Table of Contents

Title 61
REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 1. Office of the Secretary 1
§101. Drug Free Workplace and Drug Testing 1
§103. Criminal History Records Checks for Access to Federal Tax Information 4
Chapter 2. Alcoholic Beverages 6
§201. Direct Shipments of Sparkling or Still Wines 6
Chapter 3. Corporation Franchise Tax 7
§301. Imposition of Tax 7
§302. Determination of Taxable Capital 8
§303. Borrowed Capital 9
§304. Capital Stock 10
§305. Surplus and Undivided Profits 11
§306. Allocation of Taxable Capital 12
§308. Exemptions 19
§309. Due Date, Payment, and Reporting of Tax 29
§311. Newly Taxable Corporations 30
§312. Extension of Time for Filing Return and Paying the Tax 30
§313. Fiscal Year; Accounting Period 31
§320. Books of the Corporation 31
Chapter 9. Hazardous Waste Tax 32
§901. Definitions 32
§903. Standard Dry-Weight Conversion Factors 33
§905. Imposition of Tax 33
§907. Rate of Tax 34
§909. Direct Payment by Generator 34
§911. Collection by Disposer; Liability of Disposer 34
§913. Exempt Disposal by Disposer 34
§915. Returns and Payment 35
§917. Records Requirements 35
Chapter 10. Income: Pass-Through Entities 35
§1001. Election of Pass-Through Entities 35
Chapter 11. Corporation Income Tax 37
§1114. Modifications of Federal Gross Income 37
§1115. Corporate Deductions; Add-Back of Certain Intangible Expenses; Interest and Management Fees 37
§1122. Taxes Not Deductible 40
§1123. Federal Income Tax Deduction 41
§1124. Net Operating Loss Deduction 45
§1125. Application of Net Operating Losses Carryover to Otherwise Closed Years 45
§1130. Computation of Net Allocable Income from Louisiana Sources 46
§1132. Computation of Net Apportionable Income from Louisiana Sources 51
§1134. Determination of Louisiana Apportionment Percent 53
§1135. Sourcing of Sales other than Sales of Tangible Personal Property 57
§1136. Exclusion of Certain Sales of Tangible Personal Property from the Sales Factor 61
§1137. Exceptions to Taxable Year of Inclusion; Taxable Year Deductions Taken 62

§1140. Exemption from Tax on Corporations 62
§1147. Notice of Regulation, Requiring Records, Statements and Special Returns 63
§1148. Corporation Returns 63
§1168. Notice of Fiduciary Relationship 64
§1175. Definition of Separate Corporation Basis 64
§1189. Situs of Stock Canceled or Redeemed in Liquidation 64
§1195. Health Insurance Credit for Contractors of Public Works 65
Chapter 13. Income: Individual 66
§1301. Requirements for Submitting Claims for Offset of Individual Income Tax Refunds against Debts Owed Certain State Agencies 66
§1302. Nonresident Net Operating Losses 66
§1303. Application of the Louisiana Individual Income Tax to Native Americans 67
§1304. Nonresident Apportionment of Compensation from Personal Services Rendered in Louisiana 67
§1305. Income Tax Schedule Requirement for Certain Nonresident Professional Athletes and Professional Sports Franchises 69
§1306. Offset of Individual Income Tax Refunds against Debts Owed Certain Persons 70
§1310. Income Tax Tables 70
§1311. Annual Retirement Income Exemption for Individuals 65 or Older 83
§1351. Suspension, Revocation, and Denial of Hunting and Fishing Licenses 83
§1355. Suspension and Denial of Renewal of Drivers' Licenses 84
Chapter 14. Income: Partnerships 85
§1401. Partnership Composite Return Requirement, Composite Payment Requirement, Exceptions 85
Chapter 15. Income: Withholding Tax 88
§1501. Income Tax Withholding Tables 88
§1505. Electronic Systems for Withholding Exemption Certificates 103
§1510. Requirements for Substitute Form W-2, Copy 2, Furnished to Payees 103
§1515. Withholding Tax Statements and Returns—Electronic Filing Requirements 104
§1516. Payment 104
§1520. Withholding by Professional Athletic Teams 105
§1525. Income Tax Withholding on Gaming Winnings 106
Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions 106
§1901. Employer Tax Credits for Donations of Materials, Equipment, or Instructors to Certain Training Programs or Schools 106
§1902. Inventory Tax Credits 107
§1903. Administration of the School Readiness Tax Credits 108
§1905. Telephone Company Property Assessment Relief Fund 109
§1907. Income Tax Credits for Solar Energy Systems 110
§1909. National Center for Construction Education and Research Apprenticeship Tax Credits 114
§1911. Louisiana New Markets Tax Credit 114
§1912. Louisiana New Markets Jobs Act—Premium Tax Credit 115
§1913. Alternative Fuel Tax Credit 118
§1915. Small Town Health Professionals Credit 120
§1917. Louisiana Rehabilitation of Historic Structures Tax Credit 121
§1921 Louisiana Youth Jobs Tax Credit 124

