

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 292 by Representative Riser

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "amend and reenact R.S. 47:241 and 287.69" and insert:

3 "amend and reenact R.S. 47:32(C), 55(5), 241, 287.12, 287.69, and
4 287.732.2(B)"

5 AMENDMENT NO. 2

6 On page 1, line 3, change "and 287.442(B)(1)" to "287.442(B)(1), and 287.732.2(C),"

7 AMENDMENT NO. 3

8 On page 1, line 5, after "taxes;" insert "to decrease the number of tax brackets applicable to
9 corporation income tax; to lower the rates of corporation income tax;"

10 AMENDMENT NO. 4

11 On page 1, line 8, delete "R.S. 47:241 and 287.69" and insert:

12 "R.S. 47:32(C), 55(5), 241, 287.12, 287.69, and 287.732.2(B)"

13 AMENDMENT NO. 5

14 On page 1, delete lines 10 through 20, and on page 2 delete lines 1 through 17, and insert:

15 "§32. Rates of tax

16 * * *

17 C. On corporations. The tax to be assessed, levied, collected, and paid
18 upon the net income of every corporation shall be computed at the rate of:

19 (1) ~~Four percentum~~ One and eighty-five one hundredths percent upon
20 the first twenty-five thousand dollars of net income.

21 (2) ~~Five percentum~~ Three and one-half percent upon the amount of
22 net income above twenty-five thousand dollars but not in excess of fifty one
23 hundred thousand dollars.

24 (3) ~~Six percentum and one-half percent~~ on the amount of net income
25 above fifty thousand dollars but not in excess of one hundred thousand
26 dollars but not in excess of two hundred fifty thousand dollars.

27 (4) ~~Seven percentum on the amount of net income above one hundred~~
28 ~~thousand dollars but not in excess of two hundred thousand dollars.~~

29 (5) ~~Eight percentum~~ on all net income in excess of two hundred fifty
30 thousand dollars.

31 * * *

32 §55. Deductions from gross income; taxes generally

33 In computing net income, there shall be allowed as deductions all
34 taxes paid or accrued within the taxable year except:

35 * * *

36 (5) ~~Federal taxes except social security taxes based on income,~~
37 ~~including but not limited to, net income, war profits, excess profits,~~
38 ~~accumulated earnings and personal holding company taxes paid or accrued~~
39 ~~for any taxable period beginning in 1970, 1971 or 1972 paid.~~

40 * * *

41 §241. Net income subject to tax

1 The net income of a nonresident individual or a corporation subject
 2 to the tax imposed by this Chapter shall be the sum of the net allocable
 3 income earned within or derived from sources within this state, as defined in
 4 R.S. 47:243, and the net apportionable income derived from sources in this
 5 state, as defined in R.S. 47:244, ~~less the amount of federal income taxes~~
 6 ~~attributable to the net allocable income and net apportionable income derived~~
 7 ~~from sources in this state. The amount of federal income taxes to be so~~
 8 ~~deducted shall be that portion of the total federal income tax which is levied~~
 9 ~~with respect to the particular income derived from sources in this state to be~~
 10 ~~computed in accordance with rules and regulations of the collector of~~
 11 ~~revenue. Proper adjustment shall be made for the actual tax rates applying to~~
 12 ~~different classes of income and for all differences in the computation of net~~
 13 ~~income for purposes of federal income taxation as compared to the~~
 14 ~~computation of net income under this Chapter. Where the allocation of the~~
 15 ~~tax is to be based on a ratio of the amount of net income of a particular class,~~
 16 ~~both the numerator and the denominator of the fraction used in determining~~
 17 ~~the ratio shall be computed on the basis that such net income is determined~~
 18 ~~for federal income tax purposes.~~

19 * * *

20 §287.12. Rates of tax

21 The tax to be assessed, levied, collected, and paid upon the Louisiana
 22 taxable income of every corporation shall be computed at the rate of:

23 (1) ~~Four~~ One and eighty-five one hundredths percent upon the first
 24 twenty-five thousand dollars of Louisiana taxable income.

25 (2) ~~Five~~ Three and one-half percent upon the amount of Louisiana
 26 taxable income above twenty-five thousand dollars but not in excess of fifty
 27 one hundred thousand dollars.

28 (3) ~~Six~~ and one-half percent on the amount of Louisiana taxable
 29 income above ~~fifty thousand dollars but not in excess of~~ one hundred
 30 thousand dollars but not in excess of two hundred fifty thousand dollars.

31 (4) ~~Seven percent on the amount of Louisiana taxable income above~~
 32 ~~one hundred thousand dollars but not in excess of two hundred thousand~~
 33 ~~dollars.~~

34 (5) ~~Eight percent on all Louisiana taxable income in excess of two~~
 35 hundred fifty thousand dollars."

36 AMENDMENT NO. 6

37 On page 2, between lines 23 and 24, insert:

38 "* * *

39 §287.732.2. Election for S corporations and other flow-through entities

40 * * *

41 B. Notwithstanding any provision of law to the contrary, the tax on
 42 the Louisiana taxable income of every entity that makes the election pursuant
 43 to this Section shall be computed at the rates of:

44 (1) ~~Two~~ One and eighty-five one hundredths percent upon the first
 45 twenty-five thousand dollars of Louisiana taxable income.

46 (2) ~~Four~~ Three and one-half percent upon the amount of Louisiana
 47 taxable income above twenty-five thousand dollars but not in excess of one
 48 hundred thousand dollars.

49 (3) ~~Six~~ Four and one-quarter percent upon the amount of Louisiana
 50 taxable income above one hundred thousand dollars.

51 ~~C. An entity that has made the election provided in this Section shall~~
 52 ~~be allowed a deduction in an amount equal to the federal income tax the~~
 53 ~~entity would have paid on its Louisiana net income for the taxable year if the~~
 54 ~~entity had been required to file an income tax return with the Internal~~
 55 ~~Revenue Service as a C corporation for the current and all prior taxable~~
 56 ~~years, in accordance with federal law.~~

57 * * *"

1 AMENDMENT NO. 7

2 On page 2, line 27, change "2023" to "2022"

3 AMENDMENT NO. 8

4 On page 2, line 28, change "2023" to "2022"

5 AMENDMENT NO. 9

6 On page 3, line 1, after "Legislature" insert "or the Act which originated as Senate Bill
7 No.159 of this 2021 Regular Session of this Legislature"

8 AMENDMENT NO. 10

9 On page 3, line 2, after "effective" insert:

10 "and if both of the Acts that originated as House Bill No. 278 and Senate Bill
11 No. 161 of this 2021 Regular Session of the Legislature are enacted and
12 become law."