Used in the Manufacture, Production, or Extraction of Unblended Diesel

This provision excludes from the definitions of the terms “lease or rental,” “sale at retail,” and “use” manufacturing machinery and equipment that is used to manufacture, produce, or extract unblended biodiesel. “Unblended biodiesel” means a fuel comprised of mono-alkylesters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of the definition provided for in D 6751 of the American Society of Testing and Materials, before such fuel is blended with a petroleum-based diesel fuel.

Legal Citation

R.S. 47:301(7)(j), R.S. 47:301(10)(y), R.S. 47:301(18)(k)

Origin

Acts 2005, No. 345; amended by Acts 2011, No. 374

Effective Date

July 1, 2005

Beneficiaries

Taxpayers that manufacture, produce or extract unblended biodiesel

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax Section.

Note: Previous versions of the Tax Exemption Budget incorrectly stated that this exemption had a sunset date of June 30, 2015.

Sales Tax

{ Exclusions }

24. Leases or Rentals of Pallets Used in Packaging Products Produced by a Manufacturer

This exclusion allows a manufacturer who is assigned by the Louisiana Workforce Commission, a North American Industrial Classification System Code within the manufacturing sectors 31-33 as they existed in 2002 to lease or rent pallets used to package products produced by the manufacturer without the payment of sales or use taxes.

Legal Citation

R.S. 47:301(7)(l)

Origin

Acts 2007, No. 419

Effective Date

July 1, 2008

Beneficiaries

Manufacturers who are assigned by the Louisiana Workforce Commission, a North American Industrial Classification System Code within the manufacturing sectors 31-33 as they existed in 2002.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

25. Purchases by Regionally Accredited Independent Educational Institutions

This exclusion allows qualifying educational institutions to purchase or rent/lease tangible personal property or receive services without the payment of general sales tax. The exclusion does not extend to sales made by the institutions. The purpose of this exclusion is to provide financial assistance to qualifying institutions.

Legal Citation

R.S. 47:301(8)(b)

Origin

Acts 1990, No. 1064

Effective Date

July 1, 1990

Beneficiaries

Independent educational institutions

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

26. Purchases by State and Local Governments

This exclusion allows all boards, agencies, or commissions of the state of Louisiana or any local authority within Louisiana to purchase or rent/lease tangible personal property, or receive services without being subject to general sales tax by excluding Louisiana state and local governments from the definition of person. The purpose of this exclusion is to remove governmental authorities from taxation.

Legal Citation

R.S. 47:301(8)(c)

Origin

Acts 1991, No. 1029; Amended by Acts 2007, No. 162

Effective Date

September 1, 1991

Beneficiaries

All Louisiana state and local governmental authorities

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$192,850,000	\$196,707,000

Note: This amount includes the total revenue loss for purchases by state and local government and sales to the U.S. Government. (See number 36, sales tax section).

27. Purchases of Certain Bibles, Song-books, or Literature by Certain Churches or Synagogues for Religious Instructional Classes

This exclusion removes “churches” and “synagogues” granted exemption by the United States Internal Revenue Service under Section 501(c)(3) of the United States Internal Revenue Code from the definition of “dealer” when they purchase bibles, songbooks, or literature used for religious instruction classes. The purpose of this exclusion is to allow financial relief to qualifying churches and synagogues.

Legal Citation

R.S. 47:301(8)(d)

Origin

Acts 1996, No. 28

Effective Date

July 1, 1996

Beneficiaries

Qualifying churches and synagogues

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Prohibited	Prohibited

Sales Tax

{ Exclusions }

28. Purchases by the Society of the Little Sisters of the Poor

This provision excludes the Society of the Little Sisters of the Poor from the definition of “person.” This allows the Society to purchase tangible personal property and services and rent/lease tangible personal property without paying general sales tax. This exclusion is limited to the Society as a whole and does not extend to individual members. This exclusion does not apply to sales made by the Society. The purpose of this exclusion is to provide financial assistance to the Society of the Little Sisters of the Poor.

Legal Citation

R.S. 47:301(8)(e)

Origin

Acts 1998, No. 40

Effective Date

August 15, 1998

Beneficiaries

Society of the Little Sisters of the Poor

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Prohibited	Prohibited

29. Purchases by Nonprofit Entities that Sell Donated Goods

This provision allows an exclusion from sales and use taxes for purchases by nonprofit entities that sell donated goods and spend 75 percent or more of revenues on directly employing or training persons with disabilities or workplace disadvantages. Nonprofit entities must apply for an exclusion certificate annually with each exclusion certificate effective for a one-year period.

Legal Citation

R.S. 47:301(8)(f)

Origin

Acts 2005, No. 393

Effective Date

July 1, 2005

Beneficiaries

Qualifying nonprofit entities

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

30. Purchases of Tangible Personal Property for Lease or Rental

This exclusion allows rental companies to purchase tangible personal property without paying the general sales tax if the property is to be used solely as rental property. The exclusion's effective dates varied based on the type of property being purchased. The purpose of this exclusion is to give dealers financial relief and to make them more competitive with dealers in neighboring states that exempt the same transactions.

Legal Citations

R.S. 47:301(10)(a)(iii), R.S. 47:301(18)(a)(iii)

Origin

Acts 1990, No. 140 and No. 1030

Effective Date

July 1, 1990

Duplicate Provision

R.S. 47:305.36 (limited to motor vehicles, trailers, and semi-trailers)

Beneficiaries

Louisiana rental dealers.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$12,252,000	\$12,497,000

31. Sales Through Coin-operated Vending Machines

This exclusion allows sales of tangible personal property through vending machines to be free of sales tax. This exclusion defines the sale to the dealer for resale in a vending machine to be a retail sale. The vending machine company is subject to tax on the purchase price of the property. No additional sales tax is due on the subsequent sale through the vending machine. The purpose of this exclusion is to define the taxable point of sale and to simplify the collection and reporting of the tax.

Legal Citation

R.S. 47:301(10)(b)(i)

Origin

Acts 1978, No. 756

Effective Date

September 8, 1978

Beneficiaries

Dealers who sell their product through vending machines

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Sales Tax

{ Exclusions }

32. Natural Gas Used in the Production of Iron

This exclusion allows purchases of natural gas to be free of sales tax when the natural gas is used to manufacture iron using the “direct reduced iron process.” The exclusion considers the natural gas to be a material for further processing into an article of tangible personal property. The purpose of this exclusion is to provide a company or an industry an incentive to locate in Louisiana.

Legal Citation

R.S. 47:301(10)(c)(i)(bb)

Origin

Acts 1995, No. 284

Effective Date

July 1, 1995

Beneficiaries

Iron manufacturers using the “direct reduced iron process”

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions for FY 6-16, see number 99 for FY 6-17.

Note: This exemption is not affected by the partial suspension of certain business utilities under HCR 8 of 2015.

33. Electricity for Chlor-alkali Manufacturing Process

This exclusion allows tax-free purchases of electricity when the electricity is used in the chlor-alkali manufacturing process. The chlor-alkali manufacturers are responsible for reporting the amount of electricity used to the utility company. The purpose of this exclusion is to remove chlor-alkali manufacturers from taxation on their purchases of electricity.

Legal Citation

R.S. 47:301(10)(c)(ii)(aa)

Origin

Acts 1987, No. 199

Effective Date

July 1, 1987

Beneficiaries

Chlor-alkali manufacturers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions for FY 6-16, see number 99 for FY 6-17.

Note: This exemption is not affected by the partial suspension of certain business utilities under HCR 8 of 2015.

Sales Tax

{ Exclusions }

34. Sales of Human-tissue Transplants

This exclusion allows the tax-free sale of human tissue that is to be transplanted from one individual into another recipient individual. Human-tissue transplants are defined to include all human organs, bones, skin, cornea, blood, or blood products. The purpose of this exclusion is to allow human tissue used in transplants to be excluded from sales tax.

Legal Citation

R.S. 47:301(10)(d)

Origin

Acts 1987, No. 435

Effective Date

July 9, 1987

Beneficiaries

Transplant recipients

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

35. Sales of Raw Agricultural Commodities

This exclusion allows the sale of raw agricultural products sold for further production of crops or animals for market to be free of general sales tax. This exclusion includes feed, seed, and fertilizer. Raw agricultural products are exempt as a resale item under R.S. 47:301(10)(e). The sales tax is collected on the sale of the finished product. The purpose of this exclusion is to clarify that raw agricultural commodities are not subject to sales tax.

Legal Citation

R.S. 47:301(10)(e)

Origin

Acts 1988, No. 307

Effective Date

July 7, 1988

Duplicate Provision

R.S. 47:305(A)(3)

Beneficiaries

Producers of crops and livestock

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

36. Sales to the United States Government and its Agencies

This exclusion allows sales made directly to the government of the United States or its agencies to be excluded from tax. The Constitution of the United States forbids the same taxation. This exclusion also applies to those companies with an agency status, where title to the tangible personal property purchased transfers immediately to the government. The purpose of this exclusion is to meet the requirements of the Constitution of the United States.

Legal Citation

R.S. 47:301(10)(g)

Origin

Acts 1989, No. 833

Effective Date

September 3, 1989

Beneficiaries

The beneficiaries of this exclusion are the United States Government and their agents.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 26, Sales Tax Section

37. Sales of Food Items by Youth Organizations

This exclusion allows youth organizations chartered by Congress, such as the Boy Scouts and Girl Scouts, to sell food free of sales tax. The purpose of this exclusion was to remove these sales from taxation.

Legal Citation

R.S. 47:301(10)(h)

Origin

Acts 1989 2nd Ex. Sess., No. 10

Effective Date

September 8, 1989

Duplicate Provision

R.S. 47:305.14

Beneficiaries

Qualifying youth groups

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

38. Purchases of School Buses by Independent Operators

This exclusion allows independent school bus operators to purchase school buses that are either new or less than five years old, if the buses are used exclusively in the public school system, free of general sales tax. The purpose of this exclusion is to give relief to the independent operators who must purchase their own school buses.

Legal Citation

R.S. 47:301(10)(i)

Origin

Acts 1990, No. 724

Effective Date

July 1, 1990

Beneficiaries

Independent operators who purchase their own school buses.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

39. Tangible Personal Property Sold to Food Banks

This exclusion allows food banks, as defined under R.S. 9:2799, to purchase any tangible personal property, including food, free of sales tax. The purpose of this exclusion is to give qualifying food banks greater purchasing power.

Legal Citation

R.S. 47:301(10)(j)

Origin

Acts 1990, No. 817; Amended by Acts 1992, No. 514

Effective Date

September 7, 1990

Beneficiaries

Qualifying food banks

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

40. Pollution-control Devices and Systems

This exclusion allows industry to purchase pollution-control equipment free of general sales tax. The purpose of this exclusion is to encourage companies to purchase and install necessary equipment to cut industrial air, noise, groundwater, and other pollution.

Legal Citation

R.S. 47:301(10)(l)

Origin

Acts 1991, No. 1019

Effective Date

September 6, 1991

Beneficiaries

Industrial facilities that purchase pollution-control equipment

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

41. Certain Aircraft Assembled in Louisiana

This exclusion allows aircraft manufactured or assembled in Louisiana meeting certain criteria to be sold free of general sales tax. For sales prior to June 19, 2015, the exemption applied to aircraft with a capacity in excess of fifty persons. For sales on or after June 19, 2015, the exemption applies to aircraft with a maximum capacity of eight persons. The purpose of this exclusion is to encourage aircraft companies to locate an assembly plant or manufacturing facility within this state.

Legal Citation

R.S. 47:301(10)(m)

Origin

Acts 1992, No. 226, amended by Acts 2015, No. 116

Effective Date

August 21, 1992

Beneficiaries

The beneficiaries of this exclusion are aircraft manufacturing companies located in Louisiana. The state benefits by the increased economic activity.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

42. Pelletized Paper Waste Used in a Permitted Boiler

This exclusion allows purchases of pelletized paper waste for the exclusive use as combustible fuel by an electric utility or in an industrial manufacturing, processing, compounding, reuse, or production process, including the generation of electricity or process steam to be made free of the general sales tax. The purpose of this exclusion is to encourage the use of pelletized paper waste in boilers.

Legal Citation

R.S. 47:301(10)(n)

Origin

Acts 1992, No. 926

Effective Date

July 1, 1993

Beneficiaries

Industries that convert boiler equipment to use pelletized paper waste as fuel.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

43. Purchases of Equipment by Bona Fide Volunteer and Public Fire Departments

This exclusion allows bona fide volunteer and public fire departments to purchase equipment used in fire fighting without the payment of general sales tax. Public fire departments are currently excluded from taxation under the governmental exclusion on all purchases, including non fire-fighting equipment. In addition, many fire departments named "volunteer" are actually fire protection districts and excluded from taxation under the governmental exclusions.

Legal Citation

R.S. 47:301(10)(o)

Origin

Acts 1992, No. 926; amended by Acts 1998, No. 37

Effective Date

July 1, 1992

Beneficiaries

Bona fide volunteer and public fire departments.

Administration

The purpose of this exclusion was achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

44. Sales of Telephone Directories by Advertising Companies

This exclusion allows advertising companies that are not affiliated with telephone service providers to transfer title or possession of telephone directories free from the state sales or use tax if the telephone directories will be distributed free of charge to the recipients.

Legal Citation

R.S. 47:301(10)(t)

Origin

Acts 2002, No. 58

Effective Date

June 25, 2002

Beneficiaries

Advertising companies distributing telephone directories

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

45. Sales of Cellular Telephones and Electronic Accessories

This exclusion from state and local sales and use tax applies to the withdrawal, use, distribution, consumption, storage, donation, or disposition of cellular, PCS, or wireless telephones when provided in conjunction with the sale of a cellular service contract. The term "sales price" means and includes the greater of the amount of money actually received by the dealer from the purchaser for each such telephone, or 25 percent of the cost of the telephone to the dealer, but does not include any amount received by the dealer from the purchaser for providing mobile telecommunications services or any commissions, fees, rebates, or other amounts received by the dealer from any source other than the purchaser as a result of or in connection with the sale of the telephone.

Legal Citation

R.S. 47:301(10)(v), R.S. 47:301(13)(g) and (h), R.S. 47:301(18)(i)

Origin

Acts 2002, No. 85; Amended by Acts 2007, No. 358

Effective Date

June 28, 2002

Beneficiaries

Cellular, PCS, or wireless telephone service providers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

46. Purchases of Fuel or Gas by Residential Consumers

This exclusion allows the tax-free purchase of any fuel or gas, including butane and propane, by the consumer for residential use. The purpose of this exclusion is to provide financial assistance to consumers.

Legal Citation

R.S. 47:301(10)(x)

Origin

Acts 2004, 1st Extraordinary Session, No. 8

Effective Date

July 1, 2004

Beneficiaries

Residential consumers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 189, Sales Tax Section

47. Alternate Substance Used as a Fuel

This provision allows sales tax exclusions from the definitions of “sale at retail” and “use” for alternative substances used as fuels by certain manufacturers. Alternative substances are defined as any substance other than oil and natural gas and any product of oil or natural gas, specifically including petroleum coke, landfill gas, reclaimed or waste oil, unblended biodiesel, and tire-derived fuel, and specifically excluding coal, lignite, refinery gas, nuclear fuel, and electricity. Manufacturers who are eligible to claim these exclusions are those who are assigned by the Louisiana Workforce Commission codes within the North American Industrial Classification System (NAICS) in the agricultural, forestry, fishing, or hunting sector 11 or manufacturing sectors 31 to 33, as they existed in 2002.

Legal Citation

R.S. 47:301(10)(z), R.S. 47:301(18)(l)

Origin

Acts 2005, No. 345

Effective Date

July 1, 2006

Sunset Date

June 30, 2015

Beneficiaries

Manufacturers that use an alternate substance as fuel

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

\$0, exclusion sunsetted.

Sales Tax

{ Exclusions }

48. Donation of Toys

This exclusion from state and local sales and use tax applies to nonprofit organizations that are exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code if the sole purpose of the purchasing organization is to donate toys to children and the toys are in fact, donated. The organizations are required to obtain exemption certificates from the Department of Revenue or the tax collector of the political subdivision.

Legal Citation

R.S. 47:301(10)(z)(aa)(i), R.S. 47:301(18)(m)

Origin

Acts 2005, No. 293

Effective Date

July 1, 2005

Beneficiaries

Nonprofit organizations that purchase toys to donate to children

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

49. Natural Gas Held, Used, or Consumed in Providing Natural Gas Storage Services or Operating Natural Gas Storage Facilities

This provision allows a state sales and use tax exclusion for purchases of natural gas to be held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities.

Legal Citation

R.S. 47:301(10)(bb)

Origin

Acts 2005, No. 364

Effective Date

June 30, 2005

Beneficiaries

Taxpayers that provide natural gas storage services or operate natural gas storage facilities

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions for FY 6-16, see number 99 for FY 6-17.

Note: This exemption is not affected by the partial suspension of certain business utilities under HCR 8 of 2015.

Sales Tax

{ Exclusions }

50. Purchases by a Private Postsecondary Academic Degree-granting Institution

This provision excludes from the terms “retail sale” or “sale at retail” and “use” the purchase, importation, storage, distribution, or exportation of, or exercise of any right or power over, textbooks and course-related software by a private postsecondary academic degree granting institution, accredited by a national or regional commission that is recognized by the United States Department of Education, is licensed by the Board of Regents, has its main location within this state, and offers only online instruction. These exclusions apply if the textbooks and course-related software are physically outside of this state when purchased from a vendor outside of this state and then imported into this state, the first student use of the textbooks and course-related software occurs outside of this state, and the textbooks and course-related software are provided to the student free of charge.

Legal Citation

R.S. 47:301(10)(cc), R.S. 47:301(18)(n)

Origin

Acts 2005, No. 457

Effective Date

July 11, 2005

Beneficiaries

Students attending a private postsecondary academic institution which offers only online instruction

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

51. Purchases of food items for school lunch or breakfast programs by nonpublic elementary or secondary schools

This exclusion allows nonpublic elementary or secondary schools that participate in the National School Lunch and School Breakfast Programs or nonprofit corporations that serve students and participate in the national program, to purchase food items for these programs without the payment of sales or use tax.

Legal Citation

R.S. 47:301(10)(dd)

Origin

Acts 2007, No. 430

Effective Date

October 1, 2007

Beneficiaries

Nonpublic elementary or secondary schools that participate in the National School Lunch and School Breakfast Programs and nonprofit corporations that participate in the national program.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

52. Purchases of Storm Shutter Devices

This provision allows for the purchase of storm shutter devices, defined as materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms, without any sales or use tax.

Legal Citation

R.S. 47:301(10)(ee), R.S. 47:301(18)(o)

Origin

Acts 2007, No. 462

Effective Date

July 1, 2007

Beneficiaries

Purchasers of storm shutter devices.

Administration

The purpose of this exclusion is achieved in a fiscally responsible manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

53. Sales of Tangible Personal Property by the Louisiana Military Department

This provision creates an exclusion for the sales of tangible personal property by the Louisiana Military Department which occur on an installation or other property owned or operated by the Military Department.

Legal Citation

R.S. 47:301(10)(ff)

Origin

Acts 2009, No. 443

Effective Date

July 1, 2009

Beneficiaries

Taxpayers who purchase tangible personal property from the Louisiana Military Department.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

54. Sales of Anthropogenic Carbon Dioxide use in Qualified Tertiary Recovery Projects

This provision creates an exclusion from sales and use tax for anthropogenic carbon dioxide used in qualified tertiary recovery projects approved by the Department of Natural Resources.

Legal Citation

R.S. 47:301(10)(gg), R.S. 47:301(18)(p)

Origin

Acts 2009, No. 450

Effective Date

July 1, 2009

Beneficiaries

Taxpayers who use anthropogenic carbon dioxide in qualified tertiary recovery projects approved by the Department of Natural Resources.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

55. Qualifying Events Providing Louisiana Heritage, Culture, Crafts, Art, Food and Music Sponsored by a Domestic Nonprofit Organization

This exclusion exempts the sales of tangible personal property at, admissions to, and parking fees for an event providing Louisiana heritage, culture, crafts, art, food and music which is sponsored by a nonprofit organization. Qualifying events must transpire over a minimum of seven days but not more than twelve days and have a Five-Year annual average attendance of at least three hundred thousand over the duration of the event. The purpose of this exemption is to provide financial assistance to qualifying organizations.

Legal Citation

R.S. 47:301(10)(hh) and (14)(k)

Origin

Acts 2011, No. 372

Effective Date

October 1, 2011

Beneficiaries

New Orleans Jazz and Heritage Festival.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

56. Articles Traded in on Tangible Personal Property

This exclusion allows credits for trade-ins of like property to be free of general sales tax. The trade-in credits are excluded from the definition of sales price. The purpose of this exclusion is to effect a reduction in the taxable sales price for consumers.

Legal Citation

R.S. 47:301(13)(a)

Origin

Acts 1989, 2nd Ex. Sess., No. 14

Effective Date

August 1, 1989

Beneficiaries

Any persons or businesses that purchase tangible personal property utilizing trade-ins.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

57. First \$50,000 of New Farm Equipment Used in Poultry Production

This exclusion allows farmers engaged in poultry production relief from the general sales tax on the first \$50,000 of equipment purchased for use in poultry production. The purpose of this exclusion is to extend to poultry farmers similar tax relief extended to other farmers under R.S. 47:305.25 [See number 11, Sales Tax Section].

Legal Citation

R.S. 47:301(13)(c)

Origin

Acts 1991, No. 388

Effective Date

July 8, 1991

Beneficiaries

Poultry farmers.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax Section.

Sales Tax

{ Exclusions }

58. Specialty Mardi Gras Items Sold by Certain Organizations

This exclusion allows nonprofit carnival organizations domiciled within Louisiana and participating in a parade sponsored by a carnival organization to sell specialty items to members for fund-raising purposes free from the state and local sales tax.

Legal Citation

R.S. 47:301(13)(l)

Origin

Acts 2005, No. 410

Effective Date

August 15, 2005

Beneficiaries

Nonprofit carnival organizations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

59. Admission to Athletic or Entertainment Events by Educational Institutions and Membership Dues of Certain Nonprofit Civic Organizations

This exclusion allows the tax-free sale of tickets for admission to all athletic events by schools, colleges, and universities, and membership dues for access to the facilities of nonprofit civic organizations, such as the Young Men's Christian Association (YMCA), Young Women's Christian Association (YWCA), Catholic Youth Organization (CYO), etc. The purpose of this exclusion is to provide financial assistance to qualifying organizations.

Legal Citation

R.S. 47:301(14)(b)(i)

Origin

Acts 1948, No. 9; amended by Acts 1976, No. 481

Effective Date

June 7, 1948

Beneficiaries

Schools and nonprofit organizations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

60. Admissions to Museums

This exclusion allows tax-free admissions to museums by defining a place of amusement to not include museums. The purpose of this exclusion is to provide financial assistance to museums.

Legal Citation

R.S. 47:301(14)(b)(ii)

Origin

Acts 1989, No. 796; amended by Acts 1991, No. 172

Effective Date

September 3, 1989

Beneficiaries

Museums, which include planetariums, aquariums, and natural history and art museums

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effective

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

61. Admission to Places of Amusement at Camp and Retreat Facilities

This provision excludes from the tax certain room rentals at camp and retreat facilities owned and operated by nonprofit organizations exempt from federal income tax under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3) of the Internal Revenue Code. The qualifying room rentals must be associated with the attendance of a function devoted to the nonprofit organization's purposes. Room rentals to persons merely purchasing lodging at the facility do not qualify for the exclusion.

Qualifying nonprofit organizations have a similar exclusion for places of amusement under R.S. 47:301(14)(b)(iv).

Legal Citation

R.S. 47:301(14)(b)(iv)

Origin

Acts 1998, No. 40; Amended by Acts 2005, No. 377

Effective Date

August 15, 1998

Related Exclusion

R.S. 47:301(6)(b)

Beneficiaries

Qualifying camp and retreat facilities

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

62. Repair Services Performed in Louisiana When the Repaired Property is Exported

This exclusion allows Louisiana dealers to repair tangible personal property from other states tax-free, if the property is delivered back to the other state by the Louisiana dealer or by common carrier. The purpose of this exclusion is to allow Louisiana dealers to be competitive with dealers in neighboring states.

Legal Citation

R.S. 47:301(14)(g)(i)(bb)

Origin

Acts 1977, 1st Ex. Sess., No. 17; Amended by Acts 2007, No. 173

Effective Date

July 1, 1978

Beneficiaries

Louisiana repair shops located near the boundaries of the neighboring states

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

63. Repairs, Renovations or Conversions of Drilling Rigs

This exclusion allows a drilling rig used exclusively for the exploration or development of minerals outside the territorial limits of the state in the Outer Continental Shelf waters to be repaired, renovated or converted without the owner paying sales or use taxes.

Legal Citation

R.S.47:301(14)(g)(iii)

Origin

Acts 2007, No. 173

Effective Date

June 27, 2007

Beneficiaries

Oilfield companies using drilling rigs exclusively for the exploration or development of minerals outside the territorial limits of the state in the Outer continental Shelf waters.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

64. Interstate Telecommunications Services Purchased by Defined Call Centers

This exemption allows defined call centers to purchase interstate telecommunication services free from the general sales tax for the period April 1, 2001, through June 30, 2003. Effective July 1, 2003 call centers will be subject to the telecommunications tax for interstate communication services, with a limitation of \$25,000 per year for “direct pay” holders. This exemption will not apply to call centers purchasing mobile telecommunication services.

The purpose of this exclusion is to prohibit the taxation of interstate telecommunication services when purchased by a defined call center.

Legal Citation

R.S. 47:301.1(D)

Origin

Acts 2000, No. 22; amended by Acts 2001, No. 1175

Effective Date

April 1, 2001

Beneficiaries

Defined Call Centers.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

65. Telecommunication Services Through Coin-operated Telephones

This exclusion allows communication through coin-operated telephones to be excluded from the telecommunication tax under general sales tax. The charges for the use of coin-operated telephones are excluded from the definition of telecommunication services. The telecommunication tax is only assessed at a general sales tax rate of three percent. The purpose of this exclusion is to prohibit the taxation of coin-operated telephone calls.