Chapter 29. Natural Resources: Severance Tax 126
§2901. Severance Tax on Timber, Pulpwood and Minerals Other Than Gas and Oil 126
§2903. Severance Taxes on Oil; Distillate, Condensate or Similar Natural Resources; Natural Gasoline or Casinghead Gasoline; Liquefied Petroleum Gases and Other Natural Gas Liquids; and Gas 128
Chapter 31. Petroleum Products: Gasoline Tax 132
§3101. Government Exemptions 132
§3103. Bonded Jobbers 132
§3105. Purchase, Storage and Use of Refund Gasoline by Farmers, Fishermen and Operators of Aircraft 133
§3107. Sale of Refund Gasoline by Dealers 133
Chapter 33. Petroleum Products: Special Fuels Tax 134
Subchapter A. Retail Dealers of Special Fuels 134
§3301. Definitions 134
§3303. Collection and Payment of Tax 134
§3305. Records Required; Invoices; False or Inadequate Records a Violation 135
§3307. Sale of Dyed Special Fuels 135
Subchapter B. Users of Special Fuels 135
§3351. Provisions Relating to Users of Special Fuels 135
§3353. Invoice Requirements 137
§3355. Refunds or Credits; Undyed Diesel Fuel Used for Other than Highway Purposes 137
§3357. Use by State Agencies, Parish and Municipal Governments, and Other Political Subdivisions 138
§3359. Sales; Uses of Dyed Fuel 138
§3361. Use by Farmers 138
§3363. Use of Dyed Special Fuel by Fire Trucks 138
Chapter 35. Petroleum Products: Provisions Common to Taxes on Gasoline or Motor Fuel and Lubricating Oils 139
§3501. Designated Routes 139
Chapter 39. Public Utilities and Carriers: Transportation and Communications Tax 140
§3901. Provisions Relating to the Transportation and Communications Tax 140
Chapter 41. Public Utilities and Carriers: Natural Gas Franchise Tax 140
§4101. Imposition of Tax 140
§4103. Gross Receipts; General Definition 140
§4105. Gross Receipts; Interstate Business 140
§4107. Gross Receipts; Transportation for Own Use 140
Chapter 43. Sales and Use Tax 141
§4301. Uniform State and Local Sales Tax Definitions 141
§4302. Pollution Control Devices and Systems Excluded from the Definition of “Sale at Retail” 157
§4303. Imposition of Tax 158
§4305. Imposition of Tax 159
§4307. Collection 160
§4309. Collection of Tax 163
§4311. Treatment of Tax by Dealer 163
§4351. Returns and Payment of Tax, Penalty for Absorption of Tax 164
§4353. Collection from Interstate and Foreign Transportation Dealers 166
§4355. Collector's Authority to Determine the Tax in Certain Cases 167
§4357. Termination or Transfer of a Business 167
§4359. Dealers Required to Keep Records 168
§4361. Wholesalers and Jobbers Required to Keep Records 168

