Regular Session, 2012

HOUSE BILL NO. 377

BY REPRESENTATIVE ROBIDEAUX

TAX RETURN: Provides relative to credits and overpayments for partnerships filing composite returns

AN ACT

To enact R.S. 47:201.1(F), relative to income tax returns; to provide with respect to composite returns of partnerships; to provide for the payment and distribution of overpayments; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:201.1(F) is hereby enacted to read as follows:

§201.1. Composite returns for nonresident partners or members

* * *

<u>F. Credits and overpayments claimed on composite returns.</u>

<u>(1) Notwithstanding the provisions of R.S. 46:1675(F) or any other provision of law to the contrary, when a composite return is filed, the nonresident members or nonresident partners of the partnership shall claim their respective share of any credit earned by the partnership for the applicable tax period in which the credit was earned.</u>

<u>(2) Credits claimed on a composite return shall not be allowed or claimed on any other return submitted on behalf of or by a member or partner for the same tax period.</u>

<u>(3) When a composite return reflects an overpayment that is determined to be correct by the secretary, the overpayment shall be paid to the partnership that filed the composite return.</u>

(4) The provisions of this Section shall be effective for taxable periods beginning on or after January 1, 2013.

Section 2. This Act shall become effective on June 30, 2012; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2012, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Robideaux HB No. 377

Abstract: Provides for procedures for composite income tax returns regarding the listing of credits and the distribution of overpayments for partnerships.

Present law requires each entity treated as a partnership for state income tax purposes to file composite income tax returns and make composite payments on behalf of its nonresident partners or members who do not file an individual tax return.

Proposed law retains present law and requires the taking of tax credits on the composite return for the applicable tax period in which the credit was earned.

Proposed law requires the secretary of the Dept. of Revenue, in the payment of overpayments, to make payment to the partnership that filed the composite return which reflected the overpayment.

Proposed law shall be effective for taxable periods beginning on and after Jan. 1, 2013.

Effective June 30, 2012.

(Adds R.S. 47:201.1(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Deleted authority for secretary of the Dept. of Revenue to prescribe alternative methods for filing, signing, and verifying a tax return.

2. Deleted rulemaking authority.

3. Deleted requirement that a partnership be responsible for distributing any overpayments among its members.

4. Changed effective date and adds provision that proposed law shall be effective for taxable periods beginning on and after Jan. 1, 2013.