Legal Citation

R.S. 47:301.1(B)(2)(d)

Origin

Acts 1990, No. 388

Effective Date

August 1, 1990

Beneficiaries

People who use coin-operated telephones

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

66. Miscellaneous Telecommunications Services

This exclusion provides that services for resale, ancillary charges separately stated, taxes collect by the seller from the purchaser, telecommunication services among an affiliated group as provided by 26 U.S.C. 1504 and non-telecommunication property or services separately states are not subject to the sales tax imposed upon telecommunications under R.S. 47:301.1.

Legal Citation

R.S. 47:301.1(B)(2)(a), (b), (c), (e) and (f)

Origin

Acts 1990, No. 388; amended by Acts 1998, No. 58; Acts 2001, No. 1175

Effective Date

August 1, 1990

Beneficiaries

All persons or companies using telecommunication services

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

67. Gold, Silver, or Numismatic Coins, or Platinum, Gold, or Silver Bullion

This exclusion allows transactions involving gold, silver, or numismatic coin with a total value over \$1,000 to be free of general sales tax. The purpose of this exclusion is to provide for tax-free sales of monetized bullion.

Beginning August 1, 2013, the exclusion was modified to specifically include platinum and to remove the dollar value limitation.

Legal Citation

R.S. 47:301(16)(b)(ii)

Origin

Acts 1991, No. 292; amended by Acts 2013, No. 396

Effective Date

July 1, 1991

Beneficiaries

Dealers and purchasers of numismatic coins and bullion

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

68. Certain Geophysical Survey Information and Data Analyses

This exclusion allows geophysical information and data provided under a restricted-use agreement to be free of sales tax. This exclusion excludes these transactions from the definition of tangible personal property. These transactions do not constitute an exchange of tangible personal property and are not subject to tax. The purpose of this exclusion is to clarify that tax is not due on geophysical surveys.

Legal Citation

R.S. 47:301(16)(b)(iii)

Origin

Acts 1988, No. 355

Effective Date

July 7, 1988

Beneficiaries

Oil exploration and geophysical survey companies

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; not taxable.

69. Work Product of Certain Professionals

This provision excludes the work product of licensed or regulated professionals under Title 37. The work products of these professionals that are written on paper, stored on magnetic or optical media, or transmitted by electronic device, such as tax returns and wills, that is created in the normal course of business is excluded from the definition of tangible personal property. This exclusion specifically does not apply to work products that consist of the creation, modification, updating, or licensing of computer software. The taxing authorities of the state and local governments have not attempted to tax the work product addressed in this exclusion. The purpose of this exclusion is to ensure that governmental entities do not attempt to tax the work product of Title 37 professionals.

Legal Citation

R.S. 47:301(16)(e)

Origin

Acts 1998, No. 46

Effective Date

June 24, 1998

Beneficiaries

Professionals licensed or regulated under Title 37.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; not taxable.

Sales Tax

{ Exclusions }

70. Pharmaceuticals Administered to Livestock for Agricultural Purposes

This exclusion allows pharmaceuticals to be sold or purchased free from sales tax when administered to livestock that are used for agricultural purposes. Pharmaceuticals must be registered with the Louisiana Department of Agriculture and Forestry to qualify. This exclusion duplicates provisions of other exclusions and exemptions.

Legal Citation

R.S. 47:301(16)(f)

Origin

Acts 2000, No. 33; Amended by Acts 2006, No. 41

Effective Date

July 1, 2000

Beneficiaries

Livestock farmers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

71. Used Manufactured Homes and 54 Percent of Cost of New Manufactured Homes

This exclusion provides that used manufactured homes and 54 percent of the cost of new factory built homes can be purchased free from sales tax. A factory built home includes a manufactured home, modular home, mobile home, or residential mobile home with or without a permanent foundation, which includes plumbing, heating, and electrical systems.

Legal Citation

R.S. 47:301(16)(g)

Origin

Acts 2000, No. 30; amended by Acts 2001, No. 1212; Acts 2009, No. 500

Effective Date

July 1, 2001

Beneficiaries

Individuals that purchase new and used manufactured homes

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$7,696,000	\$7,849,000

Sales Tax

{ Exclusions }

72. Purchases of Certain Custom Computer Software

This exclusion, phased in over four-years, excludes custom computer software from the definition of tangible personal property. The percentage excluded from the cost price of custom software is 25 percent in the first year, increasing by 25 percent each fiscal year until fully exempt on June 30, 2005. In order to be considered “custom computer software,” the computer software must require preparation, creation, adaptation, or modification by the vendor in order to be used in a specific work environment or to perform a specific function for the user.

Legal Citation

R.S. 47:301(16)(h), (22) and (23)

Origin

Acts 2002, 1st Ex. Sess., No. 7

Effective Date

July 1, 2002

Beneficiaries

Dealers and consumers of custom computer software

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

73. Materials Used Directly in the Collection of Blood

This exclusion allows nonprofit blood banks and blood collection centers to purchase materials used directly in the collection, separation, treatment, testing, and storage of blood free from the general sales tax.

Legal Citation

R.S. 47:301(16)(j)

Origin

Acts 2002, No. 70

Effective Date

July 1, 2002

Beneficiaries

Nonprofit blood banks and blood collection centers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

74. Apheresis Kits and Leuko Reduction Filters

This exclusion allows nonprofit blood banks and blood collection centers to purchase apheresis kits and leuko reduction filters free from the general sales tax.

Legal Citation

R.S. 47:301(16)(k)

Origin

Acts 2002, No. 71

Effective Date

July 1, 2002

Beneficiaries

Nonprofit blood banks and blood collection centers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

75. Other Constructions Permanently Attached to the Ground

This exclusion alters for state and local sales and use tax administration purposes only, the Louisiana Civil Code classification of “other constructions” as movable property when there is no unity of ownership between the other constructions and the lands on which they are located. Effective March 25, 2004, “other constructions” will be treated as immovable property when permanently attached to the land, regardless of the ownership of the land for sales and use tax administration purposes only. Persons constructing, selling, leasing, renting, or repairing “other constructions” that are permanently attached to the ground must treat those constructions as any other immovable property. Sales or use tax will be owed on their acquisition prices of materials that they acquire for the construction of or for providing repairs to property.

Legal Citation

R.S. 47:301(16)(l)

Origin

Acts 2004, 1st Ex. Sess., No. 6

Effective Date

March 25, 2004

Beneficiaries

Persons owning other constructions and not the land on which they are located.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

76. Purchases by Motor Vehicle Manufacturer

This exclusion allows motor vehicles manufacturers to make purchases of machinery and equipment without the payment of sales or use taxes.

Legal Citation

R.S.47:301(16)(m)

Origin

Acts 2007, No. 1

Effective Date

May 31, 2007

Beneficiaries

Motor vehicle manufacturers with a North American Industry Classification System (NAICS) code beginning with 3361.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax section.

77. Purchases by Glass Manufacturers

This exclusion allows glass manufacturers to make purchases of qualifying machinery and equipment without the payment of sales or use taxes.

Legal Citation

R.S. 47:301(16)(m)(i)

Origin

Acts 2009, No. 459

Effective Date

July 1, 2009

Beneficiaries

Glass manufacturers with a North American Industry Classification System (NAICS) code of 327213.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax section.

Sales Tax

{ Exclusions }

78. Purchases of Machinery and Equipment by Owners of Certain Radio Stations

This exclusion allows the owners of certain radio stations to make purchases of machinery and equipment without the payment of sales or use taxes.

Legal Citation

R.S. 47:301(16)(n)

Origin

Acts 2007, No. 339

Effective Date

July 1, 2007

Beneficiaries

Owners of certain radio stations.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax section.

79. Purchases of Machinery and Equipment Purchased by Certain Utilities

This exclusion allows certain utilities assigned North American Industry Classification Systems Sector 22111, electric power generation, to purchase machinery and equipment without the payment of sales or use tax.

Legal Citation

R.S. 47:301(16)(o)(i) and (ii)

Origin

Acts 2007, No. 427

Effective Date

July 1, 2008

Beneficiaries

Certain utilities assigned North American Industry Classification System Sector 22111.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 11, Sales Tax section.

Sales Tax

{ Exclusions }

80. Sales of Newspapers

This exclusion allows the tax-free sale of newspapers. As a result of the court case *Arkansas vs. Arkansas Writers* 481 U.S. 221 (U.S. Ark. Apr. 22, 1987) (No. 85-1370), the definition of newspapers has been expanded to include general information publications with second-class mailing privileges, which includes various magazines.

Legal Citation

R.S. 47:301(16)(p)

Origin

Acts 2007, No. 480

Effective Date

July 1, 2008

Related Provision

R.S. 47:305(D)(1)(e) provides a related exemption. That exemption is currently suspended. This exclusion will supercede the suspended exemption on the effective date above.

Beneficiaries

Consumers who purchase newspapers and magazines.

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

81. Donations to Certain Schools and Food Banks from Resale Inventory

This exclusion allows a retailer to donate resale inventory to certain schools or food banks without having to pay use tax on the donated property. The schools must meet the definition in R.S. 17:326 or be a school of higher education. The food banks must meet the definition under R.S. 9:2799(B). The purpose of this exclusion is to encourage the donation of resale inventory to certain schools and Food Banks.

Legal Citation

R.S. 47:301(18)(a)(i)

Origin

Acts 1987, No. 326; amended by Acts 1998, No. 22; Acts 2000, No. 44

Effective Date

July 1, 1987

Beneficiaries

Retailers that donate to schools and food banks and the schools and food banks that receive the donations

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exclusions }

82. Use Tax on Residue or Byproducts Consumed by the Producer

This exclusion excludes from the definition of “use” any residue or by-product created as part of a manufacturing/refining process, except refinery gas, which is used by the producer of the property. The use tax value of refinery gas is under R.S. 47:301(f). Sales of refinery gas are subject to tax under R.S. 47:301(13)(d).

Legal Citation

R.S. 47:301(18)(d)(ii)

Origin

Acts 1996, No. 29; amended Acts 2005, No. 458

Effective Date

July 2, 1996

Beneficiaries

Manufacturers or refineries of refinery gas and byproducts that are produced as part of their process

Administration

It is not known if the purpose of this exclusion is being achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exclusion is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

83. Advertising Services

This exclusion allows advertising services by an advertising agency to be free from state and local sales or use tax. This exclusion applies to advertising services and to tangible personal property sold if advertising services constitute a major part of the tangible personal property produced. It does not apply to the transfer of mass-produced advertising items by an advertising business that involves furnishing minimal services by the advertising business. Pure advertising services were never considered to be taxable. The purpose of this exclusion was to clarify the taxability of advertising services and the property transferred to clients.

Legal Citation

R.S. 47:302(D)

Origin

Acts 1987, No. 869

Effective Date

January 1, 1982

Beneficiaries

Advertising agencies and their customers

Administration

The purpose of this exclusion is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; not taxable.

Sales Tax

{ Exemptions }

84. Purchases by Nonprofit Electric Cooperatives

This exemption allows nonprofit electric cooperatives to purchase tangible property without the payment of sales tax. The purpose of this exemption is to assist in providing electrical-utility service to rural areas, since investor-owned utility companies are not allowed a comparable exemption.

Legal Citation

R.S. 12:425

Origin

Acts 1940, No. 266; amended by Acts 1968, No. 105

Effective Date

July 21, 1940

Beneficiaries

Rural electric cooperatives

Administration

The exemption has caused problems when the cooperatives tried to pass the exemption through to construction contractors using agency agreements. This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

85. Purchases by a Public Trust

This exemption allows bulk purchases of materials, supplies, vehicles, and equipment by a public trust free of general sales tax. The purchases must be made on behalf of the public trust. The purpose of this exemption is to provide assistance to public entities.

Legal Citation

R.S. 38:2212.4

Origin

Acts 1989, No. 780 (Redesignated from R.S. 38:2212.3 to R.S. 38:2212.4 pursuant to Acts 1999 No. 768.)

Effective Date

July 9, 1989

Beneficiaries

Public trusts

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0, resale to government entities.

Sales Tax

{ Exemptions }

86. Sales by State-owned Domed Stadiums and Baseball Facilities

This exemption allows tax-free sales to be made within state-owned domed stadiums with a seating capacity of at least 70,000 or has a seating capacity of at least 12,500 located in a parish with population of between 185,000 and 250,000, or any open baseball site that has a seating capacity of at least 10,000 and has a professional sports franchise that participates in Class Triple A professional baseball. This exemption covers sales of souvenirs and refreshments, parking fees, and guided tours. This exemption does not extend to sales of tangible personal property through trade shows or similar events. The purpose of this exemption is to provide financial assistance to qualifying stadiums.

Legal Citation

R.S. 39:467

Origin

Acts 1985, No. 2, amended by Acts 2005, No. 391; Acts 2009, No. 464

Effective Date

May 23, 1985

Beneficiaries

Certain state-owned domed stadiums and baseball sites and the vendors operating within them

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

87. Sales by Certain Publicly-owned Facilities

This exemption allows tax-free sales by certain publicly-owned facilities. This exemption applies to any qualified facility owned by any state or local subdivision. In order to qualify, the local taxing authorities must provide a similar exemption from all local sales taxes. The exemption covers sales of souvenirs and refreshments, parking fees, and guided tours. The exemption does not extend to sales of tangible personal property through trade shows or similar events. The purpose of this exemption is to provide financial assistance to qualifying facilities.

Legal Citation

R.S. 39:468

Origin

Acts 1985, No. 2

Effective Date

May 23, 1985

Beneficiaries

Certain publicly-owned facilities and the vendors operating within them

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

88. Boats, Vessels and Other Water Craft as Demonstrators

This exemption adds new boats, vessels, and other water craft to the sales tax exemption for demonstrators. It allows new and used boat dealers to remove boats, vessels, and other water craft from inventory for demonstration purposes without being subject to the general sales tax. To qualify for the exemption, the boat, vessel, or watercraft must be registered in the dealer's name and must not be used on more than 6 consecutive days or more than 12 days in any calendar month.

Legal Citation

R.S. 47:303(D)(1), R.S. 47:305(D)(1)(i) & (H)

Origin

Acts 2009, No. 442

Effective Date

July 1, 2009

Beneficiaries

Boat and other water craft dealers.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

89. Purchases of Off-road Vehicles by Certain Buyers Domiciled in Another State

This exemption allows purchasers who submit proof that they are domiciled in another state and provide a signed affidavit that tax has been paid or will be paid on the off-road vehicle in the state in which they are domiciled within 60 days after the date of purchase or deliver, whichever is later, to purchase off-road vehicles without paying sales or use tax. This exemption only applies if the state in which the buyer is domiciled also provides a similar exemption.

Legal Citation

R.S.47:303(E)(1), R.S. 47:304(A), R.S. 47:305.56

Origin

Acts 2007, No. 291

Effective Date

October 7, 2007

Beneficiaries

Purchasers of off-road vehicles who are domiciled in another state that provides a similar exemption.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

90. Sales of Farm Products Directly from the Farm

This exemption allows the tax-free sale of livestock, poultry, and other farm products if sold directly by the producer. This exemption includes sales by farmers, livestock producers, nurserymen, and other producers of farm products. Most sales by qualified producers are to wholesalers, but some producers sell their products directly to the consumer. The purpose of this exemption is to relieve the producer of the burden for charging and remitting sales tax.

Legal Citation

R.S. 47:305(A)(1)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Producers of farm products

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

91. Racehorses Claimed at Races in Louisiana

This exemption allows the tax-free sale of racehorses entered in races and claimed (sold) at any meet in Louisiana, or sold through any public sale sponsored by any breeders, registry association, or livestock auction market. The purpose of this exemption is to provide financial assistance to the breeders association, registry associations, racetracks, and public sales of racehorses.

Legal Citation

R.S. 47:305(A)(2)

Origin

Acts 1979, No. 796

Effective Date

September 7, 1979

Beneficiaries

Racetracks and breeding and registry associations

Administration

Acts 2007, No. 424 amended R.S. 47:302(R) and 321(H) and enacted R.S. 47:331(P)(3) to reinstate this exemption that had previously been suspended, effective July 1, 2007.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

92. Feed and Feed Additives for Animals Held for Business Purposes

This exemption allows tax-free sales of feed and feed additives for the purpose of sustaining animals primarily for commercial, business, or agricultural use. The exemption does not apply to food for pets or hunting dogs. The purpose of this exemption is to provide financial relief from the use tax imposed on feed for animals held for business purposes.

Legal Citation

R.S. 47:305(A)(4)

Origin

Acts 1986, No. 677

Effective Date

August 30, 1986

Beneficiaries

Persons or companies that feed animals for commercial, business, or agricultural use

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

93. Materials Used in the Production or Harvesting of Crawfish

This exemption allows tax-free sales of bait and feed when used in the production or harvesting of crawfish. The sales of materials, supplies, equipment, fuel, and related items, other than vessels, when used in the production or harvesting of crawfish are subject to one percent tax. This exemption is not limited to commercial farmers. The exemption includes a good faith clause that requires the vendor to use due care when accepting this exemption certificate. The purpose of this exemption is to provide financial assistance to crawfish farmers.

Legal Citation

R.S. 47:305(A)(5)

Origin

Acts 1987, No. 364; Acts 2009, No. 455

Effective Date

September 1, 1987

Beneficiaries

Producers and harvesters of crawfish

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely. However, crawfish feed and bait is totally exempt.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

94. Materials Used in the Production or Harvesting of Catfish

This exemption allows tax-free sales of materials, supplies, equipment, fuel, bait, and related items, other than vessels, when used in the production or harvesting of catfish. This exemption is not limited to commercial farmers. The exemption includes a good faith clause that requires the vendor to use due care when accepting this exemption certificate. The purpose of this exemption is to provide financial assistance to catfish farmers.

Legal Citation

R.S. 47:305(A)(6)

Origin

Acts 1988, No. 948

Effective Date

September 1, 1988

Beneficiaries

Producers and harvesters of catfish

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

95. Farm Products Produced and Used by Farmers

This exemption allows farmers and their families to consume the products, grown primarily to be sold, without paying a use tax. The exemption applies to livestock, poultry, and agricultural products. The purpose of this exemption is to provide financial assistance to farmers.

Legal Citation

R.S. 47:305(B)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Farmers and their families

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

96. Sales of Gasoline (not subject to motor fuels tax)

This exemption allows the sale of gasoline to be exempt when sold in Louisiana. La. Const. art. VII, §27 extends an exclusion for gasoline sold that has been subject to a Louisiana road use tax [See number 183, Sales Tax Section]. This exemption exempts gasoline sold when the road use tax has not been levied. The purpose of this exemption is to reduce the tax due by consumers.

Legal Citation

R.S. 47:305(D)(1)(a)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Consumers of gasoline for off-road use

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

97. Sales of Steam

This exemption allows the tax-free sale of steam. The purpose of this exemption is to provide tax relief to industrial users of steam.

Legal Citation

R.S. 47:305(D)(1)(b)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Industrial users of steam

Administration

This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04-6/30/08 and at the rate of 2.8 percent for the period 7/1/08-6/30/09. This exemption is subject to zero percent tax effective 7/1/2009.

Estimated Fiscal Effect

See number 98, Sales Tax Section.

Sales Tax

{ Exemptions }

98. Sales of Water

This exemption allows the tax-free sale of water sold other than in containers. The purpose of this exemption is to benefit the non-residential users of water utility services.

Legal Citation

R.S. 47:305(D)(1)(c)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Nonresidential users of water utility services

Administration

This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04-6/30/08 and at the rate of 2.8 percent for the period 7/1/08-6/30/09. This exemption is subject to zero percent tax effective 7/1/2009.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$5,090,000	\$6,923,000

Note: HCR 8 of 2015 partially suspends the exemptions on certain business utilities thereby subjecting them to a tax rate of 1% from July 1, 2015 through August 5, 2016.

99. Sales of Electric Power or Energy - Non-residential

This exemption allows the tax free sale of electric power or energy and any materials or energy sources used to fuel the generation of electric power for resale or used by an industrial manufacturing plant for self-consumption or cogeneration. As the sale of electricity for residential use is constitutionally protected, this exemption benefits the non-residential users of electrical utility services.

Legal Citation

R.S. 47:305(D)(1)(d)

Origin

Acts 1948, No. 9; amended by Acts 1980, No. 159; Acts 1984, No. 183

Effective Date

June 7, 1948

Beneficiaries

Nonresidential users of electrical utility services and industrial manufacturing plants that generate their own electricity

Administration

This exemption has been suspended at the rate of 3.3 percent for the period 1/1/06-6/30/08 and at the rate of 2.3 percent for the period 7/1/08-6/30/09. This exemption is subject to zero percent tax effective 7/1/2009.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$257,513,000	\$350,218,000

Note: HCR 8 of 2015 partially suspends the exemptions on certain business utilities thereby subjecting them to a tax rate of 1% from July 1, 2015 through August 5, 2016.

Sales Tax

{ Exemptions }

100. Sales of Fertilizers and Containers to Farmers

This exemption allows tax-free sales of fertilizers and containers for farm products if sold directly to the commercial farmer. Fertilizers and containers are exempt as a resale item under R.S. 47:301(10)(a). The purpose of this exemption is to clarify that fertilizers and containers are not taxable as a raw material.

Legal Citation

R.S. 47:305(D)(1)(f)

Origin

Acts 1948, No. 9

Effective Date

June 7, 1948

Beneficiaries

Commercial farmers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

101. Sales of Natural Gas - Non-residential

This exemption allows tax-free sales of natural gas. The purpose of this exemption is to provide financial assistance to nonresidential consumers of natural gas.

Legal Citation

R.S. 47:305(D)(1)(g)

Origin

Acts 1948, No. 9; amended by Acts 1985, No. 258; Acts 1990, Act 476

Effective Date

June 7, 1948

Beneficiaries

Nonresidential consumers of natural gas

Administration

This exemption has been suspended at the rate of 3.3 percent for the period 1/1/06-6/30/08 and at the rate of 2.3 percent for the period 7/1/08-6/30/09. This exemption is subject to zero percent tax effective 7/1/2009.

Estimated Fiscal Effect

See number 99, Sales Tax Section.

Sales Tax

{ Exemptions }

102. Energy Sources Used as Boiler Fuel, Except Refinery Gas

This provision allows an exemption for all energy sources to be used as boiler fuel, except refinery gas. The use of residual or byproducts created or derived from the processing of a raw material would be excluded from the sales tax only when used by the producer. The purpose of this exemption is to provide a benefit to industries utilizing boilers in their operations.

Legal Citation

R.S. 47:305(D)(1)(h)

Origin

Acts 1973, Ex. Sess., No. 13; Amended by Acts 1996, No. 29; Acts 1998, No. 21; Acts 2000, No. 28; Acts 2002, No. 4

Effective Date

January 1, 1974

Comparable Provision

R.S.47:301(18)(d)(ii)

Beneficiaries

Any business that uses an energy source in a boiler fuel, except residual or byproducts or refinery gas

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Note: HCR 8 of 2015 partially suspends the exemptions on certain business utilities thereby subjecting them to a tax rate of 1% from July 1, 2015 through August 5, 2016. Since this exemption was already subject to 1% tax, the effective tax rate on these products will be 2% from July 1, 2015 through August 5, 2016.

103. Trucks, Automobiles, and New Aircraft Removed from Inventory for use as Demonstrators

This exemption allows new and used automobile and new aircraft dealers to remove trucks, automobiles or aircraft from inventory for demonstration purposes without being subject to the general sales tax. Demonstrator units are required to be on the dealers' premises during regular business hours to qualify for the exemption. The purpose of this exemption is to provide financial assistance to truck, automobile, and aircraft dealers.

Legal Citation

R.S. 47:305(D)(1)(i)

Origin

Acts 1962, No. 182; amended by Acts 1974, No. 186; Acts 1987, No. 847

Effective Date

August 1, 1962

Beneficiaries

Truck, automobile, and aircraft dealers

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely. Sales of trucks and automobiles are reported to Office of Motor Vehicles.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Unable to Anticipate	Unable to Anticipate

Sales Tax

{ Exemptions }

104. Adaptive Driving Equipment and Motor Vehicle Modification

This provision allows for the tax-free purchase of adaptive driving equipment and modifications to motor vehicles when prescribed by a physician, a licensed chiropractor, or a driver rehabilitation specialist licensed by the state. The purpose of this exemption is to provide financial assistance to persons requiring special driving equipment.

Legal Citation

R.S. 47:305(D)(1)(u)

Origin

Acts 1998, No. 37

Effective Date

June 24, 1998

Beneficiaries

Persons requiring specialized driving equipment.

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

105. Sales of Food by Certain Institutions

This exemption allows tax-free sales of food to staff and students of educational institutions, the staff and patients of hospitals and mental institutions and boarders in rooming houses, and similar institutions if the facility does not serve food to the general public and the meals are consumed on the premises. The purpose of this exemption is to provide financial relief to the staff and patients/boarders of certain institutions. In 2013, the statute was amended to exempt the sales of meals to the staff and residents of nursing homes, adult residential care providers, and continuing care retirement communities.

Legal Citations

R.S. 47:305(D)(2)

Origin

Acts 1973 Ex. Sess., No. 13; amended by Acts 2009, No. 473; Acts 2013, No. 271

Effective Date

January 1, 1974

Beneficiaries

Certain Institutions

Administration

This exemption was fully suspended through 6/30/09.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

106. Fees Paid by Radio and Television Broadcasters for the Rights to Broadcast Film, Video, and Tapes

This exemption allows the tax-free sale of the rights to broadcast copyrighted material. The purpose of this exemption is to provide financial assistance to broadcasters.

Legal Citation

R.S. 47:305(F)

Origin

Acts 1972, No. 234

Effective Date

July 26, 1972

Beneficiaries

Radio and television broadcasters

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

107. Repairs and Materials Used on Drilling Rigs and Equipment

This exemption allows repairs and materials used on drilling rigs and equipment used exclusively for exploration and development of minerals outside the territorial limits of the state in outer continental shelf waters to be exempt from the state sales and use tax. The exemption applies to the sale of materials, services, and supplies as well as labor used to repair, renovate or convert any drilling rig, or machinery and equipment that are component parts used exclusively for the exploration or development of minerals outside the territorial limits of the outer continental shelf waters. The definition of drilling rig and component parts are also defined under R.S. 47:305(I). The purpose of this exemption is to provide financial assistance to companies operating drilling rigs and that are engaged in exploration and development of minerals outside the territorial limits of the state in outer continental shelf waters.

