

CONFERENCE COMMITTEE REPORT
Senate Bill No. 37 By Senator Gary Smith

June 6, 2013

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 37 by Senator Gary Smith, recommend the following concerning the Re-Reengrossed bill:

1. That the two House Committee Amendments proposed by the House Committee on Ways and Means and adopted by the House on June 2, 2013 be rejected.

Respectfully submitted,

Senators:

Representatives:

Senator Gary L. Smith, Jr.

Representative Clay Schexnayder

Senator Neil Riser

Representative Joel C. Robideaux

Senator David Heitmeier

Representative Chris Broadwater

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

TAX/TAXATION. Authorizes for corporations a net operating loss carryback of 5 years if the loss is attributable to Hurricane Isaac. (see Act)

Report adopts House amendments to:

1. Semi-technical amendment to place the same \$10 million limit on, and the same requirement of the taxpayer to certify his election of, a net operating loss carryback in the companion provision of law in the bill.

Digest of the bill as proposed by the Conference Committee

Present law authorizes a net operating loss carryback to each of the three taxable years preceding the taxable year of such loss.

Proposed law authorizes, upon certification by the Department of Revenue, for corporations a net operating loss carryback of five years if the loss is "attributable to Hurricane Isaac". Provides that the aggregate amount of net operating loss carryback deduction allowed for all taxpayers during any taxable year shall not exceed ten million dollars.

Proposed law provides that a loss is "attributable to Hurricane Isaac" if a portion of the Louisiana net loss for the taxable year is attributable to business activity or business property of the taxpayer located in any parish which is in whole or in part in the area with respect to which a disaster has been declared by the president of the United States before September 10, 2012, under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Isaac.

Applicable to all tax years beginning August 1, 2011, and thereafter.

Effective if, as, and when the 113th Congress of the United States grants a similar benefit to taxpayers under federal income tax law.

(Amends R.S. 47:246(E) and 287.86(B)(1))