2015 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVES ROBIDEAUX, PIERRE, AND THIERRY

1	AN ACT					
2	To amend and reenact R.S. 47:287.95(F)(3) and 606(A)(1)(a); relative to corporate income					
3	and corporate franchise tax; to provide for determination of taxable income from					
4	sales of certain aircraft manufactured in this state; to provide for the determination					
5	of taxable capital from sales of certain aircraft manufactured in this state; to provide					
6	for an effective date; and to provide for related matters.					
7	Be it enacted by the Legislature of Louisiana:					
8	Section 1. R.S. 47:287.95(F)(3) and 606(A)(1)(a) are hereby amended and reenacted					
9	to read as follows:					
10	§287.95. Determination of Louisiana apportionment percent					
11	* * *					
12	F.					
13	* * *					
14	(3) For the purpose of this Subsection, sales attributable to this state shall be					
15	all sales where the goods, merchandise, or property is received in this state by the					
16	purchaser. In the case of delivery of goods by common carrier or by other means of					
17	transportation, including transportation by the purchaser, the place at which the					
18	goods are ultimately received after all transportation has been completed shall be					
19	considered as the place at which the goods are received by the purchaser. However,					
20	direct delivery into this state by the taxpayer to a person or firm designated by a					
21	purchaser from within or without the state shall constitute delivery to the purchaser					
22	in this state. For purposes of sales of aircraft manufactured or assembled in this					

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state, the place	at which the	aircraft is	ultimately	received	shall	be the	place	the
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aircraft is to be	primarily sto	red when n	ot in use.					

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§606. Allocation of taxable capital

A. General allocation formula.

For the purpose of ascertaining the tax imposed in this Chapter, every corporation subject to the tax is deemed to have employed in this state the proportion of its taxable capital, computed on the basis of the ratio obtained by taking the arithmetical average of the following ratios:

- (1) The ratio that the net sales made to customers in the regular course of business and other revenue attributable to Louisiana bears to the total net sales made to customers in the regular course of business and other revenue. For the purposes of this Sub-section Subsection net sales and other revenues attributable to Louisiana shall be determined as follows:
- (a) Sales attributable to this state shall be all sales where the goods, merchandise or property is received in this state by the purchaser. In the case of delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. However, direct delivery into this state by the taxpayer to a person or firm designated by a purchaser from within or without the state shall constitute delivery to the purchaser in this state. Revenue derived from a sale of property not made in the regular course of business shall not be considered. For purposes of sales of aircraft manufactured or assembled in this state, the place at which the aircraft is ultimately received shall be the place the aircraft is to be primarily stored when not in use.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1	vetoed by the governor and subsequently approved by the legislature, this Act shall become					
2 effective on the day following such approval.						
		SPEAKER OF THE HOUSE OF REPRESENTATIVES				
		PRESIDENT OF THE SENATE				
		GOVERNOR OF THE STATE OF LOUISIANA				
	APPROVED:					
	ALLKO VED.					

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