Legal Citation

R.S. 47:305(I)

Origin

Acts 2002, No. 31

Effective Date

July 1, 2002

Beneficiaries

Companies that operate drilling rigs and are engaged in exploration and development of minerals outside the territorial limits of the state in outer continental shelf waters

Administration

This exemption is subject to zero percent tax effective 7/1/2005. Please see the exclusion under R.S. 47:301(14)(g)(iii).

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

108. Sales of 50-ton Vessels and New Component Parts and Sales of Certain Materials and Services to Vessels Operating in Interstate Commerce

This exemption allows the purchase of materials, equipment, and machinery that become component parts of ships, vessels, and barges with a 50-ton and over load displacement and the sale of qualifying ships, vessels, and barges to be exempt from sales tax. Drilling ships and barges are also exempt. This exemption also allows ships or vessels operating exclusively in foreign or interstate coastwise commerce to purchase materials and supplies, repair services, and laundry services tax free. The purpose of this exemption is to make Louisiana boat builders and boat-service businesses competitive with similar companies in other states.

Legal Citation

R.S. 47:305.1

Origin

Acts 1959, No. 51; amended by Acts 2002, No. 40 and 41; Acts 2006 1st ext. sess., No. 34

Effective Date

June 29, 1959

Beneficiaries

The beneficiaries of this exemption are builders of 50-ton and over ships, vessels, and barges and the owners of ships, vessels, and barges that operate in foreign or interstate commerce. Since the courts have declared that tax laws cannot discriminate against interstate commerce, the Department has been unable to enforce the restrictive built in Louisiana language contained in the statute. Consequently, out-of-state builders have also benefited from this exemption.

Administration

Acts 2002, No. 40 and 41 have provided a specific definition of “foreign or interstate coastwise commerce.” Acts 2006 1st Extraordinary Session No. 34 clarifies that the exemption is applicable to barges and drilling ships.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

109. Sales of Seeds for Planting Crops

This exemption allows the tax-free sales of seeds to commercial farmers. Commercial farmers include those who grow crops for sale, as well as those who grow crops for live-stock, poultry, fish, and dairy animals. Seeds purchased by commercial farmers were already exempt as a raw material under R.S. 47:301(10)(a). The purpose of this exemption is to clarify that seeds are not taxable.

Legal Citation

R.S. 47:305.3

Origin

Acts 1960, No. 427

Effective Date

July 27, 1960

Duplicate Provision

R.S. 47:301(10)(e)

Beneficiaries

Commercial farmers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

110. Sales of Admission Tickets by Little Theater Organizations

This exemption allows the tax-free sale of Little Theater organization tickets. The purpose of this exemption is to provide financial assistance to qualifying theater organizations.

Legal Citation

R.S. 47:305.6

Origin

Acts 1962, No. 226

Effective Date

August 1, 1962

Beneficiaries

Little Theater organizations

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

111. Tickets to Musical Performances by Nonprofit Musical Organizations

This exemption allows the tax-free sales of tickets from Louisiana-domiciled symphony organizations for the presentation of a musical performance. This exemption does not include performances given by symphony organizations domiciled in any other state or any performance intended to yield a profit to the promoter. The purpose of this exemption is to provide financial assistance to non-profit symphony organizations.

Legal Citation

R.S. 47:305.7

Origin

Acts 1963, No. 124

Effective Date

July 1, 1963

Beneficiaries

Louisiana nonprofit symphony organizations

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

112. Sales of Pesticides for Agricultural Purposes

This exemption allows the tax-free sale of pesticides for agricultural purposes. This exemption covers any preparation used in the control of insects, plant life, fungus, or any pest detrimental to agricultural crops, including the control of animal pests or diseases. The purpose of this exemption is to provide financial assistance to producers of agricultural products.

Legal Citation

R.S. 47:305.8

Origin

Acts 1964, No. 79

Effective Date

July 29, 1964

Beneficiaries

Producers of agricultural products

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

113. Rentals of Motion-picture Film to Commercial Theaters

This exemption allows commercial theaters to rent motion-picture films exempt from sales tax. Most commercial theaters have changed their operations by obtaining films through joint ventures, which would not qualify for this exemption. The purpose of this exemption is to provide financial assistance to commercial theaters.

Legal Citation

R.S. 47:305.9

Origin

Acts 1964, No. 27

Effective Date

July 29, 1964

Beneficiaries

Commercial theaters

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

114. Property Purchased for Exclusive Use Outside the State

This exemption allows tangible personal property purchased within or imported into Louisiana for first use exclusively beyond the territorial limits of Louisiana to be free from the sales tax. Tangible personal property that is purchased or imported tax free and later returned to Louisiana for use for a taxable purpose will be subject to the Louisiana use tax at the time it is returned. "Use for a taxable purpose" with regards to this exemption, does not include transportation beyond the territorial limit or back, repairs, modifications or fabrications and storing for first use offshore beyond the territorial limits of any state. Charges for repairs in Louisiana to tangible personal property for use in offshore areas are taxable except those described in R.S. 47:305(1).

Legal Citation

R.S. 47:305.10

Origin

Acts 1964, No. 172; amended by Acts 2005, No. 457

Effective Date

July 29, 1964

Beneficiaries

Businesses who purchase tangible personal property within Louisiana and use the property in the offshore area

Administration

Recent court rulings that broadly interpret what constitutes interstate, offshore, and foreign commerce make this exemption difficult to administer.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

115. Additional Tax Levy on Contracts Entered into Prior to and Within 90 Days of Tax Levy

This exemption allows lump-sum contracts entered into within 90 days prior to a new tax levy to be exempt from the new tax levy. This exemption also allows contracts entered into within 90 days after a new tax levy is in effect to be exempt from that tax levy if the contracts involve contractual obligations undertaken prior to the effective date. The purpose of this exemption is to offer financial protection to contractors who enter into contracts based upon existing tax levies.

Legal Citation

R.S. 47:305.11

Origin

Acts 1970, No. 7

Effective Date

July 29, 1970

Beneficiaries

Lump-sum contractors

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
Unable to anticipate	\$0

Sales Tax

{ Exemptions }

116. Admissions to Entertainment by Domestic Nonprofit Charitable, Educational, and Religious Organizations

This exemption allows admissions to events sponsored by domestic nonprofit charitable, educational, and religious organizations to be exempt from sales tax. The funds raised, except for necessary expenses, must be used for the purposes for which the event was organized. The purpose of this exemption is to provide financial assistance to qualifying organizations.

Legal Citation

R.S. 47:305.13

Origin

Acts 1971, No. 125

Effective Date

June 28, 1971

Beneficiaries

Domestic nonprofit groups

Administration

This exemption has been fully suspended and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

117. Sales of Tangible Personal Property at or Admissions to Events Sponsored by Certain Nonprofit Groups

This exemption allows sales of tangible personal property at or admissions, and parking fees to certain events sponsored by nonprofit domestic, civic, educational, charitable, fraternal, or religious organizations, to be exempt from sales tax. All funds from the event, except necessary expenses, must be used for educational, charitable, religious, or historical restoration purposes. The purpose of this exemption is to provide financial assistance to qualifying organizations.

Legal Citation

R.S. 47:305.14

Origin

Acts 1973, No. 89; amended by Acts 1991, No. 533 and 930

Effective Date

July 2, 1973

Beneficiaries

Qualifying nonprofit organizations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

118. Sales by Thrift Shops on Military Installations

This exemption allows sales by thrift shops located on military installations to be eligible for the exemption provided for sales at events sponsored by nonprofit domestic charitable organizations. For purposes of this exemption, the sales by the thrift shops constitute an event. The beneficiaries of this exemption are the customers of the thrift shops. The purpose of this exemption is to provide financial assistance to customers who shop at thrift shops on military bases.

Legal Citation

R.S. 47:305.14(A)(4)

Origin

Acts 1994, No. 22

Effective Date

June 7, 1994

Beneficiaries

Customers of thrift shops located on military installations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

119. Sales of Newspapers by Religious Organizations

This exemption allows religious organizations to sell newspapers without the collection of the general sales tax provided the charge for the newspaper does not exceed publication costs. The purpose of this exemption is to provide financial assistance to religious organizations. These newspapers would be eligible for the exclusion under R.S. 47:301(16)(p).

Legal Citation

R.S. 47:305.14(A)(1)

Origin

Acts 1994, No. 39

Effective Date

June 7, 1994.

Beneficiaries

Qualifying religious organizations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

120. Sales to Nonprofit Literacy Organizations

This exemption allows nonprofit literacy organizations that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code to purchase tangible personal property and taxable services free of the general sales tax. The exemption is limited to purchases of books, workbooks, computer software, films, videos, and audio tapes. The purpose of this exemption is to provide financial assistance to qualifying organizations.

Legal Citation

R.S. 47:305.14(A)(5)

Origin

Acts 2002, No. 27

Effective Date

July 1, 2002

Beneficiaries

Qualifying nonprofit literacy organizations

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

121. Sales or Purchases by Blind Persons Operating Small Businesses

This exemption allows blind persons who sell or purchase tangible personal property in the operation of a small business to be exempt from sales tax. The purpose of this exemption is to relieve blind persons of the burden of collecting and reporting sales tax collections.

Legal Citation

R.S. 47:305.15(A)

Origin

Acts 1973, No. 61

Effective Date

July 2, 1973

Beneficiaries

Blind persons operating a business

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

122. Purchases by Certain Organizations that Promote Training for the Blind

This exemption allows organizations that provide training for the blind and receive at least 75 percent of the organizations' funding from public funds to purchase goods and services free of the general sales tax. The purpose of this exemption is to provide financial assistance to blind organizations.

Legal Citation

R.S. 47:305.15(B)

Origin

Acts 1994, No. 26

Effective Date

August 15, 1994

Beneficiaries

Qualifying organizations for the blind

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

123. Cable Television Installation and Repair Services

This exemption allows installation charges and repairs to hardware to be exempt from sales tax. This exemption was not necessary, as cable installation charges are a nontaxable service and repair services are performed on immovable equipment and are not subject to taxation. The purpose of this exemption is to clarify that cable television installation and repair services are not subject to the tax.

Legal Citation

R.S. 47:305.16

Origin

Acts 1974, No. 593

Effective Date

July 31, 1974

Beneficiaries

Television cable companies and their subscribers, if these charges were subject to tax

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; Installation charges and charges for repairs to immovable property are not taxable.

Sales Tax

{ Exemptions }

124. Receipts from Coin-operated Washing and Drying Machines in Commercial Laundromats

This exemption allows receipts from coin-operated washing and drying machines to be exempt from sales tax if the machines are located in a commercial laundromat. The purpose of this exemption was to provide financial relief to commercial laundromats who were unable to collect sales tax rate increases from their customers. In 1996, the courts ruled that the revenue from coin-operated washing and drying machines were not subject to sales tax as a taxable service of cleaning.

Legal Citation

R.S. 47:305.17

Origin

Acts 1975, No. 423

Effective Date

September 12, 1975

Beneficiaries

Commercial coin-operated laundromats

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Courts have ruled that these receipts are not taxable. In addition, the receipts are not reported on the return.

125. Outside Gate Admissions & Parking Fees at Fairs, Festivals, & Expositions Sponsored by Nonprofit Organizations

This exemption allows certain gate admissions and parking fees to fairs, festivals, and expositions sponsored by Louisiana chartered nonprofit organizations to be exempt from sales tax. This exemption does not apply to any event intended to yield a profit to the promoter or any individual contracted to provide services or equipment for the event. The purpose of this exemption is to provide financial assistance to qualifying nonprofit organizations.

Legal Citation

R.S. 47:305.18

Origin

Acts 1975, No. 824

Effective Date

September 12, 1975

Beneficiaries

Nonprofit organizations

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

126. Lease or Rental of Certain Vessels in Mineral Production

This exemption allows the vessels leased or rented for use offshore beyond the territorial limits of Louisiana for the production of oil, gas, sulphur, and other minerals to be exempt from sales tax. This exemption applies to production companies and their service companies. The purpose of this exemption is to provide financial assistance to the mineral-production industry.

Legal Citation

R.S. 47:305.19

Origin

Acts 1975, No. 818

Effective Date

September 12, 1975

Beneficiaries

Production companies and the company providing services to them

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

127. Purchases of Supplies, Fuels, and Repair Services for Boats Used by Commercial Fishermen

This exemption allows commercial fishermen to purchase tax-free materials, supplies, repair services, and fuel for the maintenance or operation of boats. Fishermen must apply for a license with the Department of Revenue. The purpose of this exemption is to provide financial assistance to commercial fishermen.

Legal Citation

R.S. 47:305.20(A)

Origin

Acts 1975, No. 811; Acts 2009, No. 446

Effective Date

September 12, 1975

Beneficiaries

Licensed commercial fishermen

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

128. Certain Seafood-processing Facilities

This exemption allows qualifying processors to purchase materials, supplies, and repair services exempt from the general sales tax. This exemption applies only to processing facilities that process seafood from vessels owned, leased, or contracted exclusively to the facility. The purpose of this exemption is to provide financial assistance to qualifying facilities.

Legal Citation

R.S. 47:305.20(C)

Origin

Acts 1991, No. 896

Effective Date

September 6, 1991

Beneficiaries

Qualifying seafood processing facilities

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

129. First \$50,000 of the Sales Price of Certain Farm Equipment and Attachments

This provision exempts the first \$50,000 of the sales price on qualifying farm equipment. Those items included under the original act have been protected from the suspension of exemptions. Such items include: rubber-tired farm tractors, cane harvesters, combines and cane loaders. Items later added to the exemption through amendments are subject to one percent tax. The purpose of this exemption is to provide financial assistance to agricultural producers.

Legal Citation

R.S. 47:305.25

Origin

Acts 1978, No. 638; amended by Acts 1979, No. 787; Acts 1982, No. 167; Acts 1985, No. 836

Effective Date

September 8, 1978

Beneficiaries

Producers of agricultural products

Administration

Acts 2007, No. 424 amended R.S. 47:302(R) and R.S. 47:321(H) and enacted R.S. 47:331(P)(3) to reinstate the previously suspended exemption for farm irrigation equipment under R.S. 47:305.25(A)(3). R.S. 47:305.25(A)(4) and (5) are subject to one percent tax effective 7/1/2009.

Estimated Fiscal Effect

See number 11, Sales Tax Section.

Sales Tax

{ Exemptions }

130. New Vehicles Furnished by a Dealer for Driver-education Programs

This exemption allows new-car dealers to withdraw new vehicles from inventory for use by secondary schools, colleges, or public school boards in accredited driver-education programs without payment of the sales tax. The purpose of this exemption is to encourage new-car dealers to donate the use of vehicles to schools for driver-education programs.

Legal Citation

R.S. 47:305.26

Origin

Acts 1978, No. 507

Effective Date

January 1, 1979

Beneficiaries

Schools using the vehicles and the new-car dealers

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

131. Sales of Gasohol (not subject to motor fuels tax)

This exemption allows the sale of gasohol to be exempt when sold in Louisiana. The alcohol used in the gasohol must be produced, fermented, and distilled in Louisiana. La. Const. art. VII, §27 provides a sales tax exclusion for gasoline sold that has been subject to a Louisiana road use tax (See number 183, Sales Tax Section). This exemption exempts only gasohol sold where the road use tax has not been levied. The purpose of this exemption is to reduce the tax paid by consumers.

Legal Citation

R.S. 47:305.28

Origin

Acts 1979, No. 793

Effective Date

September 7, 1979

Beneficiaries

Consumers of gasohol for off-road use

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

132. Construction Materials and Operating Supplies for Certain Nonprofit Retirement Centers

This exemption allows for the tax-free purchase of construction materials and operating supplies for certain nonprofit retirement centers owned or operated by any public trust authority or incorporated not-for-profit organization. The retirement center must serve as a multipurpose facility that offers unsupervised living units, supervised nursing-home facilities, and intermediate health care. The purpose of this exemption is to encourage a new concept in the care of the elderly.

Legal Citation

R.S. 47:305.33

Origin

Acts 1981, No. 876

Effective Date

September 11, 1981

Beneficiaries

Nonprofit multipurpose retirement centers

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

133. Sales of Motor Vehicles to be Leased or Rented by Qualified Lessors

This exemption allows the tax-free purchase of motor vehicles, trailers, and semi-trailers used exclusively for leases or rentals. This exemption is superseded by the exclusion provided under R.S. 47:301(10)(a)(iii) [See number 30] enacted October 1, 1996.

Legal Citation

R.S. 47:305.36

Origin

Acts 1982, No. 415; amended by Acts 1984, No. 539; Acts 1985, No. 847; Acts 1991, No. 495

Effective Date

September 10, 1982

Duplicate Provision

R.S. 47:301(10)(a)(iii)

Administration

This exemption has been superseded by R.S. 47:301(10)(a)(iii).

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$55,161,000	\$56,264,000

Sales Tax

{ Exemptions }

134. Sales of Certain Fuels Used for Farm Purposes

This exemption allows the tax-free purchase of diesel fuel, butane, propane, and other liquefied petroleum gases for farm use. The purpose of this exemption is to provide financial assistance to commercial farmers.

Legal Citation

R.S. 47:305.37

Origin

Acts 1982, No. 820; amended by Acts 1985, No. 511 and No. 621

Effective Date

January 1, 1983

Beneficiaries

Commercial farmers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

135. Sales or Purchases by Certain Sheltered Workshops

This exemption allows certain sheltered workshops for the mentally incapacitated to sell and purchase tax free. The workshop must be used as a day developmental training center and licensed by the Department of Children and Family Services. The purpose of this exemption is to provide financial assistance to sheltered workshops.

Legal Citation

R.S. 47:305.38

Origin

Acts 1982, No. 242

Effective Date

September 10, 1982

Beneficiaries

Qualifying sheltered workshops

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

136. Purchases of Certain Fuels for Private Residential Consumption

This exemption allows the tax-free purchase of butane, propane, and other liquefied petroleum goods used for private residential cooking and cleaning purposes. The purpose of this exemption is to provide financial assistance to consumers.

Legal Citation

R.S. 47:305.39

Origin

Acts 1983, No. 654; amended by Acts 1985, No. 622

Effective Date

July 1, 1984

Beneficiaries

Residential consumers

Administration

This exemption has been superseded by duplicate provisions as of July 1, 2004.

Estimated Fiscal Effect

Superseded by R.S. 47:301(10)(x). See number 189, Sales Tax section.

137. Specialty Mardi Gras Items Purchased or Sold by Certain Organizations

This exemption originally allowed tax-free purchases of specialty items by carnival organizations and Louisiana domiciled nonprofit organizations. Acts 2005, No. 410 amended this exemption to allow tax free sales of specialty items for use in connection with Mardi Gras activities by qualifying organizations. The purpose of this exemption is to provide financial assistance to carnival and nonprofit organizations that sponsor Mardi Gras activities.

Legal Citation

R.S. 47:305.40

Origin

Acts 1985, No. 439, amended by Acts 2005, No. 410

Effective Date

September 6, 1985

Beneficiaries

Carnival and nonprofit organizations.

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

138. Purchases and Sales by Ducks Unlimited and Bass Life

This exemption allows Ducks Unlimited or Bass Life and their chapters to sell, purchase or rent items free from state and local sales tax. The purpose of this exemption is to provide financial assistance to these organizations. This provision has a related exemption under R.S. 47:305.43 which exempts certain transactions with nonprofit groups whose purpose is to conserve migratory waterfowl and fish.

Legal Citation

R.S. 47:305.41

Origin

Acts 1985, No. 512; amended by Acts 1998, No. 28

Effective Date

July 12, 1985

Beneficiaries

Ducks Unlimited and Bass Life

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

139. Tickets to Dance, Drama, or Performing Arts Presentations by Certain Nonprofit Organizations

This exemption allows domestic nonprofit organizations that present dance, drama, or performing arts to sell tickets to performances exempt from sales tax. The purpose of this exemption is to provide financial assistance to these nonprofit organizations.

Legal Citation

R.S. 47:305.42

Origin

Acts 1985, No. 513

Effective Date

July 12, 1985

Beneficiaries

Nonprofit organizations engaged in promoting dance, drama, or performing arts

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

140. Nonprofit Organizations Dedicated to the Conservation of Fish and Migratory Waterfowl

This exemption allows nonprofit organizations dedicated exclusively to the conservation of fish or the migratory waterfowl of the North American Continent and to the preservation and conservation of wetland habitat of such waterfowl to sell items free from the state and local sales tax if the proceeds are used in furtherance of the organization's exempt purpose. Qualifying organizations will also be allowed to purchase items free from the state and local sales tax. The exemption will not apply to any event intended to yield a profit to the promoter or to any individual contracted to provide services or equipment for the event. The purpose of this exemption is to provide financial assistance to qualifying conservation groups. This provision has a related exemption under R.S. 47:305.41 which exempts certain transactions with Ducks Unlimited and Bass Life.

Legal Citation

R.S. 47:305.43

Origin

Acts 1985, No. 835; amended by Acts 1998, No. 28

Effective Date

September 6, 1985

Beneficiaries

Qualifying organizations dedicated to fish and migratory North American waterfowl

Administration

This exemption has been fully suspended and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

141. Raw Materials Used in the Printing Process

This exemption allows the tax-free purchase or sale of raw materials and certain other tangible personal property used to produce printed matter. This exemption applies to qualifying items manufactured by the printer or purchased from a contractor. The purpose of this exemption is to offer financial assistance to commercial printers.

Legal Citation

R.S. 47:305.44

Origin

Acts 1985, No. 847

Effective Date

July 23, 1985

Beneficiaries

Commercial printers

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

142. Piggy-back Trailers or Containers and Rolling Stock

This exemption allows the tax-free sale or lease of piggy-back trailers or containers and rolling stock. Per diem or car-hire charges are also exempted. Railroad companies and other operators of qualifying equipment are eligible for the exemption. Rail-car leases are also covered by an exclusion under R.S. 47:301(4)(k) (See number 10, Sales Tax Section). The purpose of this exemption is to provide financial assistance to railroads and other rail-car operators and piggy-back trailers. A similar exemption for rail rolling stock appears under R.S. 47:305.50(B).

Legal Citation

R.S. 47:305.45

Origin

Acts 1986, No. 476

Effective Date

July 1, 1986

Beneficiaries

Railroad companies and other operators of railroad transportation equipment

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

143. Pharmaceutical Samples Distributed in Louisiana

This exemption allows pharmaceutical samples to be exempt from sales and use tax when they are distributed without charge to physicians, dentists, clinics, and hospitals. The purpose of this exemption is to provide financial assistance to drug manufacturers.

Legal Citation

R.S. 47:305.47

Origin

Acts 1989, No. 383

Effective Date

June 30, 1989

Beneficiaries

Drug manufacturers

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

Sales Tax

{ Exemptions }

144. Catalogs Distributed in Louisiana

This exemption allows free catalogs distributed in Louisiana to be exempt from sales and use tax. Prior to the exemption, the tax was due on mail-order catalogs, but only enforceable on companies with a business situs in Louisiana. This exemption puts in-state and out-of-state companies on the same basis. The purpose of this exemption was to provide financial assistance to mail-order companies, especially those with a Louisiana presence.

Legal Citation

R.S. 47:305.49

Origin

Acts 1989, No. 796

Effective Date

September 3, 1989

Beneficiaries

Mail-order companies

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

145. Certain Trucks and Trailers Used 80 Percent in Interstate Commerce

This exemption allows the tax free purchase of trucks with a gross weight of twenty-six thousand pounds or more and to trailers if the truck and trailer are to be used at least eighty percent of the time in interstate commerce and whose activities are subject to the jurisdiction of the United States Department of Transportation. For purposes of this exemption the terms “trucks” and “trailers” shall have the meanings ascribed to the terms truck, trailer, road tractor, semi-trailer, tandem truck, tractor, and truck-tractor in R.S. 47:451. The purpose of this exemption is to provide financial assistance to the owners of trucks operating in interstate commerce.

Legal Citation

R.S. 47:305.50(A)(1)(a)(i) and (b)(i)

Origin

Acts 1996, No. 8; amended by Acts 1998, No. 41; Acts 2000, No. 27; Acts 2002, No. 2; Acts 2007, No. 209

Effective Date

July 1, 1996

Beneficiaries

Purchasers of large trucks and trailers used 80 percent in interstate commerce

Administration

This exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$19,906,000	\$20,304,000

Sales Tax

{ Exemptions }

146. Certain Contract Carrier Buses Used 80 Percent in Interstate Commerce

This provision allows certain contract carrier buses used 80 percent of the time in interstate commerce to be exempt from sales and use tax. The bus must meet the definition in the exemption, which requires the bus to be a commercial vehicle with a minimum capacity of 35 passengers and have a minimum gross weight of 26,000 lbs. The purpose of this exclusion is to provide financial assistance to large contract carrier buses operating in interstate commerce.

Legal Citation

R.S. 47:305.50(B)

Origin

Acts 1998, No. 41; amended by Acts 2000, No. 27 and Acts 2002, No. 2

Effective Date

June 30, 1998

Beneficiaries

Purchasers of large contract carrier buses used 80 percent in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 145, Sales Tax Section.

147. Rail Rolling Stock Sold or Leased in Louisiana

This provision allows a state and local sales and use tax exemption for rail rolling stock sold or leased in Louisiana. R.S. 47:305.50(B)(2) provides a state and local sales tax exemption for parts or services used in the fabrication, modification, or repair of rail rolling stock. Political subdivisions are authorized to provide by ordinance that the sales or use tax exemption provided by R.S. 47:305.50(B)(2) will not apply within their jurisdictions and that their sales or use taxes will be due on parts or services used in the fabrication, modification, or repair of rail rolling stock.

