

HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Ways and Means to Reengrossed Senate Bill No. 198 by Senator Peacock

1 AMENDMENT NO. 1

2 In Amendment No. 3 by the House Ways and Means Committee (#2868), on page 1, at the
3 end of line 6, after "(C)," insert "1484(D),"

4 AMENDMENT NO. 2

5 In Amendment No. 7 by the House Ways and Means Committee (#2868), on page 1, at the
6 end of line 18, insert a comma "," and insert "1484(D),"

7 AMENDMENT NO. 3

8 In Amendment No. 10 by the House Ways and Means Committee (#2868), on page 4,
9 between lines 32 and 33, insert the following:

10 **"D. All claims approved by the Board of Tax Appeals or the secretary**
11 **as a result of Act No. 109 from the 2015 Regular Session, may be taken as an**
12 **offset against any state corporate income or franchise tax liability of the**
13 **claimant as follows:**

14 **(1) Up to fifty percent of the total claim approved by the board or the**
15 **secretary shall be allowed as a nonrefundable offset in the two taxable periods**
16 **immediately following the agreement of the parties to the offset. For each**
17 **taxable period in which an offset authorized by this Subsection is taken, the**
18 **amount of the offset shall not be treated as a credit for purposes of R.S. 47:1675**
19 **and shall be applied against state income or corporation franchise tax liability**
20 **before application of any other credits of any kind or nature whatsoever,**
21 **including but not limited to credits described in R.S. 47:1675. The secretary**
22 **shall authorize an extension of time not to exceed two years within which an**
23 **offset may be taken if payment of the amount of the total claim approved is not**
24 **satisfied after two years.**

25 **(2) A claimant for which the secretary has authorized an offset pursuant**
26 **to this Subsection may transfer all or any portion of the offset to any member**
27 **of the affiliated group of entities that includes the claimant and that files a**
28 **federal consolidated return filed under the Internal Revenue Code. Any portion**
29 **of an offset transferred to a member of the federal consolidated group that**
30 **includes the claimant shall be allowed only as an offset against the same taxes**
31 **and shall be subject to the same limitations provided in Paragraph (1) of this**
32 **Subsection. The transfer shall be in accordance with the procedures set forth**
33 **by rule or on forms or instructions provided by the secretary."**