

2015 Regular Session

HOUSE BILL NO. 754

BY REPRESENTATIVE LEGER

TAX CREDITS: Provides relative to awarding research and development tax credits

1 AN ACT

2 To amend and reenact R.S. 47:1431(A) and 6015(B)(4) and (C)(2)(c), to enact R.S.
3 47:1407(5), and to repeal R.S. 47:6015(B)(5), relative to research and development
4 tax credits; to provide for the application for such credit; to provide for taxpayers
5 eligible to claim the credit; to provide for the determination of the amount of the
6 credit for certain businesses; to provide for appeals of disapproved credits; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. 47:1431(A) and 6015(B)(4) and (C)(2)(c) are hereby amended and
10 reenacted and R.S. 47:1407(5) is hereby enacted to read as follows:

11 §1407. Jurisdiction of the board

12 The jurisdiction of the board shall extend to the following:

13 * * *

14 (5) All matters relating to appeals of tax credit denials, as provided in R.S.
15 47:6015.

16 * * *

17 §1431. Taxpayer's petition

18 A. Whenever a taxpayer is aggrieved by an assessment made by the state
19 collector, ~~or~~ by the state collector's action or failure to act on a claim for refund or
20 credit of an overpayment, or by the Department of Economic Development's denial

1 of a research and development tax credit, such taxpayer may appeal to the board for
2 a redetermination of the assessment, ~~or~~ a determination of the alleged overpayment,
3 or determination of the amount of the credit found due, by filing a petition with the
4 board within the respective periods set forth in R.S. 47:1565, 1566, and 1625.

5 * * *

6 §6015. Research and development tax credit

7 * * *

8 B.

9 * * *

10 (4) The Department of Economic Development shall approve or disapprove
11 each application. No credits shall be granted to a taxpayer under this Section unless
12 the credit is approved by the Department of Economic Development.

13 (a) If the Department of Economic Development fails to approve or
14 disapprove a properly filed application for a credit within one year from the date
15 received or if the department disapproves the application in whole or in part, the
16 taxpayer seeking such credit may appeal to the Board of Tax Appeals for a hearing
17 on the application filed in accordance with the provisions set forth in R.S. 47:1431.
18 No appeal may be filed before the expiration of one year from the date of filing such
19 application unless the department renders a decision thereon within that time, nor
20 after the expiration of sixty days from the date of mailing by registered mail by the
21 department to the taxpayer of a notice of the disapproval of the part of the
22 application to which such appeal relates.

23 (b) Any consideration, reconsideration, or action by the department with
24 respect to such claim following the mailing of a notice by registered mail of
25 disapproval shall not operate to extend the period within which an appeal may be
26 taken.

27 (c) The Board of Tax Appeals shall have jurisdiction to determine the correct
28 amount of credit for the period in controversy and to render judgment ordering the
29 granting of any credit found to be due.

of all or part of an application shall be made within 60 days of the applicant's receipt of notification by registered mail of the disapproval.

Proposed law grants the Board of Tax Appeals jurisdiction over appeals of research and development tax credit denials and authorizes a taxpayer aggrieved by the department's denial of a research and development tax credit to petition the board for a determination of the amount of the credit.

(Amends R.S. 47:1431(A) and 6015(B)(4) and (C)(2)(c); Adds R.S. 47:1407(5); Repeals R.S. 47:6015(B)(5))