Legal Citation

R.S. 47:305.50(E)(1) and (2)

Origin

Acts 1996, No. 36; amended by Acts 1998, No. 41; Acts 2005, No. 397

Effective Date

July 1, 1996

Sunset Date

June 30, 1998

Reestablished

July 1, 2005

Beneficiaries

Taxpayers who sell or lease rail rolling stock in Louisiana and their customers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

148. Sales of Railroad Ties to Railroads for Use in Other States

This provision creates a sales tax exemption for railroad ties purchased by a railroad prior to long-term preservative treatment and installed into the railroad's track system outside the jurisdiction.

Legal Citation

R.S. 47:305.50(F)

Origin

Acts 2009, No. 442

Effective Date

July 1, 2009

Beneficiaries

Railroads

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

149. Utilities Used by Steelworks and Blast Furnaces

This provision allows utilities, including electricity, used by steelworks and blast furnaces to be exempt from sales tax. The facility must employ more than 125 full-time workers and is classified as code 331111 of the North American Industry Classification System to qualify. The purpose of this exemption is to provide an economic incentive for a steel mill to locate in Louisiana.

Legal Citation

R.S. 47:305.51

Origin

Acts 1998, No. 28; amended by Acts 2001 1st Ex. Sess., No. 5; Acts 2002, No. 49; Acts 2004 1st Ex. Sess., No. 5; Acts 2009, no. 443

Effective Date

March 27, 2001

Beneficiaries

Any steel mill meeting the minimum requirements.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 99, Sales Tax Section.

Note: This exemption is subject to the partial suspension of certain business utilities under HCR 8 of 2015.

Sales Tax

{ Exemptions }

150. Sickle Cell Disease Organizations

This exclusion provides a state and local sales tax exemption for nonprofit organizations that were established prior to 1975 conducting comprehensive programs on sickle cell disease which includes but is not limited to free education, free testing, free counseling, and free prescriptions, transportation, and food packages for sickle cell patients. The organizations are required to obtain exemption certificates from the Department of Revenue.

Legal Citation

R.S. 47:305.53

Origin

Acts 2005, No. 278

Effective Date

July 1, 2005

Beneficiaries

Sickle Cell disease organizations and their customers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

151. Annual Louisiana Sales Tax Holiday

This exclusion provides for an exemption from the state sales tax on the first consecutive Friday and Saturday of August each year, on the first \$2,500 of the purchase price of most individual items of tangible personal property. The exemption applies statewide to all consumer purchases of tangible personal property, other than vehicles subject to license and title and meals furnished for consumption on the premises, provided that the property is not for use in a business, trade, or profession.

Legal Citation

R.S. 47:305.54

Origin

Acts 2005, 1st Ex. Session No. 9; amended by Acts 2007, No. 244

Effective Date

First consecutive Friday and Saturday of August each year

Beneficiaries

Individual consumers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$4,265,000	\$4,350,000

Sales Tax

{ Exemptions }

152. Sales of Original One-of-a-Kind Works of Art from Certain Locations

This exemption allows the sale of original one-of-a-kind works of art from an established location within the boundaries of a cultural product district without any sales tax.

Legal Citation

R.S.47:305.57

Origin

Acts 2007, No. 298

Effective Date

January 1, 2008

Beneficiaries

Purchasers of original one-of-a-kind works of art

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

153. Hurricane Preparedness Louisiana Sales Tax Holiday

This provision allows an exemption from the state sales and use tax from 12:01 a.m. on Saturday until 11:59 p.m. on Sunday during the last weekend in May of each year, on the first \$1500 of the purchase price of certain hurricane preparedness items or supplies.

Legal Citation

R.S. 47:305.58

Origin

Acts 2007, No. 429

Effective Date

The last weekend of May each year beginning at 12:01 a.m. on Saturday and ending at 11:59 p.m. on Sunday

Beneficiaries

Individuals purchasing hurricane preparedness items or supplies

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$46,000	\$47,000

Sales Tax

{ Exemptions }

154. Sale of Construction Materials to Habitat for Humanity, Fuller Center for Housing and Make it Right Foundation

This exemption allows Habitat for Humanity affiliates, Fuller Center for Housing covenant partners and the Make it Right Foundation to purchase construction supplies without the payment of sales or use tax when the materials are intended for use in constructing new residential dwellings in this state.

Legal Citation

R.S. 47:305.59

Origin

Acts 2007, No. 430; amended by Acts 2009, No. 464; amended by Acts 2011, No. 385

Effective Date

October 1, 2007 on purchases by Habitat for Humanity; July 1, 2009 on purchases by Fuller Center for Housing; and July 1, 2012 for purchases by Make it Right Foundation

Beneficiaries

Habitat for Humanity, Fuller Center for Housing and Make it Right Foundation.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

155. Sparta Groundwater Conservation District

This provision allows for the purchase of certain water conservation equipment for use within the Sparta Groundwater Conservation District without the payment of sales or use tax. Prior to application for an exemption certificate, the applicant must receive certification from the Commissioner of Conservation that the equipment qualifies as water conservation equipment.

Legal Citation

R.S. 47:305.61

Origin

Acts 2007, No. 471

Effective Date

July 1, 2007

Beneficiaries

Purchasers of equipment, certified by the Commissioner of Conservation as water conservation equipment and used in the Sparta Groundwater District.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

156. Second Amendment Sales Tax Holiday

This provision creates a three day sales tax holiday on consumer purchases of firearms, ammunition and hunting supplies for the first consecutive Friday through Sunday of September. The sales tax holiday is applicable to both state and local sales tax.

Legal Citation

R.S. 47:305.62

Origin

Acts 2009, No. 453

Effective Date

July 9, 2009

Beneficiaries

Individuals purchasing firearms, ammunition and hunting supplies.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$809,000	\$826,000

157. Sales of Polyroll Tubing

This provision creates a state sales tax exemption for polyroll tubing used for commercial farm irrigation.

Legal Citation

R.S. 47:305.63

Origin

Acts 2009, No. 450

Effective Date

July 8, 2009

Beneficiaries

Commercial farmers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

158. Purchase, Lease or Repair of Certain Capital Equipment and Computer Software by Qualifying Radiation Therapy Treatment Centers

This provision creates a state sales tax exemption for the purchase, lease or repair of capital equipment or software used to operate capital equipment at qualifying radiation therapy centers. Local taxing authorities may elect to grant this exemption.

Legal Citation

R.S. 47:305.64

Origin

Acts 2009, No. 450; amended by Acts 2011, No. 296

Effective Date

July 1, 2009

Beneficiaries

Mary Bird Perkins Cancer Center and the Biomedical Research Foundation; OncoLogics, Inc. added to the exemption effective August 1, 2011.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

159. Purchases of Construction Materials by Hands on New Orleans and Rebuilding Together New Orleans Covenant Partners

This provision creates a state and local sales tax exemption for the purchase of construction materials by Hands on New Orleans and Rebuilding Together New Orleans covenant partners. The materials purchased must be used for constructing, rehabilitating, or renovating residential dwellings in this state which were destroyed or damaged by Hurricane Katrina or Hurricane Rita. The exemption is limited to no more than \$500,000 in any calendar year.

Legal Citation

R.S. 47:305.65

Origin

Acts 2009, No. 450

Effective Date

July 1, 2009

Beneficiaries

Hands on New Orleans and Rebuilding Together New Orleans Covenant Partners

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

160. Parish Councils on Aging

This provision creates a state sales and use tax exemption for the sixty-four nonprofit parish Councils on Aging located in the state which are supervised by the Office of Elderly Affairs of the Governor's Office. These organizations are dedicated to delivering state-approved services directly to senior citizens.

Legal Citation

R.S. 47:305.66

Origin

Acts 2011, No. 53

Effective Date

October 1, 2011

Beneficiaries

Parish Councils on Aging.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

161. Purchases of Breastfeeding Items

This provision creates a state sales and use tax exemption for purchases of breast pumps and accessories, replacement parts, storage bags and accessories, and nursing bras.

Legal Citation

R.S. 47:305.67

Origin

Acts 2011, No. 331

Effective Date

October 1, 2011

Beneficiaries

Purchasers of breast feeding items.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Exemptions }

162. Purchases by the Fore!Kids Foundation

This provision creates a state sales and use tax exemption for the purchase, use, or rental of materials, services, property, and supplies by the Fore!Kids Foundation whose primary purpose is to fund children's service organizations from monies raised from golfing events.

Legal Citation

R.S. 47:305.68

Origin

Acts 2011, No. 374

Effective Date

October 1, 2011

Beneficiaries

Fore!Kids Foundation.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

163. Purchase of a Motor Vehicle Modified for Use by an Orthopedically Disabled Person

This provision creates a state sales and use tax rebate on the purchase of a motor vehicle modified for use by a person who is orthopedically disabled. The provision is applicable to motor vehicle purchases made between January 1, 2010 and June 30, 2013.

Legal Citation

R.S. 47:305.69

Origin

Acts 2011, No. 379

Effective Date

October 1, 2011

Sunset Date

June 30, 2013

Beneficiaries

Purchasers of a vehicle modified for use by an orthopedically disabled person.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0, exclusion sunsetted.

Sales Tax

{ Exemptions }

164. Sale of Construction Materials to the Make it Right Foundation

This exemption allows the Make it Right Foundation to purchase construction supplies without the payment of sales or use tax when the materials are intended for use in constructing new residential dwellings in this state.

Legal Citation

R.S. 47:305.70

Origin

Acts 2011, No. 387

Effective Date

July 1, 2012

Beneficiaries

Make it Right Foundation.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

165. Sale of Construction Materials to the St. Bernard Project, Inc.

This provision allows the St. Bernard Project, Inc. to purchase construction supplies without the payment of sales or use tax when the materials are intended for use in rehabilitating existing residential dwellings or constructing new residential dwellings in this state.

Legal Citation

R.S. 47:305.71

Origin

Acts 2013, No. 300

Effective Date

July 1, 2013

Beneficiaries

The St. Bernard Project, Inc.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue in the row labeled other exemptions.

Sales Tax

{ Exemptions }

166. Antique Airplanes Held by Private Collectors and not used for Commercial purposes

This exemption allows the tax-free purchase of antique aircraft by collectors. Many of these sales are also exempted under the isolated or occasional sale provision of R.S. 47:301(10)(c) (See number 4, Sales Tax Section). The aircraft must be manufactured at least 25 years prior to the date of purchase. The purpose of this exemption was to provide financial assistance to antique aircraft collectors.

Legal Citation

R.S. 47:6001

Origin

Acts 1980, No. 567

Effective Date

September 12, 1980

Beneficiaries

Collectors of antique aircraft

Administration

This exemption was fully suspended through 6/30/09 and the one percent suspension will continue indefinitely.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Exemptions subject to 1% suspended rate.

{ Alternate-Reporting Methods }

167. Certain Interchangeable Components; Optional Method to Determine

This alternate-reporting method allows importers or users of certain measurement-while-drilling equipment to store equipment in the state without paying the use tax due upon importation. Instead, taxes would be paid on 1/100 of the total material cost of all equipment stored within Louisiana each month. The purpose of this method is to offer relief from use tax on equipment stored in Louisiana, but seldom used in this state.

Legal Citation

R.S. 47:301(3)(d)

Origin

Acts 1990, No. 719

Effective Date

July 1, 1990

Beneficiaries

Companies that use certain measurement-while-drilling equipment

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this alternate reporting method is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ Alternate-Reporting Methods }

168. Helicopters Leased for use in the Extraction, Production, or Exploration for Oil, Gas, or Other Minerals

This alternate-reporting method allows the lease or rental of certain helicopters used in the extraction, production, and exploration of oil, gas, and other minerals to be considered a sale of tangible personal property with an extended period of time allowed to remit any taxes due.

Helicopters acquired through a lease, rental, lease-purchase, or similar transaction by a company involved in the extraction, production, or exploration for oil, gas, or other mineral qualify for this method. Helicopters used by companies providing service to qualifying companies also qualify for this alternate-reporting method. Qualifying companies do not pay sales tax on lease or rental payments, but remit the tax on the sales price in equal installments over the terms of the lease, rental, or lease-purchase contract.

Legal Citation

R.S. 47:302.1

Origin

Acts 1984, No. 353

Effective Date

July 2, 1984

Administration

This provision has been superseded by the exclusion under R.S. 47:301(10)(a)(iii), effective October 1, 1996.

Estimated Fiscal Effect

See number 30, Sales Tax Section.

169. Cash-basis Sales Tax Reporting and Remitting for Health and Fitness Club Membership Contracts

This alternate-reporting method allows health clubs to report and remit sales taxes on a cash basis and to report the receipts net of any imputed interest or collection fees. The purpose of this alternate-reporting method is to relieve clubs from the taxes on unpaid membership contracts.

Legal Citation

R.S. 47:303(F)

Origin

Acts 1985, No. 661; Amended by Acts 1987, No. 379

Effective Date

September 30, 1985

Beneficiaries

Health and fitness clubs

Administration

The purpose of this alternate reporting method is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$0	\$0

Sales Tax

{ Alternate-Reporting Methods }

170. Cash-basis Reporting Procedure for Rental and Lease Transactions

This alternative method of tax payment allows lessors of tangible personal property to report and remit sales tax due after payment is collected rather than in the period that the rental or lease occurred. The purpose of this alternate-reporting method is to relieve lessors from the taxes on unpaid rental fees.

Legal Citation

R.S. 47:306(A)(2)

Origin

Acts 1985, No. 867

Effective Date

July 23, 1985

Beneficiaries

The beneficiaries of this alternative method of tax payment are the lessors of the property. This method of tax payment allows the lessors to avoid the loss of sales taxes remitted on transactions that ultimately become bad debts.

Administration

The purpose of this alternate reporting method is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$0	\$0

171. Collection from Interstate and Foreign Transportation Dealers

This alternative method of tax payment allows transportation companies operating in interstate and foreign transportation of passengers or property to remit taxes based upon the percentage of Louisiana miles to total miles. Per Acts, 2005 No. 126, "Louisiana mileage" shall not include mileage in Louisiana that is a segment or part of a stream of trade, traffic, transportation, or movement of passengers or property between a point in this state and a point located offshore beyond the territorial limits of any state. The Act also provides that a unit of transportation measurement other than mileage may be used if appropriate based on industry custom and type of transportation. Those transportation dealers registered under R.S. 47:306.1 on June 22, 2005, and who provide transportation between points in Louisiana and points offshore outside the territorial limits of any state during the sales and use tax period immediately preceding June 22, 2005 are deemed to have elected to report under these statutes and shall begin reporting in accordance with them in lieu of R.S. 47:306.1 unless the taxpayer notifies the secretary to the contrary.

Legal Citation

R.S. 47:306.1, R.S. 47:306.2

Origin

Acts 1956, No. 438; amended by Acts 2005, No. 126

Effective Date

August 1, 1956

Beneficiaries

Interstate and foreign transportation dealers

Administration

The purpose of this alternate reporting method is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Sales Tax

{ Statutorily Prescribed Methods of Taxation }

172. Extended Time to Register Mobile Homes

This provision allows purchasers of mobile homes, as defined by R.S. 9:1149.2(3), to extend the time to apply for a certificate of Title from five days after delivery to the 20th day of the month following the month of delivery of the home. This allows between 20 to 50 days to apply for a title. If a mobile home is immobilized prior to registration, the mobile home is not subject to sales tax. The purpose of this provision is to allow purchasers of mobile homes more time to immobilize the mobile home. However, beginning 1/1/2010, new legislation eliminates the ability of manufactured home purchasers to avoid paying tax through an act of immobilization.

Legal Citation

R.S. 32:707(A)

Origin

Acts 1997, No. 272; amended by Acts 2009, No. 500.

Effective Date

July 1, 1997

Beneficiaries

The beneficiaries of this provision are purchasers of mobile homes that immobilize them at the time of purchase.

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; this statute was amended to eliminate the ability of manufactured home purchasers to avoid paying tax through an act of immobilization.

173. "Sales or Cost Price" of Refinery Gas

These exclusions define the valuation of refinery gas, except feedstock, either sold or produced. This value is determined for each calendar year. Sales of such property are subject to tax under R.S. 47:301(13)(d) and the use of such property by the producer is subject to the tax under R.S. 47:301(3)(f). The price of refinery gas shall be the maximum of 52¢ per MCF multiplied by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December 1 of the preceding calendar year and the denominator of which shall be \$29. This valuation applies to both state and local governments. The valuation for calendar year 2006 is \$1.048 and for calendar year 2007 is \$1.137. This valuation is identical to the valuation originally set under R.S. 47:305(D)(1)(h) (See number 104, Sales Tax Section).

Legal Citation

R.S. 47:301(3)(f), R.S. 47:301(13)(d)

Origin

Acts 1996, No. 29; amended Acts 2004, No. 49; Acts 2005, No. 458

Effective Date

July 2, 1996

Beneficiaries

Refineries producing refinery gas

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; This is a valuation formula only.

Sales Tax

{ Credits }

174. Vendor's Compensation

This credit compensates the dealer in accounting for and remitting the sales tax. Each dealer is allowed to deduct 1.1 percent from the tax due provided the reports are submitted and paid to the Department of Revenue on a timely basis. The amount of the vendor's compensation is computed on the sales tax collections before credit is taken for taxes paid on goods for resale. The purpose of this credit is to compensate the dealer in accounting for and remitting the sales taxes.

Effective July 1, 2013, the vendor's compensation rate was reduced to 0.935 percent.

Legal Citation

R.S. 47:306(A)(3)(a)

Origin

Acts 1948, No. 9; amended by Acts 1986, No. 916; Acts 1991, No. 709; Acts 1995, No. 1186; Acts 1996, 1st Ex. Sess., No. 32; Acts 1998, 1st Ex. Sess., No. 50; Acts 2001, No. 7; Acts 2013, No. 425

Effective Date

June 7, 1948

Beneficiaries

Dealers who report and remit taxes on a timely basis

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$26,401,000	\$26,929,000

175. Credit for Costs to Reprogram Cash Registers

This credit allows dealers to claim up to \$25 per register to recoup costs incurred to reprogram cash registers because of changes in the sales tax rate or base. The purpose of this credit is to compensate taxpayers for costs to reprogram cash registers because of tax changes.

Legal Citation

Acts 1990, No. 386, Section 4

Origin

Acts 1990, No. 386

Effective Date

July 12, 1990

Beneficiaries

Dealers collecting Louisiana sales tax

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$15,000	\$15,000

Sales Tax

{ Credits }

176. Student Assessment for a Valuable Education (SAVE)

Students enrolled at a public institution of higher education will be granted a transferable, nonrefundable SAVE credit against individual income, sales and use, gasoline, and special fuels taxes equal to the amount of the SAVE assessment. The amount of the credit will not exceed the average household tax liability in Louisiana for the following: individual income, sales and use, gasoline, and special fuels taxes, as determined and published by the Department of Revenue no later than June 30th of each fiscal year. The aggregate amount of SAVE credits granted in any fiscal year cannot exceed \$350 million.

The Save credit is a transferable, nonrefundable credit, which will be transferred to the Board of Regents. The Board of Regents will certify to the Department of Revenue the total headcount enrollment at public institutions of higher learning for the previous fall. The Department of Revenue will then determine the total amount of the credit and will provide to the treasurer from current collections an amount of funds equal to such determination. Upon notification from the Department of Revenue, the treasurer will deposit or transfer such funds into the Higher Education Initiatives Fund.

Legal Citation

R.S. 47:6039

Origin

Acts 2015, No. 140

Effective Date

June 19, 2015

Sunset Date

July 1, 2020

Beneficiaries

Students enrolled at a public institution of higher education

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this credit is shown in the listing of credits for individual income tax and includes the total revenue loss for individual income, sales and use, gasoline, and special fuels taxes.

{ Refunds }

177. Sales Tax Remitted on Bad Debts from Credit Sales

This refund provision grants financial relief to vendors who remit sales taxes to the state that they are subsequently unable to collect from their customers. The sales tax bad-debt recovery provision does not include rentals and leases. The purpose of this refund was to allow taxpayers a refund of sales taxes remitted to the Department, but not collected from their customers.

Legal Citation

R.S. 47:315

Origin

Acts 1976, No. 153; amended by Acts 1985, No. 516

Effective Date

July 20, 1976

Beneficiaries

Vendors who have remitted the tax on credit sales of tangible personal property that ultimately was uncollectible from their customers.

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

During fiscal year 2014-2015, \$337,247 in sales tax refunds were issued for bad debts on credit sales. We are unable to predict the future fiscal effect.

Sales Tax

{ Refunds }

178. State Sales Tax Paid on Property Destroyed in a Natural Disaster

This refund provision gives financial assistance to persons who have suffered uninsured losses in natural disasters. The sales tax paid on destroyed property can be refunded upon the filing of a proper claim. The refund is based upon taxes paid by the owner on the destroyed property. The purpose of this refund is to provide financial relief to persons who have suffered uninsured losses in natural disasters.

Legal Citation

R.S. 47:315.1

Origin

Acts 1970, No. 592; amended by Acts 1972, No. 592; Acts 1973, No. 60

Effective Date

August 17, 1969

Beneficiaries

Owners of property destroyed by a natural disaster in an area determined by the President of the United States to need federal assistance.

Administration

The documentation submitted for tax claims is generally incomplete; claims that appear to be reasonable and probable are honored. Under the present system, there is no correlation between need and eligibility for refunds. A better system could probably be devised for giving aid to persons adversely affected by natural disasters.

Estimated Fiscal Effect

During fiscal year 2013-2014 in sales tax refunds issued to victims of natural disasters were negligible. We are unable to predict the future fiscal effect.

179. Materials Used in the Construction, Restoration, or Renovation of Housing in Designated Areas

This refund provision offers a financial incentive to persons who renovate, restore, or rehabilitate existing structures or who construct new housing in certain blighted areas of the state. These areas are determined by local governing authorities. The purpose of this refund provision is to encourage people to improve the conditions of the blighted areas.

Legal Citations

R.S. 47:315.2, R.S. 40:582.1-582.7, R.S. 47:1515.1

Origin

Acts 1984, No. 292

Effective Date

September 3, 1984

Beneficiaries

People engaged in construction or renovation of real property in certain blighted areas of the state

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate. No refunds issued in previous years.

Sales Tax

{ Refunds }

180. Purchases or Leases of Durable Medical Equipment Paid by or Under Provisions of Medicare

This refund provision allows a person paying tax on the purchase or rental of durable medical equipment that is paid by or under the provisions of Medicare to request a refund of the state taxes paid. Most qualifying purchases are already exempted from the state sales tax under pertinent provisions of R.S. 47:305(D). However, leases are not.

Legal Citation

R.S. 47:315.3

Origin

Acts 1994, No. 25

Effective Date

August 15, 1994

Beneficiaries

Purchasers and lessees of qualifying durable medical equipment

Administration

The purpose of this provision is achieved in a fiscally effective manner. Lessors who lease durable medical equipment that is directly paid for by Medicare are allowed to exempt the lease payments from the sales tax.

Estimated Fiscal Effect

During fiscal year 2014-2015, \$504,664 in sales tax refunds were issued for the purchase or lease of qualifying durable medical equipment. We are unable to predict the future fiscal effect.

181. Sales Tax Collected by a Qualified Charitable Institution

This provision allows a restricted refund of sales tax collected by a qualified charitable institution on the sale of donated tangible personal property or items made from donated property. The refund must be used exclusively in Louisiana for land acquisition, capital construction, or equipment, or related debt service or job training, job placement, employment, or other related community services and support program costs.

Legal Citation

R.S. 47:315.5

Origin

Acts 2007, No. 464

Effective Date

January 1, 2008

Beneficiaries

Qualified charitable institutions that sell donated tangible personal property or items made from donated property.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

Unable to anticipate. No refunds issued in previous years.

Sales Tax

{ Refunds }

182. Louisiana Tax Free Shopping Program

This provision offers refunds of state and local sales taxes on certain purchases to international tourists to encourage increased tourism in Louisiana. By paying an annual \$100 fee, merchants will be included in a listing of tax-free stores that is distributed to international tourists. The purpose of the refund provision is to encourage tourists to purchase goods in Louisiana, which in turn benefits the retail dealers.

Legal Citation

R.S. 51:1301

Origin

Acts 1988, No. 535; amended Acts 2001, 1st Ex. Sess. No. 7; Acts 2004 1st Ex. Sess., No. 14; Acts 2006, No. 76; Acts 2008, No. 232

Effective Date

July 8, 1988

Sunset Date

July 1, 2013

Beneficiaries

International tourists who travel and make purchases in Louisiana and the merchants who participate in the program

Administration

A commission was created to organize the program and appoint a refund agency to issue tax refunds to departing tourists.

Estimated Fiscal Effect

During fiscal year 2014-2015, \$1,064,014 in sales tax refunds were issued under this program. We are unable to predict the future fiscal effect.

{ State Exemptions with Prohibitions on Taxation }

183. Sale of Gasoline, Gasohol, and Diesel

The Louisiana Constitution prohibits the taxation of fuel that is subject to the road-use excise tax. This excludes most fuel sales, as most gasoline, gasohol, and diesel will be subject to road use tax. Gasoline, not subject to road use excise tax, is exempt from taxation of sales tax under R.S. 47:301(D)(1)(a). Gasohol, not subject to road use excise tax, is exempt from taxation under R.S.47:305.28 for gasohol produced, fermented, and distilled in Louisiana. The fiscal effect of the constitutional exclusion is shown in this section. The purpose of this prohibition is to give a tax-break to consumers.

Legal Citation

La. Const. art. VII, § 27

Origin

Constitutional Amendment

Effective Date

January 1, 1990

Beneficiaries

Consumers of road use gasoline and gasohol

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$366,549,000	\$373,880,000

Sales Tax

{ State Exemptions with Prohibitions on Taxation }

184. Purchases Made with Food Stamps and WIC Vouchers

This exemption allows tax-free purchases of eligible food items if purchased with USDA food stamps or Women, Infants, and Children's (WIC) vouchers. The federal government issues food stamps and WIC vouchers to qualified participants to purchase eligible food items. States are not allowed to tax these purchases as a requirement for receiving federal funding for the food stamp and WIC programs. Repeal of this exemption would cost the state federal food stamp funding. The purpose of this exemption is to comply with the federal government's restrictions.