§4363. Collector's Authority to Examine Records of Transportation Companies 168
§4365. Failure to Pay Tax on Imported Tangible Personal Property; Grounds for Attachment 169
§4367. Failure to Pay Tax; Rule to Cease Business 169
§4369. Sales Returned to Dealer; Credit or Refund of Tax 169
§4371. Sales Tax Refund for Tangible Personal Property Destroyed in a Natural Disaster 170
§4372. Payment of Sales and Use Taxes by Persons Constructing, Renovating, or Altering Immovable Property 171
§4373. Nonresident Contractors 171
Chapter 44. Sales and Use Tax Exemptions 173
§4401. Various Exemptions from Tax 173
§4402. Exemptions from Lease or Rental Tax, Helicopters 177
§4403. Ships and Ships' Supplies 177
§4404. Seeds Used in Planting of Crops 177
§4406. Little Theater Tickets 178
§4407. Tickets to Musical Performances of Nonprofit Musical Organizations 178
§4408. Pesticides Used for Agricultural Purposes 178
§4409. Motion Picture Film Rental 179
§4410. Property Purchased for First Use Outside the State 179
§4411. Contracts Prior to and within 90 Days of Tax Levy 180
§4413. Admissions to Entertainment Furnished by Certain Domestic Nonprofit Corporations 181
§4414. Cable Television Installation and Repair 181
§4416. Purchases of Mardi Gras Specialty Items 181
§4417. Exclusions and Exemptions; Purchases Made with United States Department of Agriculture Food Stamp Coupons and Purchases Made under the Women, Infants, and Children's Program 182
§4418. Nonprofit Organizations; Nature of Exemption; Limitations; Qualifications 183
§4420. Property Used in Interstate Commerce 183
§4423. State Sales Tax Holiday on Purchases of Hurricane-Preparedness Items 185
§4427. Sales and Use Tax Exemption for Charitable Construction of Animal Shelters 186
Chapter 49. Tax Collection 186
§4901. Alternative Remedies for the Collection of Taxes 186
§4903. Timely Filing When the Due Date Falls on Saturday, Sunday, or Legal Holiday 188
§4905. Signature Alternatives; Electronic Filings 188
§4906. Signature Alternatives for Preparers 188
§4907. Remittance of Tax under Protest, Suits or Petitions to Recover 188
§4908. Insufficient Funds Checks 188
§4909. Refund Claims 189
§4910. Electronic Funds Transfer 189
§4911. File Date of Returns and Other Documents; Payment Dates 191
§4913. Collection of In-State Tax Liabilities by Debt Collection Agencies or the Attorney General's Office 192
§4914. Prescription of Refunds Claimed Pursuant to the Federal Combat-Injured Veterans Tax Fairness Act of 2016 193
§4915. Louisiana Tax Delinquency Amnesty Act of 2014 194
§4919. Installment Agreement for Payment of Tax 195
Chapter 51. Tobacco Tax 196
§5101. Reporting of Certain Imported Cigarettes; Penalty 196
§5103. Manufacturer’s Net Invoiced Price 196

Chapter 53. Miscellaneous Fees 197
§5301. Oilfield Site Restoration Fee 197
§5302. Issuance and Cancellation of a Lien; Fees 197
Chapter 61. Motion Picture Production Tax Credit Program 198
§6101. Purpose 198
§6103. General Description 198
§6105. Definitions 199
§6107. Certification Procedures 201
§6109. Additional Program Provisions 205
§6113. Application of the Tax Credit 205
§6119. Louisiana Promotional Graphic 207
Chapter 63. Motion Picture Production Tax Credit Program—Qualified Entertainment Company Payroll Tax Credit Program 207
§6323. General 207
§6324. Definitions 208
§6325. QEC Application and Application Fee 209
§6326. QEC Application Review and Qualification Determination 209
§6327. QEC Contract 209
§6328. QEC Final Certification Procedures 210
Chapter 65. Louisiana Sound Recording Investor Tax Credit Program 210
§6531. Purpose and Description of Louisiana Sound Recording Investor Tax Credit Program 210
§6533. Definitions 211
§6535. Rules of Application 212
§6537. Certification 213
§6539. Credits 214
§6541. Illustrative Examples of Production Expenses 215
Chapter 67. Louisiana Digital Media and Software Act 215
§6761. Purpose 215
§6763. General Description 216
§6765. Definitions 216
§6767. Certification Procedures 218
§6768. Illustrative Examples of Production Expenses 220
§6769. Use of Tax Credits 221
§6771. Recapture and Recovery of Tax Credits 223
§6773. Agreed-Upon Accounting Procedures 223
Chapter 69. Musical and Theatrical Production Income Tax Credit Program 223
§6990. Purpose 223
§6991. General Description 223
§6992. Definitions 224
§6993. Certification Procedures 225
§6994. Illustrative Examples of Production Expenses 227
§6997. Additional Program Procedures—State-Certified Musical or Theatrical Production Receiving Initial Certification on or after July 1, 2017 228
§6999. Application of the Tax Credit 228

