ENROLLED

2015 Regular Session

HOUSE BILL NO. 805

BY REPRESENTATIVE ADAMS

AN ACT

To amend and reenact R.S. 47:6006(A) and (B)and 6015(B)(1) and (2) and (D) and to enact R.S. 47:6015(K), relative to income and corporation franchise tax credits; to provide with respect to the tax credit for ad valorem taxes paid on inventory and certain natural gas; to provide with respect to the research and development tax credit; to provide with respect to authorization for issuance of refunds for tax credits which exceed taxpayer tax liability; to provide for certain limitations; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6006(A) and (B) and 6015(B)(1) and (2) and (D) are hereby amended and reenacted and R.S. 47:6015(K) is hereby enacted to read as follows:

§6006. Tax credits for local inventory taxes paid

A.(1) There shall be allowed a credit against any Louisiana income or corporation franchise tax for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers ~~and~~.

(2) There shall be allowed a credit against any Louisiana income or corporation franchise tax for ad valorem taxes paid to political subdivisions on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities.

B. Credit for taxes paid by corporations shall be applied to state corporate income and corporation franchise taxes. Credit for taxes paid by unincorporated persons shall be applied to state personal income taxes. ~~The taxpayer shall be entitled to a refund for any allowable credit which exceeds the aggregate tax liability of the taxpayer for the taxes imposed by Chapter 1 and Chapter 5 of Subtitle II of~~

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~~this Title.~~ The secretary shall make ~~such~~ a refund to the taxpayer in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 and Chapter 5 of ~~such~~ a Subtitle II. If the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the following amounts of the excess credit shall either be refundable or may be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed five years, as follows:

(1) Eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was less than ten thousand dollars shall be refunded all of the excess credit.

(2) Eligible taxpayers whose ad valorem taxes paid to all political subdivisions in the taxable year was ten thousand dollars or more shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

§6015. Research and development tax credit

* * *

B.(1) 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 shall be allowed a ~~refundable~~ tax credit to be applied against income and corporation franchise taxes due in the manner provided for in Subsection K of this Section.

(2) 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 the requirements of Subparagraph (3)(i) of this Subsection, shall be allowed a ~~refundable~~ tax credit to be applied against income and corporation franchise taxes due in the manner provided for in Subsection K of this Section.

* * *

D. A taxpayer who receives a federal Small Business Innovation Research Grant as created by the Small Business Innovation Development Act of 1982 (P.L.

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97-219), reauthorized by the Small Business Research and Development Enhancement Act (P.L. 102-564), and reauthorized again by the Small Business Reauthorization Act of 2000 (P.L. 106-554), shall be allowed a ~~refundable~~ tax credit in an amount equal to forty percent of the award received during the tax year.

* * *

K. If the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit may be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed five years.

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Section 2.(A) Except as provided for in Subsection (B) of this Section, the provisions of this Act shall apply to all claims for these credits on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

(B) The provisions of this Act shall not apply to an amended return filed on or after July 1, 2015, provided that these credits were properly claimed on an original return filed prior to July 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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