Legal Citation

R.S. 47:305.46

Origin

Acts 1986, No. 1028

Effective Date

October 1, 1987

Beneficiaries

Purchasers using food stamps and WIC vouchers

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

\$0; A constitutional amendment was passed on November 5, 2002, that fully exempted sales of food for preparation and consumption in the home effective July 1, 2003. Food items eligible to be purchased with food stamps or WIC vouchers would be exempted under the food exclusion.

185. Credit for Sales and Use Taxes Paid to other States on Property Imported into Louisiana

This credit allows a person or company to reduce any use tax due by the equivalent sales/use tax lawfully paid to another qualified state. In order to qualify, the other state must allow a similar credit for Louisiana taxes and the tax charged must be similar in nature. The state of Louisiana has entered into agreements with other states to allow similar credits for Louisiana residents. The purpose of this provision is to reciprocate for the credit allowed by other states.

Legal Citation

R.S. 47:303(A)(3)(a)

Origin

Acts 1964, No. 171; amended Acts 2005, No. 394

Effective Date

July 29, 1964

Beneficiaries

Persons and companies importing property into this state

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this prohibition on taxation is included in the Five-Year Revenue Loss chart in the row labeled other exemptions.

Sales Tax

{ State Exemptions with Prohibitions on Taxation }

186. Credit for Use Tax Paid on Automobiles Imported by Certain Members of the Armed Services

This provision allows a credit to Louisiana residents, who have served in the armed services for two years or more, for sales taxes paid on automobiles. This credit will be honored for state and local taxes paid to any other state. The purpose of this credit is to provide financial assistance to members of the armed services.

Legal Citation

R.S. 47:303(A)(3)(a)

Origin

Acts 1965, No. 122; amended Acts 2005, No. 394

Effective Date

July 28, 1965

Beneficiaries

Louisiana residents who serve in the armed services

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

187. Use of Vehicles in Louisiana by Active Military Personnel

This exemption allows active military personnel to transfer motor vehicles into Louisiana exempt from sales tax under the following conditions:

- the personnel is on active duty in Louisiana;
- sales tax was collected in the state that the vehicle was purchased; and,
- the purchaser was a resident or stationed on military duty in the state that the vehicle was purchased.

The vehicle becomes subject to Louisiana sales tax when the person leaves active military service. A credit is allowed for taxes paid to other states under R.S. 47:303(A). This statute is similar to provisions of the Federal Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. 574). Because of the provisions of the federal act, the credit allowed for taxes paid other states is not expected to create an additional loss of tax revenues. The purpose of this provision is to reciprocate for the credit allowed by other states.

Legal Citation

R.S. 47:305.48

Origin

Acts 1989, No. 435

Effective Date

September 3, 1989

Beneficiaries

Active military personnel

Administration

The purpose of this provision is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

Sales Tax

{ State Exemptions with Prohibitions on Taxation }

188. Sales of Food for Preparation and Consumption in the Home

The Louisiana Constitution prohibits the taxation of food sold for preparation and consumption in the home. The constitutional amendment was passed on November 5, 2002, with the full exclusion effective July 1, 2003. Sales of prepared foods by grocery stores, department stores, variety stores, drug stores, delicatessens, convenience stores, meat markets, seafood markets, and similar businesses do not qualify for the exclusion and are subject to the state sales tax. The purpose of this prohibition is to provide financial relief to the general public on food purchases.

Legal Citation

La. Const. art. VII, § 2.2

Origin

Constitutional Amendment

Effective Date

January 1, 2003

Beneficiaries

The general public

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$436,740,000	\$445,475,000

189. Sales of Electric Power or Energy to the Consumer for Residential Use

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion effective July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of electrical utility services.

Legal Citation

La. Const. art. VII, § 2.2

Origin

Constitutional Amendment

Effective Date

January 1, 2003

Beneficiaries

Residential consumers of electrical utility services

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$164,407,000	\$167,696,000

Sales Tax

{ State Exemptions with Prohibitions on Taxation }

190. Sales of Natural Gas to the Consumer for Residential Use

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion effective July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of natural gas.

Legal Citation

La. Const. art. VII, § 2.2

Origin

Constitutional Amendment

Effective Date

January 1, 2003

Beneficiaries

Residential consumers of natural gas

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 189, Sales Tax Section.

191. Sales of Water to the Consumer for Residential Use

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion effective July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of water utility services.

Legal Citation

La. Const. art. VII, § 2.2

Origin

Constitutional Amendment

Effective Date

January 1, 2003

Beneficiaries

Residential consumers of water utility services

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect

See number 189, Sales Tax Section.

Sales Tax

{ State Exemptions with Prohibitions on Taxation }

192. Drugs Prescribed by Physicians or Dentists

This exemption allows drugs prescribed by a physician or dentist and drugs that are dispensed to patients by hospitals under orders of the physician to be purchased free from sales tax. Drugs as defined in R.S. 47:301(20) include all pharmaceuticals and medical devices which are prescribed for use in the treatment of any medical disease. On November 5, 2002, voters approved a constitutional amendment that prohibits the taxation of prescription drugs. The purpose of this prohibition is to provide financial assistance to consumers.

Legal Citation

La. Const. art. VII, § 2.2

Origin

Constitutional Amendment

Effective Date

January 1, 2003

Beneficiaries

Individuals who purchase prescription drugs and hospitals.

Administration

The purpose of this prohibition is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$306,837,000	\$312,973,000

Tax Incentives and Exemption Contracts

Tax Incentives and Exemption Contracts

{ Introduction }

The Department of Economic Development (LED) administers various tax exemptions and incentive programs for the benefit of qualifying businesses. The State Board of Commerce and Industry is responsible for reviewing and approving or disapproving applications for many of the tax incentive programs administered by the LED.

Depending on the legislative intent, businesses must meet specific criteria to be eligible for the various tax exemption and incentives and once approved, must continue to comply with the program guidelines to maintain eligibility. The purpose of these tax exemption and incentive contracts is to encourage specific economic development.

Types of Tax Exemptions

Tax exemptions can be in the form of sales and use tax rebates and exemptions, rebates and credits for income taxes, corporation franchise tax, and other taxes imposed by the state.

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 104 amended Section 3 of Act No. 414 of the 2011 Regular Session of the Legislature of Louisiana to extend the Angel Investor Tax Credit Program from July 1, 2015, to July 1, 2017. Beginning with claims for the credit on returns filed on or after 7/1/15, the Angel Investor tax credit is reduced from 35% to 25.2%. The annual investment cap per Louisiana Entrepreneurial Business ("LEB") is reduced from \$1 million per year to \$720,000 per year. The total investment cap per LEB is reduced from \$2 million total per business to \$1.44 million total per business. The program cap is reduced from \$5 million per year to \$3.6 million per year. These changes are effective for three fiscal years, from 7/1/15 through 6/30/18. Effective June 19, 2015.

Acts 2015, No. 114 changed eligibility requirements for Enterprise Zone Contracts to receive sales tax rebates and income tax credits. Provides that notwithstanding any other provision of law to the contrary, a retail business which is assigned a North American Industry Classification Code of 44, 45, or 72 (retailers and food services sector) and whose contract is not entered into before July 1, 2015, shall be ineligible to receive benefits pursuant to the provisions of this section, unless the related advance notification form was filed before June 10, 2015. If the related advance notification form was filed before June 10, 2015, benefits are available provided the related claim for benefits is filed on or after July 1, 2016. This program change is permanent until changed by future Act of the legislature. Effective June 19, 2015.

Acts 2015, No. 125 reduces certain income tax credits. The reductions are applicable when claimed on any return filed on or after July 1, 2015, but before June 30, 2018, regardless of the taxable year to which the return relates, unless the credit is claimed under one of the following scenarios:

- The filing of an amended return filed on or after July 1, 2015, but before June 30, 2018 when the amendment relates to a credit previously claimed on an original return filed prior to July 1, 2015.
- The filing of an original return on or after July 1, 2015 but before the extended due date for which a filing extension has been allowed prior to July 1, 2015. In such an instance, any portion of the credit reduced by the provisions of Section 1, 2, & 3 of Act 125 shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018 and 2019.
- The Act contains specific and controlling language regarding the effective date of the reductions to the credits in the applicable statute and is listed in this summary.
- Any reductions made pursuant to Act 125 are prohibited from being added to any carry forward provision allowed by law except as provided by Section 7(C) of Act 125.

Acts 2015, No. 126 made several significant changes to various Louisiana Tax Rebate Programs. The changes are outlined below:

- For the Louisiana Enterprise Zone Rebates, a retail business which is assigned a North American Industry Classification Code of 44, 45, or 722 and whose contract is not entered into before July 1, 2015, shall be ineligible to receive benefits unless the related advance notification form was filed before July 1, 2015. If the related advance notification form was filed before July 1, 2015, benefits are available provided the related claim for benefits is filed on or after July 1, 2016. Effective July 1, 2015 and supersede those of House Bill 466 of the 2015 Regular Session of the Louisiana Legislature.
- For the Louisiana Quality Jobs Rebates, for projects for which an advance notification was filed on or after July 1, 2015, the rebate is reduced from one-hundred percent to eighty percent of the gross payroll of new direct jobs. Effective July 1, 2015 through June 30, 2018.

Tax Incentives and Exemption Contracts

{ Introduction }

- For the Corporate Headquarters Relocation Program, with respect to projects for which an invitation to apply is extended by the secretary on or after July 1, 2015, the rebate to the qualified business is reduced from twenty-five percent to twenty percent of relocation costs. Effective July 1, 2015 through June 30, 2018.
- For the Competitive Projects Payroll Incentive Program, with respect to projects for which an invitation to apply is extended by the secretary on or after July 1, 2015, the percentage of new payroll eligible for rebate is reduced from fifteen percent to twelve percent and the project facility expense rebate is reduced from one and one half percent to one and two-tenths percent of the amount of qualified capital expenditures for the facility or facilities designated in the contract. Effective July 1, 2015 through June 30, 2018.

Acts 2015, No. 133 changed the Research and Development credit in which any taxpayer who employs fifty or more persons and claims for the taxable year a federal income tax credit under 26 U.S.C. 41(a) for increasing research activities can be granted a nonrefundable tax credit. Also, any taxpayer who employs less than fifty persons and claims for the taxable year a federal income tax credit under 26 U.S.C. 41(a) for the taxable year, or meets additional requirements, may be granted the credit. Effective June 19, 2015.

Motion Picture Investor/Production Company Tax Credit Program (as summarized by the Louisiana Department of Economic Development)

The following legislation from the 2015 Legislative session made significant changes to the motion picture investor tax credit program: Acts 129, 134, 141, 142, 143, 144, 361, 412, 417, 425, 451 and 452.

- **Caps & Limitations (Act 134)**

Individual salary: For state-certified productions initially certified on or after July 1, 2015, payroll payments made directly to an individual shall exclude any portion of an individual salary in excess of \$3 million. (Payments made to a loanout company are not subject to this cap.)

Individual project: For state-certified productions initially certified from July 1, 2015 through June 30, 2018, the maximum amount of credits that may be certified by LED for a single state-certified production shall not exceed \$30 million, which may be structured over two or more years.

Claims cap: Effective July 1, 2015, for fiscal years 2016-2018, tax credit claims and transfers to the State (buy-back) shall be limited by the Department of Revenue (LDR) to an aggregate of \$180 million each fiscal year.

The state shall not buy-back any motion picture investor tax credits from July 1, 2015 through June 30, 2016.

- **CPA Selection (Act 412)**

Final certification requests after 12/31/15: For applications for initial certification or requests for final certification received on or after January 1, 2016, LED shall directly engage and assign a CPA to prepare a production expenditure verification report on an applicant's cost report on production expenditure. The applicant will be assessed LED's actual cost for the production expenditure verification report fee and shall make all records related to the tax credit application available to LED and the CPA.

Final certification requests before 1/1/16: State-certified productions initially certified prior to July 1, 2015, requesting final certification prior to January 1, 2016, may:

- engage a CPA of their choice and submit an audit with their request for final certification prior to December 31, 2015, or
- elect to use a CPA assigned by LED on or after January 1, 2016, but must submit the advance deposit with the request for final certification.

- **Fees (Acts 129, 144, 361, 412 & 425)**

Application fee: For applications for initial certification received on or after July 1, 2015, the fee for filing an application shall be equal to 0.5% of the amount of the incentives or exempted taxes, with a minimum of \$500 and a maximum of \$15,000.

Advance deposit for verification report fee: For applications for initial certification received on or after July 1, 2015, in addition to the application fee, an applicant shall also submit an advance deposit not to exceed \$15,000.

Tax Incentives and Exemption Contracts

{ Introduction }

Verification report fee: For applications for initial certification or requests for final certification received on or after January 1, 2016, applicants shall be responsible for and assessed the actual cost of a verification report completed by a CPA assigned by LED, at a cost not to exceed \$15,000 for productions with expenditures ranging from \$300,000 to \$25 million and \$25,000 for projects in excess of \$25 million.

Supplemental verification report fee: For applications for initial certification received on or after January 1, 2016, which include notification of postproduction activities occurring in LA, a supplemental request for certification of expenditures may be submitted, with additional costs to be borne by the applicant as further provided by rule.

Payroll withholding report fee: For state-certified productions initially certified on or after January 1, 2016, a \$200 fee shall be payable to LDR at time of request for final certification.

- **Qualifying (Act 134)**

For state-certified productions initially **certified** on or after July 1, 2015:

Expenditures: Marketing and promotion expenses shall be a qualifying expense category for certain expenditures made in Louisiana.

Applicants: "Louisiana indigenous production" expending \$50,000 to \$300,000, upon meeting certain Louisiana payroll requirements shall be eligible for a tax credit of 30% of base investment.

Projects: State-certified productions meeting certain criteria may aggregate a slate of no more than three productions to reach the \$300,000 threshold for participation in the program.

- **Non-qualifying (Acts 129, 134, 141, 142, 143, 144 & 412)**

Expenditures:

- Louisiana Screenplay related party transactions – RPT expenditures do not qualify for the Louisiana screenplay credit.
- Above the Line (ATL) services – For applications for initial certification received by the office on and after July 1, 2015, ATL expenditures exceeding 40% shall not qualify for credits.
- ATL services – For state-certified productions initially certified on or after December 31, 2015, ATL related party transactions exceeding 12% shall not qualify for credits.
- Verification report fee – shall not qualify for credits.
- Airfare – For applications for initial certification received by the office on and after July 1, 2016, airfare expenditures shall not qualify for credits.
- Bond fees, insurance premiums, finance fees, loan interest fees – For applications for initial certification received by the office on and after July 1, 2016, these expenditures shall not qualify for credits, except fees paid to certain Louisiana companies, based on the relative percentage of production activity occurring in Louisiana.
- Additional credits (Act 134)
- Screenplay: State-certified productions based upon a screenplay which meet certain Louisiana ownership criteria shall be eligible for an additional 15% credit of base investment. (*No credits will be certified for the additional screenplay credit until promulgation of rules providing additional criteria for qualification.)
- Music: State-certified productions utilizing music meeting certain Louisiana ownership criteria shall be eligible for an additional credit of 15% of base investment to the extent of music expenditures. (No credits will be certified for the additional music credit until promulgation of rules providing additional criteria for qualification.)
- Louisiana resident payroll: Compensation for services paid directly to a Louisiana resident shall be eligible for a 10% credit (payments made to a loan-out company are not eligible for this credit).
- Miscellaneous Provisions (Acts 129, 144, 417 & 425)

Tax Incentives and Exemption Contracts

{ Introduction }

- Timely submission of requests for final certification: For state-certified productions initially certified on or after July 1, 2015; only expenditures made during the initial certification period shall earn credits. Initial certifications shall be effective for qualifying expenditures made within 12 months prior and 24 months after the date of initial certification. Only one request for final certification may be made, no later than six months after expiration of the initial certification. However, applicants who have indicated that post-production activities will occur in Louisiana may submit a supplemental request for final certification of such expenditures.

Tax Incentives and Exemption Contracts

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Tax Incentives and Exemption Contracts

1. Atchafalaya Trace Heritage Area Development Zone Tax Exemption

This program is directed at small businesses that make use of the natural, cultural and historic assets of the Heritage Area.

The Board of Commerce and Industry, after receiving approval from the review board consisting of the secretaries of the Department of Revenue and Culture, Recreation and Tourism, chairmen of the Atchafalaya Trace Heritage Area Commission, House Committee on Ways and Means, and Senate Revenue and Fiscal Affairs Committee and the executive director of the Atchafalaya Trace Commission, and with the approval of the governor, may enter into contracts with heritage-based cottage industry concerns located in the development zone to grant tax credits to promote economic development and the creation of new jobs.

Qualifications

- The business must be located in heritage area development zone that covers the 13 parishes of Assumption, Avoyelles, Concordia, East Baton Rouge, Iberia, Iberville, Lafayette, Pointe Coupee, St. Landry, St. Martin, St. Mary, Terrebonne, and West Baton Rouge.
- The owner of the business must be a resident of the heritage area development zone.
- The business must make sustainable use of the cultural or natural heritage of the Heritage Area for purposes which include interpreting, accessing, developing, promoting, or reinforcing the unique character and characteristics of the heritage area.

Tax Credit

The tax credits that may be granted are:

- a \$750 credit for the business; and
- a \$750 credit for each net new hires of one full-time or two part-time employee for a position that did not previously exist, and new employee must have been resident of the heritage area for at least 30 days prior to employment.
- Effective August 15, 2007 both credits may be granted for up to \$1,500.

The credits can be claimed against individual income tax or corporation income or franchise taxes and the tax credit contracts are for five years.

1. Atchafalaya Trace Heritage Area Development Zone Tax Exemption (continued)

Legal Citation

R.S. 25:1226 et seq.

Regulations

LAC 25:XI.101 et seq.

Origin

Acts 2002 1st Ex. Sess., No. 112 ; amended by Acts 2007, No. 299; Acts 2011, No. 112

Effective Date

January 1, 2003

Sunset Date

No new applications to receive tax exemptions or credits will be accepted on or after January 1, 2014.

Beneficiaries

Heritage-based cottage industry located in the development zone

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, less than \$10,000 in tax credits were claimed.

Tax Incentives and Exemption Contracts

2. Brownfields Investor Tax Credit

The purpose of the brownfields investor tax credit is to stimulate environmental economic development in Louisiana by encouraging the cleanup, redevelopment, and productive reuse of brownfields sites in the state. A brownfields site is an identified area in the state for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Application and Approval

- Applications for the brownfields investor tax credits for remedial investigations and remediation actions must be jointly submitted to LED and the Department of Environmental Quality (DEQ).
- Upon receipt of the application, DEQ will issue a site specific identification number, which will be forwarded to LED and the Board of Commerce and Industry.
- Within 30 days of receipt of the application, DEQ will file any objections with the LED.
- The Board of Commerce and Industry will then make its recommendations to the governor for a final determination of the request for the tax credit.
- After approval by the governor, the applicant may proceed with the voluntary remedial investigation with DEQ's oversight.
- After a satisfactory demonstration that the voluntary remedial investigation is complete, DEQ will approve the remedial investigation report and issue a certificate of completion to the taxpayer-applicant and forward it to the LED secretary, the Board of Commerce and Industry, and the secretary of the Department of Revenue.
- The certificate of completion will entitle the taxpayer to the 15 percent investigation tax credit
- After approval by the governor of a voluntary remediation tax credit application, the applicant may proceed with his voluntary remediation action.

2. Brownfields Investor Tax Credit (continued)

- After satisfactory demonstration that the voluntary remedial action has been accomplished and DEQ approves the voluntary remediation action report, DEQ will issue a certificate of completion to the taxpayer-applicant and shall forward a copy to the LED secretary and the secretary of the Department of Revenue.

Investor Tax Credit

Taxpayers are allowed a credit against state income tax for the investment in a voluntary remediation action or a voluntary remedial investigation as follows:

- 15 percent of the total investment on the certified completion date of a voluntary remedial investigation at a state-certified site.
- 25 percent of the total investment on the certified completion date of a voluntary remediation action at a state-certified site.
- Tax credits may never exceed the total investment in the site.

Provisions effective for all taxable periods beginning on or after January 1, 2008.

Acts 2007, No. 392 amends 47:6021 as follows:

- 15 percent of the total investment made in a voluntary remedial investigation at a state-certified site.
- 50 percent of the total investment made in a voluntary remediation action at a state-certified site.

The Act also makes the brownfields tax credit transferable and provides that no credit will be allowed for any expenditures for which a taxpayer receives a credit, rebate, or other tax incentive granted by the state under any other provision of law.

Application of Tax Credits

- All entities taxed as corporations for state tax purposes must claim credit on their corporation income and franchise tax return.
- Individuals must claim credit on their individual income tax return.
- Estates or trusts must claim credit on their fiduciary income tax returns.

Tax Incentives and Exemption Contracts

2. Brownfields Investor Tax Credit (continued)

- Entities not taxed as corporations must claim credit on the partner's tax returns

Credit may be taken against the income tax for the taxable period in which the credit is earned and if the tax credit exceeds the amount of taxes due, any unused credit may be carried forward for ten years.

Recapture of Credits

- If the secretaries of DEQ or the Department of Revenue find that funds for which a taxpayer received credits are not invested in and expended with respect to a state-certified assessment or remediation then the investor's state income tax for the taxable period will be increased by the amount necessary for the recapture of credit
- Taxpayer applying for the credit will be required to reimburse DEQ for audits or recapture of credits.
- Credits previously granted to a taxpayer may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561.
- The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original due date of the return on which the credit was taken.

Ineligible Participants

No corporation or partnership including any company owned, affiliated, or controlled, in whole or in part, by any company or person that is a responsible person or is in default on a loan made by the state or a loan guaranteed by the state, or any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy will be eligible to receive this tax incentive.

Legal Citation

R.S. 47:6021

Origin

Acts 2005, No. 156 ; amended by Acts 2007, No. 392

Effective Date

July 1, 2005

Sunset Date

No new credits can be granted after December 31, 2009

2. Brownfields Investor Tax Credit (continued)

Beneficiaries

Taxpayers that invest in a qualifying voluntary remediation action or a voluntary remedial investigation benefit by the tax credit. Citizens of the state benefit by the cleanup, redevelopment, and productive reuse of brownfields sites in the state.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the income tax credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income Tax	\$445,410	86.81%
Individual Income Tax	\$67,671	13.19%
Total	\$513,081	100.00%

Tax Incentives and Exemption Contracts

3. Cane River Heritage Tax Credit

This program is directed at small businesses that make use of the natural, cultural and historic assets of the Cane River Heritage Area.

The Department of Culture, Recreation and Tourism may enter into contracts for periods not exceeding five years with a heritage-based cottage industry in order to facilitate the tax credits authorized by this Section. No contract shall be granted for any exemptions or credits which are not directly related to the concern located within the development zone, and no tax exemption or credit shall be granted for any tax or portion of a tax applicable to operations or activities of a concern located outside of the development zone.

Qualifications

- The business must be located in heritage area development zone
- The business must make sustainable use of the cultural or natural heritage of the Heritage Area for purposes which include interpreting, accessing, developing, promoting, or reinforcing the unique character and characteristics of the heritage area.

Tax Credit

The credits that may be granted are:

- a \$1,500 credit for the business, and
- a \$1,500 credit for each net new hires of one full-time or two part-time employee for a position that did not previously exist, and new employee must have been resident of the heritage area for at least 30 days prior to employment.

Legal Citation

R.S. 47:6026

Origin

Acts 2007, No. 299 ; amended by Acts 2008, No. 743; Acts 2011, No. 56; amended by Acts 2013, No. 304

Effective Date

August 15, 2007

Sunset Date

No new applications to receive tax exemptions or credits will be accepted on or after January 1, 2018.

Beneficiaries

Individuals and businesses engaged in heritage-based commercial activities in the Cane River Heritage area.

3. Cane River Heritage Tax Credit (continued)

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15 no tax credits were claimed.

Tax Incentives and Exemption Contracts

4. LA Community Economic Development

LED may approve a tax credit against income and corporation franchise tax for 25 percent of the money donated, contributed, or represented by a sale below cost by the taxpayer to a certified community development corporation or a certified community development financial institution.

The credit is limited to:

- \$500,000 per year per individual or
- \$1 million per year per business and
- \$1 million total per individual and \$2 million total per business.

The tax credit for businesses will be divided in equal portions for five years.

Any donation or contribution of cash to a certified community development corporation or to a certified community development financial institution will not qualify for this tax credit unless approved and accepted by the governing board of the certified community development corporation or the certified community development financial institution, and certified by LED.

Legal Citation

R.S. 47:6031

Origin

Acts 2007, No. 374

Effective Date

July 10, 2007

Sunset Date

August 15, 2010

Beneficiaries

The certified community development corporation or certified community development financial institution receiving the donation and the individual or business making the donation.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the income tax credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income Tax	\$10,604	82.50%
Individual Income Tax	\$2,250	17.50%
Total	\$12,854	100.00%

5. Ports of Louisiana Tax Credits

The purpose of these credits is to encourage private investment in and the use of state port facilities in Louisiana. Because public funding sources for ports and port infrastructure facilities have not kept pace with the need to expand our ports and port facilities, it is determined that private investment and public-private partnerships should be encouraged as a means to assist the state in financing improvements to our state ports and port infrastructure facilities. The credits are as follows:

1. Ports of Louisiana Investor tax credit for the total capital costs of a qualifying project
 - LED will issue a credit for a qualifying project if the commissioner of administration, after approval of the Joint Legislative Committee on the Budget, and the state bond commission certifies to LED securing the project will result in a significant positive economic benefit to the state.
 - After certification from the commission, LED may grant a tax credit up to the total capital costs of a qualifying project to be taken at up to five percent per tax year or shall grant such other amount of tax credit to be taken at such other percentage which is warranted by the significant positive economic benefit determined by the commissioner, but no tax credit granted for a qualifying project shall exceed \$2.5 million per tax year; however, the total amount of credits granted on a qualifying project cannot exceed the total cost of the project. In addition, the Investor Tax Credits granted by the department to any recipient pursuant to this Section shall be limited to an amount which shall not result in a reduction of tax liability by all recipients of such credits to exceed \$6.25 million in any fiscal year.
 - Investors earn the credit at the time expenditures are made, but no credits can be applied against a tax liability until July 1, 2014 and not until the project is approved by and LED certifies cost expenditures. LED will certify capital cost expenditures no less than twice during the duration of the qualifying project unless the investing company agrees, in

Tax Incentives and Exemption Contracts

5. Ports of Louisiana Tax Credits (continued)

writing, to reimburse the LED for the costs of any additional certifications.