Part III. Administrative and Miscellaneous Provisions

Chapter 1. Agency Guidelines 229
§101. Policy Statements 229
Chapter 3. Alternative Dispute Resolution Procedures 232
§301. Definitions 232
§303. Type of Alternative Dispute Resolution Process 232
§305. Initiation of Arbitration 232
§307. Persons Authorized to Participate in Arbitration 233
§309. Registry of Arbitrators 233
§311. Time Delay for Providing Names of Arbitrators 233
§313. Selection of Arbitration Company 233
§315. Disclosure of Conflict of Interest 233
§317. Procedures for Arbitration 233
§319. Discovery 234
§321. Arbitration Hearing 234
§323. Sequence of the Arbitration Hearing 234
§325. Ex Parte Communication with the Arbitrator 234
§327. Privacy 235
§329. Confidentiality 235
§331. Fees and Expenses 235
§333. Taxpayer's Duty to Protect Protests and Appeals 235
§335. Notice of a Waiver or Extension 235
Chapter 5. Authorized Representatives 236
§501. Designation of Tax Matters Person 236
Chapter 11. Donations 237
§1101. Donations to the Louisiana Military Family Assistance Fund 237
Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment 238
§1501. Requirement for Tax Preparers to File Income Tax Returns Electronically 238
§1503. Corporation Franchise Tax Returns—Electronic Filing Requirements 238
§1505. Corporation Income Tax Returns—Electronic Filing Requirements 239
§1507. Partnership Returns—Electronic Filing Requirements 239
§1511. Lessors of Motor Vehicles—Electronic Filing Requirement 240
§1513. Automobile Rental Tax Return, Form R-1329—Electronic Filing Requirement 240
§1515. Tax Increment Financing District Sales Tax Returns, Form R-1029—Electronic Filing Requirement 241
§1517. Hotel and Motel Sales Tax Return, Form R-1029DS—Electronic Filing Requirement 241
§1519. New Orleans Exhibition Hall Authority Additional Room Occupancy Tax and Food and Beverage Tax Return, Form R-1325—Electronic Filing Requirement 241
§1521. Louisiana State and Parish and Municipalities Beer Tax Return, Form R-5621 Electronic Filing Requirement 242
§1523. Hotel/Motel Sales Tax Return, Form R-1029H/M—Electronic Filing Requirement 242
§1525. Severance Tax—Oil or Gas 242
§1527. Electronic Filing Mandate for Reports and Returns related to the Sports Facility Assistance Fund 243
§1529. Telecommunication Tax for the Deaf—Electronic Filing Requirements 244
§1530. Telecommunication Tax for the Deaf—Electronic Payment Required 244
§1532. Payment of Taxes by Credit or Debit Cards; Other 244
§1533. Tobacco Tax—Electronic Filing Requirements 246
§1534. Tobacco Tax—Electronic Payment Required 247

§1535. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax Return Electronic Filing Requirements 247
§1536. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax—Electronic Payment Required 247
§1537. Remote Seller Tax Return—Electronic Filing Requirements 248
§1538. Remote Seller Derived Sales and Use Tax - Electronic Payment Required 248
§1539. Alcoholic Beverage Tax Returns—Electronic Filing Requirements 248
§1540. Alcoholic Beverage Taxes—Electronic Payment Required 249
§1541. Hazardous Waste Disposal Tax Return—Electronic Filing Requirements 249
§1542. Hazardous Waste Disposal Tax—Electronic Payment Required 249
§1543. Transportation and Communication Utilities Tax Return—Electronic Filing Requirements 250
§1544. Transportation and Communication Utilities Tax—Electronic Payment Required 250
§1545. Report of Inspection and Supervision Fee—Electronic Filing Requirements 250
§1546. Inspection and Supervision Fee - Electronic Payment Required 250
§1547. Consolidated Filers—Electronic Filing Requirements 251
§1548. Consolidated Filers - Electronic Payment Required 251
Chapter 17. Administrative Fees 251
§1701. Fees for Searching for Returns and Other Documents, Authenticating and Certifying Copies of Records 251
Chapter 21. Interest and Penalties 252
§2101. Penalty Waiver 252
§2103. Voluntary Disclosure Agreements 252
§2115. Abatement and Compromise of Interest 254
§2116. Interest Waiver and Filing Extensions Following Disasters 255
§2121. Reasonable Cause and Good Faith Exception to Presumption in R.S. 47:1604.1(A)(1) 255
§2123. Good Cause Exception to Presumption of Willful Disregard 256
§2125. Request for Abatement of Presumed Penalty 257
Chapter 25. Returns 257
§2501. Individual Income Tax Filing Extensions 257
§2503. Corporation Income and Franchise Tax Filing Extensions 257
§2505. Filling Extensions for Partnerships filing Composite Returns 258
§2507. Fiduciary Income Tax Filing Extensions 258
Chapter 27. Transferable Income and Franchise Tax Credits 258
§2701. Public Registry of Motion Picture Investor Tax Credit Brokers 258
Chapter 29. Louisiana Sales and Use Tax Commission for Remote Sellers 260
§2901. Definitions 260
§2903. Commission Policy Statements and Guidance 260
§2905. Voluntary Disclosure Agreements 264

