
SENATE FLOOR AMENDMENTS

2020 Regular Session

Amendments proposed by Senator Allain to Reengrossed House Bill No. 846 by Representative Wright

1 AMENDMENT NO. 1

2 On page 1, line 9, delete "Competitive Projects"

3 AMENDMENT NO. 2

4 On page 1, line 16, delete "any business" and insert "a for-profit corporation, a limited
5 liability company, a partnership, or a sole proprietorship"

6 AMENDMENT NO. 3

7 On page 2, between lines 2 and 3, insert:

8 "(d) The business is in good standing with the Secretary of State, if
9 applicable.

10 (e) The business filed all applicable Louisiana state tax returns for tax year
11 2018 or 2019, or, for an eligible business formed on or after January 1, 2020, intends
12 to file Louisiana taxes for tax year 2020.

13 (f) The business had no more than fifty full-time equivalent employees as of
14 March 1, 2020.

15 (g) The business is not a subsidiary of a business with more than fifty
16 full-time equivalent employees, is not part of a larger business enterprise with more
17 than fifty full-time equivalent employees, and is not owned by a business with more
18 than fifty full-time equivalent employees."

19 AMENDMENT NO. 4

20 On page 2, line 4, change "(d) The business filed its advance notification" to "(h) The
21 business filed an initial application with the department to be recognized as a COVID-19
22 impacted business"

23 AMENDMENT NO. 5

24 On page 2, line 4, change "project" to "hiring" and change "Advance notifications" to "Initial
25 application"

26 AMENDMENT NO. 6

27 On page 2, line 5, change "project" to "hiring"

28 AMENDMENT NO. 7

29 On page 2, lines 5 and 6, delete "advance notification" and insert "initial application"

30 AMENDMENT NO. 8

31 On page 2, line 6, change "project" to "hiring"

32 AMENDMENT NO. 9

33 On page 2, between lines 7 and 8, insert:

34 "(3) "Department" means the Department of Economic Development."

1 AMENDMENT NO. 10

2 On page 2, line 8, change "(3)" to "(4)"

3 AMENDMENT NO. 11

4 On page 2, line 11, after "operation" insert "in this state"

5 AMENDMENT NO. 12

6 On page 2, line 16, after "B." insert "(1)"

7 AMENDMENT NO. 13

8 On page 2, line 25, after "2020." delete the remainder of the line, delete line 26, and insert:

9 "(2)(a) Initial rebate amounts shall be based on new jobs and annual payroll
10 created between May 15, 2020, and December 31, 2021.

11 (b) A business shall be eligible for a rebate for each year that it maintains or
12 exceeds the minimum required new jobs and annual payroll as provided in Paragraph
13 (1) of this Subsection.

14 (3)(a) Payroll eligible for this rebate is limited to \$500,000 per COVID-19
15 impacted business per calendar year.

16 (b) No COVID-19 impacted business shall receive a rebate pursuant to this
17 Section for more than three years.

18 (c) No rebates shall be paid under this program for new jobs or payroll
19 created after December 31, 2022.

20 C.(1)(a) The rebates authorized in this Section shall be paid annually after the
21 business has filed its application for annual rebate with the department, and the
22 department has determined that the business is eligible for the rebate for that year.

23 (b) Businesses may file their annual rebate application at the end of the
24 business's fiscal year or the date that the hiring and payroll thresholds provided in
25 Subsection B are met, whichever is earlier.

26 (2) The application shall contain a sworn statement by a duly authorized
27 officer of the business concerning with respect to the business's fiscal year:

28 (a) That the business remained a qualified COVID-19 impacted business
29 under the provisions of this Section.

30 (b) The total number of and the gross payroll of the new jobs created.

31 (c) That the new jobs were not jobs retained following the acquisition of all
32 or part of an in-state business by the business.

33 (d) That the employees holding the new jobs were paid at least the applicable
34 federal minimum wage and were Louisiana residents.

35 (3) The department may request such additional information from the
36 business as may be necessary to determine whether the application is correct and
37 whether the business is eligible for the annual rebate for that year, or may request
38 that the business revise its application.

39 (4) Upon approval of the application for an annual rebate, the department shall
40 send a certification letter to the Department of Revenue for payment of the rebate.
41 The letter shall provide the name of the business and the amount of the rebate. The
42 Department of Revenue shall verify the tax return filing information required by
43 Paragraph (2) of Subsection A and may require the business to submit any additional
44 information as may be necessary to effect the payment of the rebate. Payment shall
45 be made from the current collections of the taxes imposed by Title 47 of the
46 Louisiana Revised Statutes of 1950, as amended.

47 D. Recovery of rebates

48 (1) If a business receives a rebate pursuant to this Section and it is
49 subsequently determined that the business did not qualify for such rebate, the future
50 rebates issued to the business shall be reduced by the amount of such rebate monies
51 previously received by the business.

52 (2) If there are no future rebates from which to deduct the amount owed back
53 to the state, the tax liability of the business for the taxable period in which the

1 determination was made shall be increased by the amount of such rebate monies
2 previously received by the business.

3 (3) The secretary of the Department of Revenue may recover any rebates
4 previously granted to a business that are later disallowed as authorized by R.S.
5 47:1561.2.

6 E. A business shall not receive any other nondiscretionary statutory incentive
7 administered by the department for any payroll expenditures for which the business
8 has received a rebate pursuant to this Section.

9 F. The department, in consultation with the Department of Revenue, may
10 adopt and promulgate rules and regulations that are necessary to carry out the intent
11 and purposes of this Section."