- Prior to issuance of any tax credit, a cooperative endeavor agreement shall be fully executed between the investing company or entity proposing the qualifying project and the public port in whose geographic jurisdiction the proposed qualifying project is to be located indicating cooperation and support among all of the parties.
- Unused credits may be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.

2. Ports of Louisiana Import Export Cargo credit

- Taxpayers must apply to and receive certification from LED
- Taxpayers eligible for certification include those international business entities which provide to the department a verified statement of cargo volume data for the calendar year prior to the year of the application, specifically including the total annual volume and tons of breakbulk or containerized cargo imported and exported from or to, manufacturing, fabrication, assembly, distribution, processing, or warehousing facilities located in Louisiana.
- An applicant whose exports and imports are limited to bulk commodities does not qualify.
- LED will provide a statement of certification to each taxpayer that is certified for the credit after approval of the Joint Legislative Committee on the Budget and the state bond commission. The certification, which is also sent to LDR, will contain the taxable year or years for which the taxpayer is allowed the credit and the amount of tax credit allocated for such taxable year or years.
- The credit is equal to the product of multiplying five dollars by the taxpayer's number of tons of qualified cargo for the taxable year which exceeds the pre-certification tonnage or the product of multiplying the number of dollars by the taxpayer's number of tons of qualified cargo for the taxable year or portion of a taxable year which exceeds the pre-certification tonnage which is warranted by the significant positive economic benefit determined by the commissioner, whichever is less. In addition, the Import-Export Cargo Credits granted by the department to any recipient shall be limited to an amount which shall not result

5. Ports of Louisiana Tax Credits (continued)

in a reduction of tax liability by all recipients of such credits to exceed six million two hundred fifty thousand dollars in any fiscal year.

- Credits will be allowed if the commissioner of administration certifies to LED that the increased utilization of public port facilities and other activity in Louisiana associated with the import or export of the international business entities qualified cargo will result in a positive economic benefit to the state and such certification is approved by the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014, and the state bond commission.

Application of Credits

- Individuals must claim credit on their individual income tax return.
- Estates or trusts must claim credit on their fiduciary income tax returns.
- Entities taxed as corporations will claim credit on their corporation income and franchise tax return.
- Entities not taxed as corporations will claim the credit on the returns of the partners or members.

Legal Citation

R.S. 47:6036

Origin

Acts 2009, No. 474; amended by Acts 2011, No. 146; amended by Acts 2013, No. 431; Acts 2015, No. 125, §2, eff. July 1, 2015; §5, eff. July 1, 2018; Acts 2015, No. 357, §1, eff. June 29, 2015.

Effective Date

August 15, 2009, for taxable periods beginning on or after January 1, 2009.

Sunset Date

January 1, 2020

Beneficiaries

Port facilities in the state

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15 no tax credits were claimed.

Tax Incentives and Exemption Contracts

6. Motion Picture Investor Tax Credit

The purpose of the tax credit is to encourage development in Louisiana of a strong capital base for motion picture production in order to achieve an independent, self-supporting industry.

Louisiana's Motion Picture Investor Tax Credit provides motion picture productions up to a 30% transferable tax credit on total qualified in-state production expenditures, including resident and non-resident labor. The program offers additional credits for productions using in-state labor, Louisiana music and productions based upon a Louisiana screenplay.

- Provides up to a 40% transferable tax credit.
- \$50,000 threshold for local Louisiana productions meeting certain qualifications.
- \$300,000 minimum in-state expenditure requirement.
- For fiscal years 2016-2018 the maximum amount of credits that can be claimed per fiscal year is \$180 million.
- Tax credits may be used to offset personal or corporate income tax liability in Louisiana.
- Tax credits may be transferred to Louisiana taxpayers.
- Tax credits may be transferred back to the State for 85% of face value; however, the state is not accepting transfers between July 1, 2015 and June 30, 2016.

Application of the credit

- Individuals, estates, and trusts will claim the credit on their individual income tax return.
- Entities taxed as corporations will claim the credit on their corporation income tax return.
- Entities not taxed as corporations will claim the credit on the returns of the partners or members.

Transferability of the credit

- Any 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 state.
- For projects receiving initial certification on and after July 1, 2009, the investor who earned the motion picture investor tax credits may transfer the credits to the state for 85 percent of the face value of the credits.
- The transferee will apply the credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.

6. Motion Picture Investor Tax Credit (continued)

Legal Citation

R.S. 47:6007

Origin

Acts 1992, No. 894; amended by Acts 1997, No. 658; Acts 2002, 1st Ex. Sess., No. 6; Acts 2003, No. 551; Acts 2003, No. 1240; Acts 2004, 1st Ex. Sess., No. 7; Acts 2005, No. 456; Acts 2007, No. 456; Acts 2009, No. 530 and 478; Acts 2013, No. 178; amended by Acts 2014, No. 646; Acts 2015, No. 129; Acts 2015, No. 134; Acts 2015, No. 141; Acts 2015, No. 142; Acts 2015, No. 143; Acts 2015, No. 144; Acts 2015, No. 357; Acts 2015, No. 361; Acts 2015, No. 412; Acts 2015, No. 417; Acts 2015, No. 425; Acts 2015, No. 451; Acts 2015, No. 452.

Effective Date

Taxable Periods beginning on or after January 1, 1993

Beneficiaries

Investors in state-certified motion picture productions

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the type of credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Investor Credit	\$208,324,277	97.87%
Infrastructure Credit	\$4,526,295	2.13%%
Total	\$212,850,572	100.00%

Investor Credits sold to the state under the buy back provisions of R.S. 47:6007 accounted for \$4,923,371 or 2.36 percent of the total fiscal impact of the Investor Credit during the 2014-15 Fiscal Year. This is based on the date the check was issued.

Investor Credits sold to another taxpayer that was used as a payment against a liability under the provisions of R.S. 47:1675(H) accounted for \$733,330 or 0.35 percent of the total fiscal impact of the Investor Credit during the 2014-15 Fiscal Year.

Tax Incentives and Exemption Contracts

7. Research and Development Tax Credit

The purpose of the research and development tax credit is to encourage new and continuing efforts to conduct research and development activities within this state.

The Louisiana Research and Development Program provides up to a 40% tax credit on qualified research expenditures incurred in Louisiana. The Tax Credit Incentive is open to companies who have incurred research and development expenditures in Louisiana and who meet certain requirements. The program is open to companies who have incurred research and development expenditures in Louisiana and who meet certain requirements.

Louisiana has three different types of research and development applicants who earn credits at different rates and have different filing requirements:

- Increase in Louisiana Research and Development (50+ employees)
- Small Business Innovation Research Grant (SBIR/STTR)
- Less than 50 Employees

The following types of businesses that do not have a pending or issued United States patent directly related to the qualified research expenditures for which a credit is being claimed pursuant to La. R.S. 47:6015 are ineligible to apply for or receive benefits unless specifically invited by the secretary of the department to do so:

- a. professional services firms as defined by departmental rule,
- b. businesses primarily engaged in custom manufacturing and custom fabricating as defined by departmental rule.

Sale of Unused Tax Credits

For expenditures made in 2003 through 2008, taxpayers who are awarded tax credits in excess of their tax liabilities for a given year may elect to sell their unused tax credits to taxpayers with a Louisiana tax liability provided all of the following criteria are met:

Application of Tax Credits

1. The unused credits are sold for a minimum of 75 percent of the value of the tax benefits.
2. The taxpayer seeking to sell the unused credits belongs to one of the traditional or seed clusters as defined by LED.
3. The taxpayer seeking to sell the unused credit employs no more than 225 employees, of which 75 percent must be Louisiana citizens.

7. Research and Development Tax Credit (continued)

4. The sale of the tax credit must be approved by LED.
5. The purchaser of unused credits must apply the credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.
 - All entities taxed as corporations for state tax purposes must claim credit on their corporation income and franchise tax return.
 - Individuals must claim credit on their individual income tax return.
 - Estates or trusts must claim credit on their fiduciary income tax returns.
 - Entities not taxed as corporations must claim credit on the partner's tax returns

Legal Citation

R.S. 47:6015

Regulations

LAC 13:I.2901 et seq.

Origin

Acts 2002 1st Ex. Sess., No. 9; amended by Acts 2005, No. 402, Acts 2009, No. 477; Acts 2011, No. 407; Acts 2013, No. 257; Acts 2015, No. 133, §1; Acts 2015, No. 357, §1, June 29, 2015; Acts 2015, No. 361, §2, eff. July 1, 2015; Acts 2015, No. 412, §2.

Effective Date

For Income tax years beginning after December 31, 2002 and franchise tax years beginning after December 31, 2003.

Sunset Date

No credit shall be allowed for research expenditures or Small Business Innovation Research Grant funds received after December 31, 2019

Beneficiaries

Qualifying taxpayers increasing research activities in Louisiana

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Tax Incentives and Exemption Contracts

7. Research and Development Tax Credit (continued)

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the income and corporation franchise tax credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corporate Income and Franchise Tax	\$30,199,185	66.72%
Individual Income Tax	\$15,066,489	33.28%
Total	\$45,265,674	100.00%

8. Digital Interactive Media and Software Tax Credit

The purpose of the tax credit is to encourage development of a strong capital base for the production of digital interactive media in order to achieve a more independent, self-supporting industry.

Louisiana's Digital Media and Software Tax Credit provides up to a 35 percent refundable tax credit for in-state labor, coupled with up to a 25 percent refundable credit for eligible production expenses.

- No cap and no minimum requirement.
- The tax credit is available for a refund of 100% of its value claimed on Louisiana state tax return OR certified applicants can receive 85% of the value earned as a rebate any time during the year.

Application of Tax Credits

- All entities taxed as corporations for state tax purposes must claim credit on their corporation income and franchise tax return.
- Individuals must claim credit on their individual income tax return.
- Entities not taxed as corporations must claim credit on the partner's tax returns

The tax credit will be allowed against the taxpayer's income tax due for the taxable period in which the credit is earned and the immediately preceding period.

If the tax credit exceeds the amount of taxes due, any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed ten years.

The amount of the tax credit may not exceed the amount of taxes due for the taxable period.

Transferability of the Credit

For tax credits earned for expenditures made on or before December 31, 2011, any tax credits allocated to a person and not previously claimed by any taxpayer against his income tax may be transferred or sold to another person, subject to the following conditions:

- A single transfer or sale may involve one or more transferees.
- Transferrers and transferees must submit notification of any transfer or sale of tax credits to LED and LDR within 30 days after the transfer or sale of the tax credits.
- Failure to comply with the transfer requirements will result in the disallowance of the tax credit until the taxpayers are in full compliance.

Tax Incentives and Exemption Contracts

8. Digital Interactive Media and Software Tax Credit *(continued)*

- The credit transfer or sale does not extend the time in which the credit can be used.
- The transferee must apply the credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.

Legal Citation

R.S. 47:6022

Origin

Acts 2005, No. 346; amended by Acts 2009, No. 454; Acts 2011, No. 415; amended by Acts 2013, No. 418; Acts 2015, No. 125; Acts 2015, No. 357; Acts 2015, No. 412.

Effective Date

June 30, 2005

Beneficiaries

Taxpayers that invest in a state certified digital interactive media production in Louisiana benefit by this tax credit. Citizens of the state benefit from a more independent, self-supporting digital interactive media industry.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the income and corporation franchise tax credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corporate Income and Franchise Tax	\$9,349,730	71.33%
Corporate Income Rebate	\$1,267,685	9.67%
Individual Income Tax	\$2,489,402	18.99%
Total	\$13,106,817	100.00%

9. Louisiana Motion Picture Incentive Program

The purpose of the tax credit is to encourage development in Louisiana of a strong capital base for motion picture production in order to achieve an independent, self-supporting industry.

State certified motion picture production companies meeting certain criteria and certified prior to December 31, 2005 may be exempt from payment of sale and use tax and eligible for an employment tax credit in an amount issued by the Department of Economic Development.

This program sunset January 1, 2006, and is distinct from the Louisiana Motion Picture Production Tax Credit Program provided for under La. R.S. 47:6007. (See #6 above.)

Legal Citation

R.S. 47:1121 et seq., R.S. 47:301(10)(a)(vi)

Origin

Acts 1990, No. 480; amended by Acts 1998, No. 55; Acts 2001, No. 9; Acts 2002, 1st Ex. Sess., No. 1; Acts 2002, 1st Ex. Sess., No. 5; Acts 2003, No. 551; Acts 2005, No. 456.

Effective date

July 18, 1990

Sunset date

Sales tax exclusion expires January 1, 2006. Productions must be certified before December 31, 2005, to be eligible for the employment tax credit.

Beneficiaries

Qualified production companies and Louisiana residents employed by such companies. State and local economies benefit by the infusion of capital.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the income and corporation franchise tax credits, all of which are employment credits, for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income & Fran. Tax	\$256,516	23.72%
Individual Income Tax	\$824,859	76.28%
Total	\$1,081,375	100.00%

Tax Incentives and Exemption Contracts

10. Louisiana Capital Companies Tax Credit Program

The purpose of the Louisiana Capital Companies Tax Credit Program is to provide assistance in the formation and expansion of new businesses that create jobs in the state by providing for the availability of venture capital financing to entrepreneurs, managers, inventors, and other individuals for the development and operation of qualified Louisiana businesses.

Program Administration

- LED is responsible for maintaining and interpreting program policy.
- The Office of Financial Institutions (OFI) is responsible for performing the program's regulatory and examination functions.

Certification of a Capital Company

- Companies desiring certification as a Louisiana Capital Company must apply to the OFI Commissioner.
- The capitalization must be at least \$200,000.
- Within 60 days of application, the OFI commissioner will issue the certification and notify the Department of Revenue and the commissioner of insurance of the certification or refuse the certification and notify the applicant the grounds for the refusal.
- The OFI commissioner must furnish a list of persons or businesses who may claim the tax credit to the Department of Revenue and the commissioner of insurance quarterly.

Income Tax Credit or Premium Tax Reduction

- Any person who invests in the certified capital of a certified Louisiana capital company may claim either an insurance premium tax reduction or an income tax credit in the taxable year in which the investment is made.
- The income tax credit is 35 percent of the capital investment.
 1. The total income tax credits granted to all taxpayers are limited to \$2 million per calendar year.
 2. If the total credits requested exceed \$2 million during any calendar year, the tax credits will be allocated among certified Louisiana capital company groups.

10. Louisiana Capital Companies Tax Credit Program *(continued)*

- Insurance premium tax reductions are allowed as follows:
 1. For tax reduction credits granted to investors prior to January 1, 2001, the tax reduction will be applied to the premium tax liability not to exceed ten percent of the premium tax reduction in any one year until one hundred percent of the premium tax reduction has been claimed by the insurer; or
 2. For tax reduction credits granted to investors after January 1, 2001, the tax reduction will not be applied to any premium tax liability generated within two years from the date of investment and will be applied to the premium tax liability not to exceed 12 percent of the premium tax reduction in any one year until one hundred percent of the premium tax reduction has been claimed by the insurer;
 3. The tax reduction credits may not exceed the premium tax liability in any taxable year.
 4. If a holder of premium tax reduction credits does not use credits that are generated after December 31, 1999, and which are eligible to be used in a given calendar year, those premium tax reduction credits may be carried forward and used in any subsequent year until such credits are exhausted; provided, the reduction in any taxable year shall not exceed the premium tax liability for the taxable year.
 5. Tax reduction credits are not allowed for investments made after December 31, 2003.
 6. The total insurance premium tax credits granted in any calendar year may not result in an additional reduction of total premium tax revenues greater than \$5 million.
 7. If the total requests for premium tax credits exceed the \$5 million maximum amount, the premium tax credits will be allocated to the certified Louisiana capital company groups.

Tax Incentives and Exemption Contracts

10. Louisiana Capital Companies Tax Credit Program *(continued)*

Transfer of Tax Credits

- LED will provide for the transfer or sale of premium and income tax credits.
- The transfer or sale of income or premium tax credits will be restricted to transfers or sales between affiliates and sophisticated investors.
- No acquirer of tax credits will be able to use any premium tax credit earned after July 1, 2002, until at least the second anniversary of the investment date of the investment pool from which the premium tax credits were earned.
- Even though a transfer or sale of credits may involve several entities, only one election may be made during any calendar quarter.
- An investor in a certified Louisiana capital company may only transfer or sell credits once during a calendar quarter and the entity that purchases the credit may not transfer credits obtained during the quarter in which the credits are transferred or purchased.
- In any subsequent calendar year, the purchaser of the credits may make one transfer election per calendar quarter.

Corporation Income and Franchise Tax Exemption

- Any corporation that is a certified Louisiana capital company will be exempt from the corporation income tax and the corporation franchise tax for five consecutive taxable periods.
- The corporation income tax exemption begins with the taxable period in which the capital company is certified. If the corporation is certified before the beginning of its first taxable period, the exemption will begin with the corporation's first taxable period.
- The corporation franchise tax exemption begins with the next taxable period following the taxable period in which capital company is certified. If the corporation is certified before the beginning of its first taxable period, the exemptions will begin with the corporation's second taxable period.

10. Louisiana Capital Companies Tax Credit Program *(continued)*

Legal Citation

R.S. 51:1921 et seq.

Regulations

LAC 10:XV.301 et seq.

Origin

Acts 1983, No. 642; amended by Acts 1984, No. 891; Acts 1986, No. 695 and 915; Acts 1987, No. 703; Acts 1989, No. 496; Acts 1992, No. 849; Acts 1993, No. 279; Acts 1994, 3rd Ex. Sess., No. 9; Acts 1996, No. 21; Acts 1997, No. 58 and 366; Acts 1998, No. 70; Acts 2001, No. 8, 9, and 1122; Acts 2002, No. 84.

Effective Date

Taxable periods beginning after December 31, 1985

Program Termination

No capital companies may be certified to begin the program after June 30, 2003, and no capital investments may be certified after December 31, 2003.

Beneficiaries

Individuals who need venture capital to develop and operate a qualified Louisiana business

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data. During Fiscal Year 2014-15, \$16,034 in individual income tax credits were claimed.

Tax Incentives and Exemption Contracts

11. New Markets Tax Credit

The purpose of the new markets tax credit is to encourage and attract private sector qualified equity investment in a qualified community development entity in the state.

- A tax credit is allowed for investments in qualified low-income community development entities (CDEs).
- Before claiming the tax credit, investors must make application to the Department of Revenue and the credits will be allocated on a first-come, first-served basis. All requests received on the same business day will be treated as received at the same time, and if the aggregate amount of the tax credit requests received on a single business day exceed the total amount of available tax credits, tax credits will be approved on a pro rata basis.
- Investors are eligible for the tax credit if the Community Development Entity (CDE) has made qualified low-income community investments and no more than 25 percent of their investments in low-income communities are in the form of loans.
- Qualified low-income community investments cannot consist of investments secured by any state or federal governmental entity.
- Unused credits can be carried over to succeeding years until used.

Limitations

- The \$50 million dollar cap on the credit for initial investments made after July 1, 2007 has been reached.
- The \$25 million dollar cap for investments made in 2008 authorized by Act 4 of the 2008 Second Extraordinary Session has been reached.
- The \$12.5 million dollar cap for investments made in 2009 authorized by Act 4 of the 2008 2nd Extraordinary Session has been reached.
- The \$12.5 million dollar cap for investments made in 2010 authorized by Act 463 of the 2009 Regular Legislative Session has been reached.

Louisiana New Markets Jobs Act

Acts 2013, No. 265 created an insurance premium tax credit in the amount of 45% over three years (beginning on investment date & annually thereafter: 14%, 14%, 8.5%, 8.5%) for qualified equity investment in a qualified CDE. Issuer must invest 100% of the purchase price of the qualified equity investment in qualified low-income community investments in Louisiana within first year. Credit

11. New Markets Tax Credit *(continued)*

may be applied against the state premium tax liability (at Dept. of Insurance) or transferred. The \$55 million dollar cap on the credit for initial investments made after August 1, 2013 has been reached.

Legal Citation

R.S. 47:6016

Origin

Acts 2002, No. 66; amended by Acts 2005, No. 424; Acts 2007, No. 379; Acts 2009, 463; Acts 2013, No. 265

Effective Date

For purposes of R.S. 47:6016, tax years beginning on or after September 1, 2002. For purposes of R.S. 47:6016.1, for tax returns or tax reports originally due on or after January 1, 2014

Sunset Date

For purposes of R.S. 47:6016, no tax credits will be allowed for qualified equity investments made after August 31, 2013. For purposes of R.S. 47:6016.1, tax credits will be allowed until the \$55 million dollar cap has been reached.

Related Provision

R.S. 47:6016.1

Beneficiaries

Private sector capital investors investing in certain low-income community investments

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income & Fran. Tax	\$1,455,283	49.97%
Individual Income Tax	\$1,456,808	50.03%
Total	\$2,912,09	100.00%

Tax Incentives and Exemption Contracts

12. University Research and Development Parks

The Board of Commerce and Industry, with the approval of the governor and the Joint Legislative Committee, can grant tax exemption contracts for university research and development parks as follows:

- Corporation franchise tax exemptions;
- Corporation income tax exemptions;
- Exemptions from any other taxes imposed by the state;
- Rebates of sales and use taxes on machinery, equipment, materials, and building supplies; and
- Rebates of sales and use taxes on any other goods and services.

The total annual amount of the state exemptions may not exceed 30 percent of the liability for corporate franchise, income, and state sales and use taxes of the business for the previous fiscal year. The total annual sales tax rebate amount for any fiscal year may not exceed the sales tax liability for the previous fiscal year.

This exemption contract may be granted for a period not to exceed five years and renewed for periods of up to five additional years, provided that the total number of years of the exemption does not exceed ten years. The purpose of these tax exemption contracts is to encourage the development of university biomedical research and development parks.

Legal Citation

R.S. 17:3389

Regulations

LAC 13:I.1501 et seq.

Origin

Acts 1991, No. 1023

Effective Date

September 6, 1991

Beneficiaries

University-related research and development parks that meet the qualifying criteria will benefit from these exemptions. The people of the state should benefit through improved health care and improved economic conditions and the creation of jobs.

12. University Research and Development Parks *(continued)*

Administration

These tax exemption contracts are administered in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, less than \$10,000 in individual income tax credits were claimed.

Tax Incentives and Exemption Contracts

13. Industrial Tax Equalization Program

This program's purpose is to encourage the establishment and retention of manufacturing establishments, headquarters, or warehousing and distribution establishments in Louisiana by providing a procedure whereby the total state and local taxes imposed upon these establishments may be reduced, after all other tax incentives for specific sites are applied, to the levels imposed by other competing states.

Requirements for Exemption

The Board of Commerce and Industry may enter into a tax equalization contract only if each of the following requirements are met by the manufacturing establishment, headquarters, or warehousing and distribution establishments:

- The establishment must either be located in another state or be located in Louisiana and contemplating locating in another state that has equivalent or comparable advantages as the area in Louisiana in which the establishment is or seeks to be located.
- The state in which the establishment is located or is contemplating locating must have a total state, parish, and local tax structure that offers a greater tax advantage to the establishment than does the taxing structure of Louisiana.
- The applicant for tax equalization may be any form of business entity.
- The sites under consideration in Louisiana and the competing state must be valid and viable for the proposed operations.
- The secretary of the Department of Economic Development must make a recommendation to the governor to extend an invitation to apply for tax equalization.
- The applicant must receive an invitation to apply from the governor.

Tax Exemptions

Tax exemptions will be granted to entities in the following priority:

- New or retained manufacturing establishment
 1. Corporation franchise tax.
 2. Corporation income tax.

13. Industrial Tax Equalization Program (continued)

3. Sales and use tax on machinery and equipment to be used in manufacturing.
 4. Sales and use taxes on materials and supplies necessary for the manufacture or production of the product of the new manufacturing establishment.
 5. Any other taxes imposed by the state to which like businesses are subject.
- New or retained headquarters
 1. Corporation franchise tax.
 2. Corporation income tax.
 3. Sales and use tax on purchases and leases of, and repairs to, machinery and equipment that is used in the on-site operation of the new headquarters facility.
 4. Sales and use tax on purchases of tangible personal property used in the construction of the new headquarters facility.
 5. Any other taxes imposed by the state to which like businesses are subject.
 - New or retained warehousing and distribution establishment
 1. Corporation franchise tax.
 2. Corporation income tax.
 3. Sales and use tax on purchases and leases of, and repairs to, machinery and equipment that is used in the on-site operation of the warehousing and distribution establishment.
 4. Sales and use tax on purchases of materials and supplies necessary for the on-site operation of the warehousing and distribution establishment.
 5. Sales and use tax on purchases of tangible personal property used in the construction of the warehousing and distribution establishment.
 6. Any other taxes imposed by the state to which like businesses are subject.

Commuter Airline Sales Tax Exclusion

R.S. 47:3204(L) provides a state sales tax exclusion for purchases or leases of airplane equipment, airplane parts, and airplanes by any commuter airline domiciled in the state as defined in R.S. 47:305.21.

Tax Incentives and Exemption Contracts

13. Industrial Tax Equalization Program (continued)

Legal Citation

R.S. 47:3201-3205

Regulations

LAC 13:I.1901 et seq.; LAC 13:I.2101 et seq.; LAC 13:I.2301 et seq.; LAC 13:I.2501 et seq.

Origin

Acts 1966 Ex. Sess., No. 12; amended by Acts 1976, No. 381; Acts 1985, No. 3; Acts 1987, No. 307; Acts 1989, No. 491; Acts 1993, No. 400; Acts 2005, No. 403.

Effective Date

September 3, 1989

Beneficiaries

The companies that locate new manufacturing establishments, new headquarters, and new warehouse and distribution establishments in the state benefit from these exemptions. The people of the state benefit by the employment, production, and income from these new establishments.