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation 267
§100. Introduction 267
§101. Constitutional Principles for Property Taxation 267
§103. Exempt Property 270
§105. Constitutional Principles in Determination of Fair Market Value and Use of Reappraisal 271
§107. Statutory Guide for Property Taxation 272
§109. Fair Market Value Defined 272
§111. Criteria for Determining Fair Market Value 272
§113. Assessments: General Information 272
§114. Property Defined 273

§115. Real Property Defined 273
§117. Personal Property Defined 273
§118. Data Collection by the Assessor 273
§119. Forms 273
§121. Reappraisal 273
§123. Statutes Pertaining to Specific Personal Property 274
§125. Statutes Pertaining to Specific Real Property 274
Chapter 2. Policies and Procedures for Assessment and Change Order Practices 274
§201. Introduction 274
§203. Change Orders 274
§207. Use Value Properties 275
§209. Non-Profit Organizations 276
§211. Industrial Exemption Properties 276
§213. Assessment Policies and Procedures 277
Chapter 3. Real and Personal Property 278
§301. Definitions 278
§303. Real Property 279
§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications 280
§305. Real Property Report Forms 294
§307. Personal Property Report Forms 294
§309. Tax Commission Miscellaneous Forms 295
Chapter 5. Loan and Finance Companies 296
§501. Guidelines for Ascertaining Fair Market Value of Loan and Finance Company Personal Property 296
Chapter 7. Watercraft 296
§701. Guidelines for Ascertaining Fair Market Value of Watercraft 296
§703. Tables—Watercraft 299
§706. Table—Economic Obsolescence 304
Chapter 9. Oil and Gas Properties 305
§901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties 305
§903. Instructions for Reporting Oil and Gas Properties 306
§905. Reporting Procedures 306
§907. Valuation of Oil, Gas, and Other Wells 307
Chapter 11. Drilling Rigs and Related Equipment 312
§1101. Guidelines for Ascertaining the Fair Market Value of Drilling Rigs and Related Equipment 312
§1103. Drilling Rigs and Related Equipment Tables 312
Chapter 13. Pipelines 314
§1301. Guidelines for Ascertaining the Fair Market Value of Pipelines 314
§1303. Instructions for Reporting "Other Pipelines" 315
§1305. Reporting Procedures 315
§1307. Pipeline Transportation Tables 315
Chapter 15. Aircraft 316
§1501. Guidelines for Ascertaining the Fair Market Value of Aircraft 316
§1503. Aircraft (Including Helicopters) Table 316
§1504. Aircraft (Including Helicopters) Table 317
Chapter 17. Inventories 317
§1701. Guidelines for Ascertaining the Fair Market Value of Inventories 317
§1703. Addendum 318

Chapter 19. Leasehold Improvements 319
§1901. Guidelines for Ascertaining the Fair Market Value of Leasehold Improvements 319
§1903. Reporting and Assessment of Leasehold Improvements 319
Chapter 21. Leased Equipment 319
§2101. Guidelines for Ascertaining the Fair Market Value of Leased Equipment 319
Chapter 23. Insurance Companies 319
§2301. Guidelines for Ascertaining the Fair Market Value of Insurance Companies 319
§2303. Exemption of Life Insurance Companies and Other Insurance Premiums 319
Chapter 25. General Business Assets 320
§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment, and Other Assets Used in General Business Activity 320
§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property 320
Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value 325
§2701. Definitions of Land Eligible for Use Value Assessment 325
§2703. Eligibility Requirements and Application for Use Value Assessment 325
§2705. Classification 326
§2707. Map Index Table 326
§2709. Assessment and Classification—Agricultural and Horticultural 327
§2711. Tables—Agricultural and Horticultural Lands 327
§2713. Assessment of Timberland 327
§2715. Assessment of Marsh Land 328
§2717. Tables—Use Value 328
Chapter 29. Public Service Properties 329
§2901. Non-Operating or Non-Utility Property 329
§2903. Immovable Property of Electric Membership Corporations, Electric Power Companies, Gas Companies, Pipeline Companies, Railroad Companies, Telegraph Companies, Telephone Companies and Water Companies Assessed as Public Service Companies by the Louisiana Tax Commission 329
§2905. Report of Values to the Assessor 329
§2909. Appraisal of Public Service Properties 329
Chapter 31. Public Exposure of Assessments; Appeals 330
§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings 330
§3102. Appeals to the Louisiana Tax Commission (for appeals filed before January 1, 2022) 332
§3103. Appeals to the Louisiana Tax Commission (for appeals filed on or after January 1, 2022) 335
§3105. Practice and Procedure for Public Service Properties Hearings 341
§3106. Practice and Procedure for the Appeal of Bank Assessments 343
§3107. Practice and Procedure for Appeal of Insurance Credit Assessments 344
Chapter 33. Financial Institutions 346
§3301. Guidelines for Ascertaining the Fair Market Value of Financial Institutions 346
§3303. Allocation for Credit Purposes of Assessments Not Directly Attributable to a Specific Office 347
§3305. Listing and Assessing of Stock; Place (Multi-Parish Branch Offices) 347
§3307. Methods of Branch Office Allocations 347
§3309. Listing and Assessing of Stock; Branch Offices 348
Chapter 35. Miscellaneous 348
§3501. Service Fees—Tax Commission 348
§3503. Homestead Exemptions 349