Administration

These tax exemption contracts are administered in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Individual Income Exemptions	\$133,272	5.83%
CIFT Exemptions	\$2,152,865	94.17%
Total	\$2,286,137	100.00%

14. Exemptions for Manufacturing Establishments

The purpose of the manufacturing establishments exemption program is to induce industrial development in the state, encourage the establishment of new business enterprises and the retention and expansion of existing businesses that fit the Vision 2020 profile.

Applications must be submitted to LED and, at the same time, notices of the application and amount and type of exemption must be sent to each member of the legislature and to the assessor and governing authority of each political subdivision where the manufacturing establishment is located or is to be located.

LED will review the application to determine whether the requirements for an exemption contract have been satisfied and will determine whether exemptions should be provided in a contract to be recommended to the Board of Commerce and Industry.

The Board of Commerce and Industry will review any recommendations for exemptions made by the governor and LED and conduct public hearings on any application for exemption. The board will forward its recommendations and the proposed tax exemption contract and all other supporting documents to LED, the governor, the Legislative Budget Committee, the assessor, each member of the legislature, and the governing authority of the political subdivision before the governor takes action. Upon receipt of the recommendations and proposed contract the governor and the Legislative Budget Committee will each have 30 days to approve or reject the contract and, if approved, to return the contract to the board, and LED and Revenue for implementation.

The Board of Commerce and Industry with approval of the governor may enter into contracts for periods not exceeding five years and the contracts may be renewed for periods of up to five years, provided that the total number of years of exemption shall not exceed 15 years unless provided in R.S. 47:3204(B)(1)(b).

Tax Incentives and Exemption Contracts

14. Exemptions for Manufacturing establishments *(continued)*

Requirements for Exemption

The secretary of economic development and the Board of Commerce and Industry may consider any of the following factors in determining whether to award manufacturing establishment exemptions:

1. The benefits to the state in terms of continued employment opportunities, investments in, and modernization of, facilities, expenditures for goods and services, and contributions to the revenue base of the state and local governments and the creation of new and additional permanent jobs.
2. Competitive conditions existing in other states or in foreign nations.
3. The economic viability of the applicant, and the effect of any tax exemptions on economic viability.
4. The effects on applicant of temporary supply and demand conditions.
5. The effect of casualties and natural disasters.
6. The effects of United States and foreign trade policies.
7. The effect of federal laws and regulations bearing on the economic viability within the state of the applicant.
8. The competitive effect of like or similar exemptions granted to other applicants.
9. Those terms and conditions of the contract that provide for guarantees of employment and for clawbacks in the event of nonperformance of such guarantees and other terms and conditions favorable to the continued operation and staffing of the business.

Tax Exemptions that May be Granted:

1. Corporation franchise tax.
2. Corporation income tax.

14. Exemptions for Manufacturing establishments *(continued)*

3. State sales and use taxes on machinery and equipment to be used by the applicant, on materials and building supplies, whether purchased directly or through a contractor, to be used in repair, reconstruction, modification, or construction of plant and facilities, and on materials and supplies used in the manufacture or production of the applicant's product.
4. State sales and use taxes on any other goods and services used or consumed by the applicant.
5. Any other state taxes imposed directly on the applicant.

Legal Citation

R.S. 47:4301-4306

Regulations

LAC 13:I.1701 et seq.

Origin

Acts 1982, No. 773; amended by Acts 1987, Nos. 356, 535, and 921; Acts 1998, No. 32; Acts 1993, No. 400; Acts 1998, No. 32; Acts 2005, No. 403.

Effective Date

September 10, 1982

Beneficiaries

Those companies that establish or expand manufacturing operations within the state benefit from the tax exemptions under this statute. The people of the state also benefit from the employment, production, and income from these businesses.

Administration

These tax exemption contracts are administered in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
CIFT Exemptions	\$1,732,190	100.00%
Sales Tax Rebate	\$0	0.00%
Total	\$1,732,190	100.00%

Tax Incentives and Exemption Contracts

15. Enterprise Zones

Enterprise zones are areas with high unemployment, low income, or a high percentage of residents receiving public assistance.

The Enterprise Zone, or EZ program is a jobs incentive program that provides Louisiana income and franchise tax credits to a new or existing business located in Louisiana creating permanent net new full-time jobs, and hiring at least 50% of those net new jobs from one of four targeted groups. The benefit provides:

- A one-time \$2,500 job tax credit for each net new job created.
- A 4% rebate of sales and use taxes paid on qualifying materials, machinery, furniture, and/or equipment purchased or a 1.5% refundable investment tax credit on the total capital investment, excluding tax exempted items.

Eligibility

This program is open to any Louisiana business (new or existing) not engaged in gaming, residential development, a church, retail business or restaurant with NAICS of either 44, 45, or 722, and that will:

- Create a minimum of 5 permanent net new full-time jobs within 24 months of their project start date or increase their current nationwide employment by 10% within the first 12 months.
- Hire 50% or more of the net new jobs created from one or more of the certification requirements from these targeted groups:
 1. Residency-someone living within an enterprise zone within the state;
 2. People receiving an approved form of public assistance;
 3. People lacking basic skills. A person performing below a ninth grade proficiency in reading, writing or mathematics; or
 4. People unemployable by traditional standards.

Jobs Tax Credit

Eligibility for businesses which are assigned a NAICS code of 44 or 45 and have more than 100 employees nationwide is limited to grocery stores and pharmacies located in an enterprise zone.

- A one-time \$2,500 jobs tax credit for each certified net new job created.

15. Enterprise Zones (continued)

- A one-time \$5,000 jobs tax credit for each certified net new job created in the aviation or aerospace industry, or by a motor vehicle parts manufacturer or rubber manufacturer.
- Effective July 6, 2007, an employee must be a U.S. citizens and domiciled in Louisiana or establish domicile in Louisiana within 60 days of their employment.
- The jobs tax credit can be claimed against the taxpayer's state income or franchise tax liabilities and Limited Liability Companies and Subchapter S corporations may pass the job tax credit to the owners listed on the enterprise zone contract.
- The tax credits may be carried forward up to 10 years from the year earned.

Sales tax rebate

- State sales and use tax rebates are paid on materials, furniture, fixtures, machinery and equipment purchased and used on the enterprise zone site.
- Items must be delivered during the project or construction period.
- The rebate period cannot exceed 24 months.

Investment tax credit

- Effective July 10, 2007, taxpayers are given the option between the sales and use tax rebate and a refundable investment income tax credit equal to 1.5 percent of qualified expenditures.
- Qualified expenditures are defined as amounts classified as capital expenditures for federal income tax purposes plus exclusions from capitalization provided for in Internal Revenue Code Section 263(a)(1)(A) through (L), minus the capitalized cost of land, capitalized leases of land, capitalized interest, capitalized costs of manufacturing machinery and equipment to the extent the capitalized manufacturing machinery and equipment costs are excluded from sales and use tax pursuant to R.S. 47:301(3), and the capitalized cost for the purchase of an existing building.

Legal Citation

R.S. 51:1781 et seq.

Regulations

LAC 13:I.701 et seq.

Tax Incentives and Exemption Contracts

15. Enterprise Zones *(continued)*

Origin

Acts 1981, No. 901; amended by Acts 1982, No. 120; Acts 1992, No. 1024; 1993 R.S., H.C.R. No. 71; Acts 1995, No. 194 and 581; Acts 1997, No. 624, 647, 1155, and 1172; Acts 1999, No. 386 and 977; Acts 2000, No. 46; Acts 2001, No. 9; Acts 2002, 1st Ex. Sess., No. 4; Acts 2002, No. 36; Acts 2003, No. 1203 and 1240; Acts 2005, No. 388, 339, and 443; Acts 2007, No. 271 and 279; Acts 2011, No. 359; Acts 2012, No. 45 Acts 2013, No. 141; Acts 2013, No. 423; Acts 2015, No. 114, §1, eff. June 19, 2015; Acts 2015, No. 126, §1, eff. July 1, 2015; Acts 2015, No. 426, §6.

Effective Date

September 11, 1981

Beneficiaries

Those companies that locate new business establishments in designated enterprise zones and meet the criteria of this statute benefit from these exemptions. The people living in these enterprise zones benefit from the employment, production, and income from these establishments.

Administration

These tax exemption contracts are administered in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Sales Tax	\$4,949,147	10.55%
Jobs credit	\$8,354,903	17.81%
Investment credit	\$33,606,017	71.64%
Total	\$46,910,067	100.00%

16. Sound Recording Investor Tax Credit

The purpose of the tax credit is to encourage development in Louisiana of a strong capital and infrastructure base for sound recording productions in order to achieve a more independent, self supporting music and sound recording industry.

- For state certified productions meeting certain criteria, the program provides a tax credit of up to 25% for qualified expenditures.

Limitation on Tax Credit

- The total amount of credits certified for all investors during any calendar year is limited to \$2.16 million.
- Credits will be granted on a first-come, first-served basis.
- If the total amount of credits applied for exceeds \$2.16 million, the excess will be treated as having been applied for on the first day of the subsequent year.

Legal Citation

R.S. 47:6023

Origin

Acts 2005, No. 485; amended by Acts 2007, No. 368; Acts 2009, No. 475; amended by Acts 2013, No. 385; Acts 2015, No. 125; Acts 2015, No. 357; Acts 2015, No. 412.

Effective Date

For tax years beginning on or after January 1, 2006

Sunset Date

January 1, 2020

Beneficiaries

Investors in state-certified sound recordings and infrastructure projects

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, \$271,357 in rebates was issued.

Tax Incentives and Exemption Contracts

17. Urban Revitalization Tax Incentive Program

The purpose of the Urban Revitalization Tax Incentive Program is to stimulate business and industrial growth in the depressed areas of the state by providing assistance to businesses and industries and by providing tax incentives in these areas.

Administration of Program

- LED is responsible for administering the program.
- LED will establish criteria for qualifications of urban revitalization zones based on unemployment, youth unemployment, per capita income, migration, and the number of residents receiving public assistance.
- LED will only designate urban revitalization zones after receiving notice from the appropriate governing authority that the governing authority agrees to the following:
 1. Devise and implement a program to improve police protection within the zone.
 2. Give priority to the use in the zone of any applicable funds received from the federal government.
 3. Assist LED in certifying employers to be eligible for the benefits of this program.
 4. Authorize LED to supersede certain specified local regulations and ordinances that may serve to discourage economic development within the revitalization zone.
 5. Assist LED in evaluating progress made in any revitalization zone within its jurisdiction.

Requirements

- The business enterprise and its contractors give preference and priority to Louisiana business enterprise and to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operational efficiency.
- Requests for exemptions must be accompanied by an endorsement resolution approved by the governing body of the appropriate municipality, parish, port district, or industrial development board in whose jurisdiction the establishment is to be located.
- The business is or shall be located within the boundaries of an urban revitalization zone.

17. Urban Revitalization Tax Incentive Program *(continued)*

- The business located in an urban revitalization zone and receiving benefits certifies that at least 35 percent of its employees:
 1. Are residents of the same or a contiguous revitalization zone as the location of the business.
 2. Were receiving some form of public assistance prior to employment.
 3. Were considered unemployable by traditional standards or lacking in basic skills.
 4. Any combination of the above.
- Employee certifications must be updated annually if the business is to continue receiving benefits.

Incentives

The Board of Commerce and Industry after consultation with the secretaries of the LED and LDR, and with the approval of the governor, may enter into contracts to provide for the following tax incentives:

- Exemption from all or a portion of the state income taxes for five years and renewable once for five years.
- Exemption from all or a portion of the state corporate franchise taxes for five years and renewable once for five years.
- \$5,000 tax credit per net new employee as determined by the company's average annual employment reported under the Louisiana Employment Security Law.
 1. This tax credit may be applied to any state income or franchise tax liability during the taxable year in which the increase in average annual employment occurred.
 2. If the entire credit cannot be used in the year earned, the excess of the credit can be refunded.
- These incentives are in lieu of any incentives under the Enterprise Zone Program.

Legal Citation

R.S. 51:1801 et seq.

Origin

Acts 2005, No. 466

Effective Date

July 1, 2005

Tax Incentives and Exemption Contracts

17. Urban Revitalization Tax Incentive Program *(continued)*

Beneficiaries

Those businesses and industries that locate in urban revitalization zones will benefit by this program. The people living in these zones will also benefit from the employment, production, and income from these establishments.

Administration

These tax exemption contracts are administered in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, less than \$10,000 in tax credits were claimed.

18. Mentor-Protégé Tax Credit

The Mentor-Protégé tax credit program allows qualifying entities that fulfill the terms of a Mentor-Protégé Agreement to earn a refundable tax credit. Qualifying mentors must possess a favorable financial health, including profitability for at least two years; demonstrate its capability to provide managerial or technical skills transfer or capacity building; and meet the goals and objectives of the Mentor-Protégé Agreement. Qualifying protégés must be certified active in the Small And Emerging Business Development Program or registered and approved in the Small Entrepreneurship Program by LED and be willing to participate with a mentoring firm. The program is limited to issue \$1,000,000 in credits per year and each Mentor-Protégé agreement is limited to \$50,000 of credits.

Legal Citation

R.S. 47:6027

Origin

Acts 2007, No. 356

Effective Date

Effective for all income tax years beginning on or after January 1, 2007, and franchise tax years beginning on or after January 1, 2008.

Sunset Date

December 31, 2011

However, taxpayers have twenty years to utilize the credit.

Beneficiaries

Established companies acting as a mentor and smaller, emerging Louisiana-based businesses who are the protégé.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, \$271,357 in individual income tax credits were claimed.

Tax Incentives and Exemption Contracts

19. Technology Commercialization Credit and Jobs Program

The purpose of the technology commercialization credit program is to induce companies to invest in the commercialization of Louisiana technology in Louisiana. The technology must be created by a Louisiana business and researched by a Louisiana university or college. The program provides a 40 percent refundable tax credit for companies that invest in the commercialization of Louisiana technology and a six percent payroll rebate for the creation of new, direct jobs.

Tax Credits

- Qualifying individuals or businesses that invest in the commercialization of Louisiana technology in the state may apply for a tax credit on any income or corporation franchise tax liability and earn a refundable tax credit based on new jobs created.
- Qualifying research centers that develop Louisiana technology to be commercialized may apply for a refundable tax credit based on new jobs created.
- Income or corporation franchise tax credit is equal to 40 percent of the amount of money invested in commercialization costs for one business location meeting the requirements of R.S. 51:2353(C).
- Credits will be granted for a period of not less than five tax years and can be renewed for an additional five tax years if further qualifications are met.
- Neither credit can be applied for and granted for more than ten consecutive tax years for the same location.

Application of Tax Credits

- Entities taxed as corporations for state tax purposes must claim credit on their corporation income and franchise tax return.
- Individuals, estates, and trusts must claim credit on their individual income tax return.
- Entities not taxed as corporations must claim credit on the partner's tax returns.

Legal Citation

R.S. 51:2351 et seq.

Regulations

LAC 13:I.2701 et seq.

Origin

Acts 2002 1st Ex. Sess., No. 8, amended by Acts 2007, No. 41; Acts 2011, No. 416; Acts 2015, No. 125, §3, eff. July 1, 2015; Acts 2015, §6, eff. July 1, 2018

19. Technology Commercialization Credit and Jobs Program (continued)

Effective Date

Income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

Sunset Date

December 31, 2017

However, taxpayers have twenty years to utilize the credit.

Beneficiaries

Qualifying individuals or businesses that invest in the commercialization of Louisiana technology

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corporate Income and Franchise Tax	\$155,003	87.42%
Individual Income Tax	\$22,311	12.58%
Total	\$177,314	100.00%

Tax Incentives and Exemption Contracts

20. Angel Investor Tax Credit and Jobs Program

The purpose of the Angel Investor Tax Credit Program is to encourage third parties to invest in early stage wealth-creating businesses in the state, expand the state's economy by enlarging its base of wealth creating businesses, and to enlarge the number of quality jobs available to retain the presence of young people educated in the state.

Qualifications

The Angel Investor Tax Credit Program is administered by LED. Individuals or entities that invest in a Louisiana Entrepreneurial Business that is domiciled in the state, employs 50 or fewer full-time employees, and has gross annual sales of less than \$10 million or has a business net worth of less than \$2 million may apply for income or corporation franchise tax credits for a period of five tax years.

Applicants must meet the following qualifications:

- The investment in the Louisiana Entrepreneurial Business must be an investment that is at risk and not secured or guaranteed. "At risk" means that the repayment of the investment is entirely dependent on the success of the business.
- The funds invested by the applicant cannot have been raised as a result of other Louisiana tax incentive programs, funds pooled or organized through capital placement agreements for the purpose of equity and venture capital investing unless approved by LED, or as the result of illegal activity.
- Angel investors cannot be the principal owners of the business who are involved in the operation of the business as a full-time professional activity nor can their spouses and relatives within the third degree of consanguinity or affinity. A principal owner means one or more persons who own an aggregate of 50 percent or more of the Louisiana Entrepreneurial Business.
- The use of proceeds from the investment must be used for capital improvements, plant equipment, research and development, working capital for the business, or other business activity as may be approved by LED. The proceeds cannot be used to pay dividends, repay shareholder's loans, redeem shares, or repay debt unless approved by LED.
- The applicant must meet the definition of accredited investor established by LED.
- The investment in the Louisiana Entrepreneurial Business by the applicant must be maintained for three years unless otherwise approved by LED.

20. Angel Investor Tax Credit and Jobs Program *(continued)*

Louisiana Entrepreneurial Business must meet the following requirements:

- The principal business operations of the business are located in Louisiana.
- Before the investment by the taxpayer, the business has received approval as qualified to receive angel investor tax credits by LED.
- The Louisiana Entrepreneurial Business must demonstrate that it will be a wealth-creating business for Louisiana by demonstrating in its business plan that it will have more than 50 percent of its sales from outside Louisiana.
- The business is not a business engaged primarily in retail sales, real estate, professional services, gaming or gambling, natural resource extraction or exploration, or financial services including venture capital funds.

Tax credit qualifications:

- Credits are issued on a first-come, first-served system.
- Credit is equal to up to 35% of investment and the credit is divided equally over five years.
- Credit is useable in the income tax year that occurs 24 months from certification.
- The investment in the Louisiana Entrepreneurial Business may not exceed \$720,000 per year per business and \$1.44 million total per business.
- The credit will be allowed against the income tax for the taxable period in which the credit is earned and the franchise tax for the taxable period following the period in which the credit is earned.
- The total angel investor tax credits granted by LED in any calendar year may not exceed \$3.6 million.

Transferability of the Credit

Any credits allocated to a taxpayer and not previously claimed by any taxpayer against its tax may be transferred or sold to another taxpayer, subject to the following conditions:

- A single transfer or sale may involve one or more transferees.
- Transferrers and transferees must submit notification of any transfer or sale of tax credits to

Tax Incentives and Exemption Contracts

20. Angel Investor Tax Credit and Jobs Program *(continued)*

- LED and LDR within 30 days after the transfer or sale of the tax credits.
- Failure to comply with the transfer requirements will result in the disallowance of the tax credit until the taxpayers are in full compliance.
- The credit transfer or sale does not extend the time in which the credit can be used.

Application of Tax credits

- All entities taxed as corporations for state tax purposes must claim credit on their corporation income and franchise tax return.
- Individuals must claim credit on their individual income tax return.
- Estates or trusts must claim credit on their fiduciary income tax returns.
- Entities not taxed as corporations must claim credit on the partner's tax returns
- Tax credits will expire beginning with the 11th tax year after the tax year in which the credit was originally granted.

Legal Citation

R.S. 47:6020 et seq.

Origin

Acts 2005, No. 400, amended by Acts 2007, No. 445; Acts 2011, No. 414; Acts 2015, No. 125, §2, eff. July 1, 2015; §5, eff. July 1, 2018.

Effective Date

For income tax and franchise tax years beginning on or after January 1, 2005

Sunset Date

Null and void on July 1, 2017

Beneficiaries

Qualifying third-party investors in early stage wealth-creating businesses in the state and the people of the state because of the additional quality jobs available

Administration

The purpose of this credit is achieved in a fiscally effective manner.

20. Angel Investor Tax Credit and Jobs Program *(continued)*

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income & Fran Tax	\$51,278	4.58%
Individual Income Tax	\$1,067,913	95.42%
Total	\$1,119,191	100.00%

Tax Incentives and Exemption Contracts

21. Musical & Theatrical Productions Tax Credit

The purpose of the tax credit is to establish and promote Louisiana as one of the primary places in the United States in which live performances, from creation to presentation are present and thriving.

For state certified productions meeting certain criteria, the program provides a tax credit for qualified production or higher education infrastructure development expenditures with additional tax credits available for payroll.

Limitation on tax credit:

- Tax credit can not exceed the total base investment in that production or infrastructure project and transportation expenditures.
- The total amount of credits certified for all state-certified infrastructure projects during any calendar year is limited to \$60 million.
- Credits will be granted on a first-come, first-served basis.
- If the total amount of credits applied for exceeds \$60 availability, the excess will be treated as having been applied for on the first day of the subsequent year.

Legal Citation

R.S. 47:6034

Origin

Acts 2007, No. 482, amended by Acts 2009, No. 448 and 465; Acts 2013, No. 197; Acts 2013, No. 418; Acts 2015, No. 125; Acts 2015, No. 357; Acts 2015, No. 361; Acts 2015, No. 412.

Effective Date

The credit is available for qualifying expenditures made on or after July 19, 2007.

Sunset Date

For state-certified infrastructure projects that receive initial certification on or before January 1, 2014 a base investment credit may be earned for expenditures made on or before January 1, 2015. For state-certified higher education musical or theatrical infrastructure projects that receive initial certification on or before January 1, 2018, a base investment credit may be earned for expenditures made on or before January 1, 2022.

Beneficiaries

Musical or theatrical productions or musical or theatrical facility infrastructure projects

21. Musical & Theatrical Productions Tax Credit *(continued)*

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the types of credits and exemptions for FY 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Corp. Income & Fran Tax	\$5,184,3153	38.58%
Individual Income Tax	\$8,255,222	61.42%
Total	\$13,439,537	100.00%

Tax Incentives and Exemption Contracts

22. Retention and Modernization Credit

The purpose of the retention and modernization credit is to provide an inducement for businesses to remain in the state and not relocate outside the state and to modernize their existing operations in Louisiana.

Tax Credit

The credit is granted at the rate of five percent of the amount of qualified expenditures incurred by the employer for modernization with the credit divided in equal portions for five years. The credit can be claimed against individual income tax or corporation income or franchise taxes.

A retention and modernization tax credit shall expire and have no value or effect on tax liability beginning with the eleventh tax year after the tax year in which it was originally granted. .

Qualifications

Employers must be a manufacturer, as defined by NAICS codes 113310, 211, 213111, 541360, 311-339, 511-512, and 54171, as the employer's primary function.

"Modernization" means capitalized investment by an employer in technology, machinery, building and/or equipment that meets one of the following provisions:

- (1) an increase in the increase of maximum capacity or efficiency of the facility of greater than ten percent or
- (2) an approved investment from a company with multi-state operations with an established competitive capital project program. "Project" includes the design, development, installation and construction of a technology, machinery, building and equipment that results in a modernization of an employer's product line, unit, or entire operations that requires at least five million dollars of investment. No project placed in service before July 1, 2011 shall be eligible for the credit.

Application of Credits

- Individuals must claim credit on their individual income tax return.
- Estates or trusts must claim credit on their fiduciary income tax returns.
- Entities taxed as corporations will claim credit on their corporation income and franchise tax return.
- Entities not taxed as corporations will claim the credit on the returns of the partners or members.

Ineligible Participants

- Retail employers as identified by the NAICS code sections 44 and 45
- Business associations and professional organizations as defined in NAICS code 8139

21. Retention and Modernization Credit (continued)

- State and local government enterprises
- Real estate agents, operators, and lessors
- Automotive rental and leasing
- Local solid waste disposal, local sewage systems, and local water systems businesses
- Nonprofit organizations
- Employers engaged in the gaming industry as identified by the NAICS code sections 713210 and 721120
- Attorneys
- An employer who has defaulted on or not repaid any loan or other obligation involving public funds or an employer who has declared bankruptcy under which an obligation of the employer to pay or repay public funds or monies was discharged as part of such bankruptcy.
- An employer who is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and in which an assessment or judgment that is final and non-appealable has been rendered, and remains outstanding, in favor of the state, or any of its agencies, or political subdivisions

Credit Limitations

The total amount of modernization tax credits granted by the LED in any calendar year can not exceed \$10 million.

Legal Citation

R.S. 51:2399.1 through 51:2399.6

Origin

Acts 2009, No. 447; Acts 2015, No. 125, §3, eff. July 1, 2015, §6, eff. July 1, 2018.

Effective Date

August 15, 2009

Beneficiaries

Owners and employees of businesses needing modernization

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. During Fiscal Year 2014-15, \$760,848 in Corporation income & franchise tax credits were claimed.

Tax Incentives and Exemption Contracts

23. Green Job Industries Credit

The purpose of this credit is to promote “green job industries”. Green job industries include energy efficiency and renewable energy industries, energy-efficient building construction, and retrofit industries, the renewable electric power industry, the energy efficient and advanced drive train vehicle industry, the biofuels industry, the deconstruction and materials use industries, the energy efficiency assessment industry serving the residential, commercial, or industrial sectors, and manufacturers that produce sustainable products using environmentally sustainable processes and materials approved by a nationally recognized high performance environmental building rating system, or that have the ENERGY STAR designation from the United States Environmental Protection Agency.

Application and Approval

Taxpayers must submit an application for initial certification to the LED that includes the following information:

1. A preliminary budget including estimated Louisiana payroll, estimated base investment, including the manner in which available federal and state incentives will be utilized in the financing or operation of the project.
2. A general description of the project.
3. Estimated dates for start and completion of the construction of the project.
4. The names of the companies and financiers to whom the credits shall be allocated and the estimated amounts of the credits to be allocated to each.

Upon approval by the secretary of LED, the commissioner of administration, and the office of the governor, LED shall initially certify a project as a state-certified green project and send notice of such certification to the applicant and to the secretary of the Department of Revenue.

Qualifications

When determining which projects qualify for certification, the LED, the commissioner of administration, and the office of the governor shall take the following factors into consideration:

- The impact of the state-certified green project on the employment of Louisiana residents.

23. Green Job Industries Credit (*continued*)

- The extent to which students in Louisiana colleges, universities, and vocational-technical schools will have an opportunity to work in a facility which manufactures green products.
- The impact of the project on the overall economy of the state including the manner in which available federal and state incentives will be utilized in the financing or operation of the project.

No tax credits can earned on multiple-use facilities until the facility directly used in the green job industries is complete

Tax Credit

1. The tax credit shall be calculated as a percentage of the total base investment dollars certified per project as follows:
 - Total base investment greater than \$100,000 and less than or equal to \$300,000—10 percent tax credit.
 - Total base investment greater than \$300,000 and less than or equal to \$1 million—20 percent tax credit.
 - Total base investment greater than \$1 million—25 percent tax credit.
2. Payroll Credit
 - To the extent that base investment is expended on payroll for Louisiana residents employed in connection with the construction of a state-certified green project—additional tax credit of 10 percent of the payroll. However, if the payroll to any one person exceeds \$1 million, this additional credit excludes any salary for that person.
 - If the payroll is for Louisiana residents employed in connection with a state-certified green project, who are graduates of an institution within the Louisiana Community and Technical College System or graduates of an apprenticeship program registered with the Louisiana Workforce Commission, —additional tax credit of one percent of the payroll

Application of Credits

- Individuals must claim credit on their individual income tax return.
- Estates or trusts must claim credit on their fiduciary income tax returns.

Tax Incentives and Exemption Contracts

23. Green Job Industries Credit *(continued)*

- Entities taxed as corporations will claim credit on their corporation income tax return.
- Entities not taxed as corporations will claim the credit on the returns of the partners or members.

Ineligible Participants

State certification will not be granted to a project by any person or company, or financed by any person or company, or any company or financier owned, affiliated, or controlled, in whole or in part, by any company or person, which is in default on a loan made by the state or a loan guaranteed by the state, or which has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

Credit Limitations

The total amount of green job industries credits granted by the LED in any calendar year can not exceed \$5 million.

Legal Citation

R.S. 47:6037

Origin

Acts 2009, No. 520

Effective Date

August 15, 2009

Provisions of the Act shall become effective if the Dept. of Natural Resources receives a letter of award from the U.S. Dept. of Energy evidencing the obligation of funding in the amount of at least \$5,000,000 per year, for a minimum of three years.

Beneficiaries

Investors in green job industries

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect

\$0; Dept. of Natural Resources has not received the letter of award.

24. Louisiana Quality Jobs Program

The Quality Jobs Program is an incentive to encourage businesses to locate or expand existing operations in Louisiana and create quality jobs focusing on Louisiana Vision 2020 traditional and seed clusters industries.

Eligibility

- To qualify a business must be in one of the following six Vision 2020 cluster industries:
 1. Biotechnology and Biomedical
 2. Micro-manufacturing
 3. Software, Internet, and Telecommunications
 4. Environmental Technology
 5. Food Technology
 6. Advanced Materials;
- 7. Or be any of the following:
 - a. A manufacturer with certain NAICS Codes;
 - b. An oil and gas field service business and pay at least \$30,000 annually for each new direct job created and business located in Louisiana is the national or regional headquarters of a multi-state business including Louisiana and the Gulf of Mexico;
 - c. A business that must or will have sales of at least 50 percent of its total annual sales to out-of-state customers or buyers, and/or to in-state customers or buyers if the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government.

Job Requirements

Create a minimum of five new direct jobs.

These jobs must be full time, (full-time employees — working 30 hours or greater per week).

Provide a basic health benefit plan/health insurance coverage.

That which is required to be offered and/or provided shall include coverage for basic hospital care, coverage for physician care and coverage for health care which shall be the same as that provided to executive, administrative or professional employees.

Coverage must become effective no later than the first day of the month 90 days after the date of hire.

The employer's contribution must have a value of at least one dollar and twenty-five cents per hour. If you are other than a self-insured company, the value of the plan is the actual cost for the individual coverage. If you are a self-insured company, LED will determine the value. Basic health care benefits do not include dental, vision or life.

Tax Incentives and Exemption Contracts

24. Louisiana Quality Jobs Program (continued)

Minimum Wage and Health Care Requirements

The minimum wage requirement for new direct jobs is \$14.50 per hour in wages and healthcare benefits.

Minimum Annual Gross Payroll Requirements:

If an employer employs:

50 or fewer employees state-wide prior to the start date of the contract, the minimum annual payroll threshold for new direct jobs is \$250,000

More than 50 employees statewide prior to the start date of the contract, the minimum annual payroll threshold for new direct jobs is \$500,000

If the actual verified annual gross payroll for the employer's third fiscal year does not show a minimum of five new direct jobs and does not equal or exceed a total annual payroll for new direct jobs of either \$500,000 or \$250,000, whichever is applicable, the employer will be determined to be ineligible.

If seeking sales and use tax rebates or the investment tax credit, in addition to meeting the requirements of the Quality Jobs Program an employer must meet the hiring requirements as defined in the Enterprise Zone Program:

Create a minimum of five permanent net new full-time jobs within 24 months of their project start date or increase their current nationwide workforce by 10% within the first 12 months

Hire at least 50% of all net new jobs from one or more of the following targeted groups:

Residency. Someone living in Enterprise Zone with the state.

People receiving an approved form of public assistance.

Lacking basic skills. A person performing below a ninth-grade proficiency in reading, writing or mathematics.

People unemployed by traditional standards.

Payroll Benefit

- The benefit rate shall be 5 percent for new direct jobs which pay at least \$14.50 per hour in wages and health care benefits;
- The benefit rate shall be 6 percent for new direct jobs which pay at least \$19.10 per hour in wages and health care benefits;

24. Louisiana Quality Jobs Program (continued)

- Health care benefits paid shall be the value of the health care benefits plan elected by an employee, as determined by the department.

Sales Tax Rebate

- State sales/use tax rebate on materials for new infrastructure, machinery, and equipment purchased during the construction period and used exclusively on site.
- A portion of the local sales/use tax may be rebated with an Endorsement Resolution from the local governing authority received before the application is approved.
- Local sales tax dedicated to schools or bond indebtedness is not eligible for rebate.

Investment Tax Credit

- Effective July 10, 2007, taxpayers are given the option between the sales and use tax rebate and a refundable investment income tax credit equal to 1.5 percent of qualified expenditures.
- Qualified expenditures are defined as amounts classified as capital expenditures for federal income tax purposes plus exclusions from capitalization provided for in Internal Revenue Code Section 263(a)(1)(A) through (L), minus the capitalized cost of land, capitalized leases of land, capitalized interest, capitalized costs of manufacturing machinery and equipment to the extent the capitalized manufacturing machinery and equipment costs are excluded from sales and use tax pursuant to R.S. 47:301(3), and the capitalized cost for the purchase of an existing building.

For contracts entered into on or after June 30, 2007, Acts 387 of the 2007 Regular Legislative Session changed the requirements for an employer to qualify for the rebate.

Legal Citation

R.S. 51:2451 et seq.

Regulations

LAC 13:I.1101 et seq.

Origin

Acts 1995, No. 1238; amended by Acts 1996, 1st Ex. Sess., No. 39; Acts 2000, No. 46; Acts 2002, 1st Ex. Sess., No. 110 and 153; Acts 2003, No. 47, 847, and 1240; Acts 2004, No. 13, 699, and 899; Acts 2005, No. 326; Acts 2007, No. 387 and 400; Acts 2011, No. 353 and 410; Acts 2012, No. 219; Acts 2015, No. 126, §2, eff. July 1, 2015; §3, eff. July 1, 2018.

Tax Incentives and Exemption Contracts

24. Louisiana Quality Jobs Program (continued)

Effective Date

July 1, 1995

Sunset Date

No new applications to receive tax exemptions or credits will be approved on or after January 1, 2018.

Beneficiaries

Those establishments that create new direct jobs and meet the program's requirements will benefit from the incentives and rebates offered under the program. The people of the state also benefit from the employment, production, and income from the businesses.

Administration

The purpose of this credit is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the type of rebate, credits and exemptions for Fiscal Year 2014-15 is as follows:

Fiscal Effect		
	FYE 6-15	% of Total
Sales Tax Rebate	\$13,652,167	18.74%
Jobs Credit	\$52,225,525	71.68%
Investment Credit	\$6,986,452	9.59
Total	\$72,864,143	100.00%

25. Corporate Tax Apportionment Program

The Corporate Tax Apportionment Program extends the single sales factor computation for corporate income and franchise tax purposes utilized by manufacturers and merchandisers to other qualified business sectors. The secretary of the LED may invite businesses who meet the eligibility requirements to participate in the program.

Single sales factor" shall mean the single sales factor apportionment percent for manufacturing, merchandising, and other businesses as provided for in R.S. 47:287.95(F)(2)(b) and 606(A)(3)(b).

Qualifications

1. At least 50 percent of the total annual sales of the business from its Louisiana site or sites is to out-of-state customers or buyers, or to in-state customers or buyers who resell the product or service to an out-of-state customer or buyer for ultimate use, or to the federal government, or any combination thereof.
2. The activities of the business in Louisiana must include corporate headquarters, logistics, warehousing, data center, clean technology, destination health care, research and development, renewable energy, digital media and software development, or other business sector targeted by the business attraction and retention efforts of LED.
3. Except when the business will provide at least 25 new headquarter jobs or shared service center jobs, and the business is not primarily engaged in retail sales, real estate, professional services, natural resource extraction or exploration, financial services, or venture capital funds.

Application and Approval

A business must apply and be certified as eligible by LED, and the contract must be approved by the Joint Legislative Committee on the Budget. LED is required to send a copy of the approved certification to the Department of Revenue. Eligibility will be certified annually and LED will notify the Department of Revenue if the business' participation in the program is suspended or terminated. Contracts can be renewed for an additional period of up to 20 years.

Ineligible Participants

No business engaged in gaming or gambling shall be eligible for this program.

Legal Citation

R.S. 47:4331

Regulations

LAC 13:I.4101 et seq

Tax Incentives and Exemption Contracts

25. Corporate Tax Apportionment Program (continued)

Origin

Acts 2012, No. 415

Effective Date

Income tax periods beginning on or after January 1, 2013 and corporation franchise tax periods beginning on or after January 1, 2014.

Sunset Date

No new contracts may be approved on or after July 1, 2017, but contracts existing on that date may continue and be renewed. Contracts may be for an initial term of up to 20 years, renewable for another 20 years at the discretion of the Secretary of LED.

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts.

26. Corporate Headquarters Relocation Program

The Corporate Headquarters Relocation Program provides a rebate equal to 25 percent of a participating company's relocation costs when they relocate or expand their headquarters within Louisiana. The secretary of LED may invite businesses who meet the eligibility requirements to participate in the program.

Program Administration

The secretary of LED may invite a business to participate in the program, upon determining the business meets all of the following criteria:

1. the business is relocating a headquarters to Louisiana or is expanding headquarters in Louisiana;
2. the secretary determines that participation in the program will be a significant factor in a highly competitive site selection situation to encourage the business to relocate or expand the headquarters in Louisiana;
3. the secretary determines that securing the project will result in a significant positive economic benefit to the state; and
4. relocation or expansion of the headquarters will create at minimum of 25 headquarters jobs.

Application and Approval

LED shall determine the terms and conditions of the contract, including but not limited to, scope of the project, performance obligations, determination of qualifying relocation costs, and the maximum amount of qualifying relocation costs eligible for the rebate.

The secretary may request approval of the contract by the Joint Legislative Committee on the Budget upon determining the company meets the eligibility requirements of the program. The Joint Legislative Committee on the Budget may approve the contract for the business' participation in the program.

Certification of Qualifying Costs

The qualified business must provide LED with a cost report detailing all relocation costs upon completion of the relocation or expansion. LED will review the cost report and certify a dollar value of relocation expenditures eligible for the rebate. LED may require an audit of the relocation costs at the expense of the qualified business.

Tax Incentives and Exemption Contracts

26. Corporate Headquarters Relocation Program *(continued)*

Rebate

The rebate is equal to 25 percent of a participating company's relocation costs as approved by LED. The rebate is claimed by the business in equal installments over a five year period of time.

The rebate cannot be paid in the same fiscal year in which the contract is approved by the Joint Legislative Committee on the Budget.

Ineligible Participants

Businesses engaged in the gaming or gambling.

Legal Citation

R.S. 51:3111-3115

Regulations

LAC 13:I.4501 – 4509

Origin

Acts 2012, No. 503

Effective Date

July 1, 2012

Sunset Date

No new contracts may be approved after June 30, 2017

Administration

The purpose of this exemption is achieved in a fiscally effective manner

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts.

27. Competitive Projects Payroll Incentive Program

The Competitive Projects Payroll Incentive Program provides an incentive rebate of up to 15 percent of a participating company's new payroll. The secretary of LED may invite businesses who meet the eligibility requirements to participate in the program. Contracts may be for an initial term of up to 5 years, renewable for another 5 years at the discretion of LED.

Qualifications

The secretary may invite a business to participate in the program, upon determining the business meets all of the following criteria:

1. at least 50 percent of the total annual sales of the business from its Louisiana site or sites is to out-of-state customers or buyers, or to in-state customers or buyers who resell the product or service to an out-of-state customer or buyer for ultimate use, or to the federal government, or any combination thereof;
2. the business will primarily engage in one of the following activities at the project site:
 - a. manufacturing of the certain listed types of durable goods;
 - b. manufacturing of pharmaceutical products;
 - c. conversion of natural gas to diesel, jet fuel, or other refined fuels;
 - d. data storage or data services, provided that at least 75 percent of sales meet the out-of-state sales requirements of this Subsection; or
 - e. other activities as recommended by the secretary and approved by the Joint Legislative Committee on the Budget; and
 - f. the business offers or will offer a basic health benefits plan to individuals it employs within 90 days of the effective date of qualifying for the incentive rebates pursuant to R.S. 51:3111.

Application and Approval

LED will determine the eligibility of a business based on the determination that program participation will be a significant factor in a highly competitive site selection situation, and that securing the project will provide a significant positive economic benefit to the state. The contract must be approved by the Joint Legislative Committee on the Budget. If approved, LED will then execute the contract with the business and provide a copy thereof to the Department

Tax Incentives and Exemption Contracts

27. Competitive Projects Payroll Incentive Program *(continued)*

of Revenue. The contract provisions must include the percentage of new payroll eligible for rebate, the maximum amount of new payroll eligible for rebate, the number of new jobs and amount of new payroll required to be created and maintained, and any other performance obligations required.

Certification of Eligible Projects

LED will annually verify the company's continued eligibility for the rebate and send a certification letter to the Department of Revenue stating the amount of rebate to be issued.

Ineligible Participants

Businesses engaged in gambling or gaming, natural resource extraction, retail sales, real estate, professional services, venture capital funds, shipbuilding, wood products, agriculture, or manufacturing of machinery primarily intended to serve the energy industry.

Legal Citation

R.S. 51:3121

Regulations

LAC 13:I.4301-4311

Origin

Acts 2012, No. 507

Effective Date

July 1, 2012

Sunset Date

No new contracts may be approved on or after July 1, 2017, but contracts existing on that date may continue and be renewed.

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts.

28. Procurement Processing Company Rebate Program

The secretary of LED is authorized to enter into contracts with procurement processing companies to recruit to Louisiana, purchasing companies that generate sales of items subject to states sales/use taxes. These contracts provide a rebate to these procurement processing companies which are derived from a portion of the state sales and use taxes collected on new taxable sales by the purchasing company which is managed by the procurement processing company under contract with LED. The initial term of the contract cannot exceed twenty years and can be renewed for up to an additional twenty years.

The state sales tax revenues generated as a result of the activities of these purchasing companies are to be disbursed in the following order of priority:

1. The payment of rebates to procurement processing companies in accordance with the provisions of their contract;
2. Reimbursement of administrative expenses to LDR; and
3. The remaining balance, up to thirty million dollars, to the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund-Specialized Educational Institutions Account, as established under R.S. 39:100.126.

Legal Citation

R.S. 47:6351

Origin

Acts 2012, No. 800

Effective Date

July 1, 2012

Beneficiaries

Procurement processing companies

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts.

Telecommunication Tax Exemption

Telecommunication Tax

{ Introduction }

Act 660 of the 1988 Regular Legislative Session levied a tax on each residence and business telephone access line of local exchange companies operating in Louisiana. This tax was for the purpose of providing access to all public telecommunications services to persons who are deaf, deaf and blind, hard of hearing, speech impaired, or who are similarly handicapped. The taxes are collected from the customers monthly and remitted quarterly by each local exchange company. The proceeds from this tax are placed in a special fund designated as the Telecommunications for the Deaf Fund.

Legal Citation

R.S. 47:1061

Tax Base

Use of each residence and business customer telephone access line.

Tax Rate

5¢ per month per line.

Type of Tax Exemption

The only tax exemption provided for is a deduction. A deduction, for this purpose, is a specific reduction in the amount of tax due.

Significant Changes

Fiscal Year 2014-2015

There were no significant changes to the telecommunication tax laws during the past year.

Telecommunication Tax

{ Deduction }

Deduction of two percent for timely filing reports

A deduction of two percent of the tax collected is allowed for the timely reporting and remitting of the taxes due. The purpose of this deduction is to encourage compliance and to compensate companies for expenses related to the collection and remittance of this tax.

Legal Citation

R.S. 47:1061(A)(2)

Origin

Acts 1988, No. 660

Effective Date

September 1, 1988

Beneficiaries

The local telephone exchange companies operating in Louisiana who collect the tax from their customers

Administration

The purpose of this deduction is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$12,000	\$12,000

Tobacco Tax Exemptions

Tobacco Tax

{ Introduction }

A tobacco tax was first levied in 1926, by Act 197 for the benefit of public schools. Retail dealers were taxed at the rate of 1¢ per 10¢ of the retail selling price of cigarettes, smoking and chewing tobacco, cigars, cheroots, and snuff. The tax was effective October 1, 1926, for a period of four years.

Act 4 of 1932 levied a new tax on sales of cigars, cigarettes and smoking tobacco effective September 1, 1932. The cigarette rate was based on each cigarette sold. Cigars were taxed on weight and price per 1,000 and the tax ranged from 75¢ to \$13.50 per 1,000. Smoking tobacco was taxed at 1¢ for each 5¢ of retail selling price. The tax was evidenced by tax stamps supplied by the state and applied by the tobacco dealers who were allowed a discount when purchasing stamps in quantities not less than \$100 face value.

The tax rates on cigarettes increased over the years as follows:

1932	Levied at 1/5¢ per cigarette to 4¢ per 20 pack
1942	Increased by 1/20¢ per cigarette to 5¢ per 20 pack
1948	Increased to 2/5¢ per cigarette or 8¢ per 20 pack
1970	Increased to 11/20¢ per cigarette or 11¢ per 20 pack
1984	Increased to 16/20¢ per cigarette or 16¢ per 20 pack
1990	Increased to 1¢ per cigarette or 20¢ per 20 pack
2000	Increased by 4/20¢ per cigarette to 24¢ per 20 pack
2002	Increased by 12/20¢ per cigarette to 36¢ per 20 pack
2015	Increased by 50/20¢ per cigarette or 86¢ per 20 pack

The tax increase of 4/20 of 1 cent per cigarette enacted in 2000 expired June 30, 2012. However, an amendment to the Constitution, approved by voters on October 22, 2011, effectively restored the expiring tax and placed a tax of 4/20 of 1 cent per cigarette in the Louisiana Constitution.

The tax rates on cigars and smoking tobacco changed in 1942 and 1948, and were eventually set at the current rates in 1974 by Act 413, effective January 1, 1975. A tax on smokeless tobacco was levied effective July 1, 2000.

The discount from the face value of the tax stamp also changed from the original ten percent in 1932 to six percent in 1942; seven percent in 1944; nine percent in 1948; to the current six percent in 1972.

The tobacco tax is currently levied on tobacco and vapor products, and collected from the dealer who first sells, uses, consumes, handles, or distributes the products within the state. Tax stamps indicate the payment of tax on cigarettes and can only be purchased from the Department by wholesale tobacco dealers who are required to post a bond.

Legal Citations

R.S. 47:841 through 47:869

Tax Base

Cigarettes - per cigarette

Vapor Products - per milliliter

Cigars and other tobacco products – invoice price.

Tax Rate

- Cigarettes – 4.3¢ per cigarette (86¢ per standard package of 20).
- Cigars – 8 percent if manufacturer’s invoice price is \$120 per 1,000 or less; 20 percent if manufacturer’s invoice price is more than \$120 per 1,000.
- Smoking tobacco – 33 percent of the manufacturer’s invoice price.
- Smokeless tobacco – 20 percent of the manufacturer’s invoice price.
- Vapor Products - 5 cents per milliliter of consumable nicotine liquid solution

Tobacco Tax

{ Introduction }

Types of Tax Exemptions

Tobacco tax exemptions are in the form of discounts, exemptions, and refunds. Discounts are a proportionate deduction from the gross amount reported. Exemptions are items included in the tax base, but specifically exempted by statute. Refunds are restitution of taxes paid.

There are two statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

Significant Changes

Fiscal Year 2014-2015

Acts 2015, No. 94 increases the tax imposed on cigarettes to 86 cents effective July 1, 2015 and creates the Tobacco Tax Medicaid Match Fund. Beginning August 1, 2015, a new tax was levied on vapor products at 5 cents per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. The Act defines vapor products to include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Act 2015, No. 105 extends the excise tax exemption from Dec. 31, 2016 to Dec. 31, 2025 effective July 1, 2015, for cigars or pipe tobacco sampled during the convention of the International Premium Cigar and Pipe Retailers Association.

Tobacco Tax

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{ EXEMPTION }

- 3. **Sales to State Institutions** 395
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{ REFUND }

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Tobacco Tax

{ Discounts }

1. Discount of Six Percent for Tobacco Stamps

A six percent discount from the face value of the cigarette tax stamps is granted to registered tobacco dealers when the gross stamp purchases exceed \$100. The purpose of the discount is to provide a volume discount and to compensate dealers for expenses related to tax collection.

Legal Citation

R.S. 47:843(C)(3)

Origin

Acts 1932, No. 4

Effective Date

September 1, 1932

Beneficiaries

Bonded Louisiana tobacco dealers that have direct purchasing contracts with manufacturers and purchase stamps in quantities of \$100 or more

Administration

The purpose of this discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$10,500,000	\$12,000,000

2. Discount of Six Percent for Timely Filing Reports

A six percent discount is allowed for timely and accurately filing reports only on those purchases made by registered tobacco dealers in Louisiana who have a direct purchasing contract with the manufacturer. The reports must be accompanied by payment for any taxes due on cigars, vapor products, and other tobacco products. The purpose of the discount is to encourage compliance and to compensate dealers for expenses related to the collection and reporting of the tax.

Legal Citation

R.S. 47:851(B)(2)(b)

Origin

Acts 1974, No. 415

Effective Date

January 1, 1975

Beneficiaries

Bonded Louisiana tobacco dealers that have direct purchasing contracts with manufacturers and timely file their tax reports

Administration

The purpose of this discount is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$1,500,000	\$1,550,000

Tobacco Tax

{ Exemption }

3. Sales to State Institutions

Smoking and chewing tobacco purchased by state institutions for distribution to inmates are exempt from the tobacco tax. The purpose of this exemption is to allow tax-free purchases by state institutions.

Legal Citation

R.S. 47:855

Origin

Acts 1944, No. 150

Effective Date

July 26, 1944

Beneficiaries

Inmates of Louisiana state institutions

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this refund is included in the Five-Year Revenue Loss chart in the row labeled Other Exemptions.

{ Refund }

4. Return of Taxable Cigarettes to the Manufacturer

A refund or credit is allowed for the amount of tax paid on cigarettes returned to a manufacturer either as damaged or unfit for sale. The purpose of this provision is to allow the refund of taxes paid on damaged products returned to the dealer.

Legal Citation

R.S. 47:857

Origin

Acts 1932, No. 4

Effective Date

September 1, 1932

Beneficiaries

Licensed tobacco dealers

Administration

The purpose of this refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$250,000	\$260,000

Tobacco Tax

{ Refund }

5. Return of Taxable Product to the Manufacturer

A refund or credit is allowed for the amount of tax paid on cigars and other tobacco products returned to a manufacturer either as damaged or unfit for sale. The purpose of this provision is to allow the refund of taxes paid on damaged products returned to the dealer.

Legal Citation

R.S. 47:857

Origin

Acts 1932, No. 4

Effective Date

September 1, 1932

Beneficiaries

Licensed tobacco dealers

Administration

The purpose of this refund is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this refund is included in the Five-Year Revenue Loss chart in the row labeled Other Exemptions.

Tobacco Tax

{ Federally Imposed Exemptions }

6. Sales to Federal Government and its Agencies

Sales of tobacco products to the U.S. Government or any of its agencies direct from the manufacturer are exempt from tobacco taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

No specific statute

Origin

U.S. Constitution

Effective Date

September 1, 1932

Beneficiaries

U.S. government agencies

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Other Exemptions.

7. Interstate Shipments of Cigarettes

Cigarettes exported beyond the borders of Louisiana are not subject to tobacco taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 47:849

Origin

Acts 1932, No. 4

Effective Date

September 1, 1932

Beneficiaries

Licensed tobacco dealers engaged in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect	
FYE 6-16	FYE 6-17
\$149,000,000	\$150,000,000

Tobacco Tax

{ Federally Imposed Exemptions }

8. Interstate Shipments of Tobacco Products

Cigars and other tobacco products exported beyond the borders of Louisiana are not subject to tobacco taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

Legal Citation

R.S. 47:849

Origin

Acts 1932, No. 4

Effective Date

September 1, 1932

Beneficiaries

Licensed tobacco dealers engaged in interstate commerce

Administration

The purpose of this exemption is achieved in a fiscally effective manner.

Estimated Fiscal Effect

The estimated fiscal effect of this exemption is included in the Five-Year Revenue Loss chart in the row labeled Other Exemptions.