§3505. Housing for the Homeless 349
§3507. Claim for Taxes Paid in Error 349
§3509. Tulane University—Exemption Allocation Regulation 350
§3511. Tulane University—Purpose 350
§3513. Tulane University—Definitions 351
§3515. General Rule 352
§3517. Tulane University—Reporting and Valuation Procedure 352
§3519. Tulane University—Allocation Formula 353
§3521. Tulane University—Allocation Report 354
§3523. Tulane University—Forms 354
§3525. Reporting of Certain Property Assessments by Assessors and Louisiana Tax Commission Members 354
Chapter 37. Reassessment Guidelines Pursuant to R.S. 47.1978 and 1978.1 354
§3701. Listing and Assessing of Overflowed Lands 354
§3702. Listing and Assessing of Land and Property Damaged or Destroyed during a Disaster or Emergency Declared by the Governor or Fire 354

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 1. Office of the Secretary

§101. Drug Free Workplace and Drug Testing

A. Introduction and Purpose

1. The employees of the Department of Revenue are among the state's most valuable resources, and the physical and mental well-being of our employees is necessary for them to properly carry out their responsibilities. Substance abuse causes serious adverse consequences to users, affecting their productivity, health and safety, dependents, and co-workers, as well as the general public.

2. The state of Louisiana and the Department of Revenue have a long-standing commitment to working toward a drug-free, alcohol-free workplace. In order to curb the use of illegal drugs by employees of the state of Louisiana, the Louisiana Legislature enacted laws that provide for the creation and implementation of drug testing programs for state employees. Further, the Governor of the State of Louisiana issued Executive Orders KBB 2005-08 and 2005-11 providing for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees, pursuant to R.S. 49:1001 et seq.

B. Applicability

1. This regulation applies to all Department of Revenue employees including appointees and all other persons having an employment relationship with this agency.

C. Definitions

Controlled Substances—a drug, chemical substance or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Designer (Synthetic) Drugs—those chemical substances that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

Employee—unclassified, classified, and student *employee*s, student interns, and any other person having an employment relationship with this agency, regardless of the appointment type (e.g., full time, part time, temporary, restricted, detailed, job appointment, etc.).

Illegal Drug—any drug that is not legally obtainable or that has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed. For purposes of this regulation, alcohol consumption at or above the initial testing levels and confirmatory testing levels as established in the contract between the state of Louisiana and the official provider of drug testing services will classify alcohol as an illegal drug.

Public Vehicle—any motor vehicle, water craft, air craft or rail vehicle owned or controlled by the state of Louisiana.

Random Testing—testing randomly performed on employees holding a safety-sensitive or security-sensitive position. The secretary shall periodically call for a sample of such employees, selected at random by a computer generated random selection process.

Reasonable Suspicion—belief based upon reliable, objective and articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this regulation.

Safety-Sensitive or *Security-Sensitive Position*—a position determined by the secretary to contain duties of such nature that the compelling state interest to keep the incumbent drug-free and alcohol-free outweighs the employee's privacy interests. Positions considered as *safety-sensitive* or *security-sensitive* are listed in §101.J. These positions were determined with consideration of statutory law, jurisprudence, and the practices of this agency. Examples of *safety-sensitive* and *security-sensitive positions* are as follows:

a. positions with duties that are required or are authorized to carry a firearm;

b. positions with duties that require operation or maintenance of any heavy equipment or machinery, or the supervision of such an employee;

c. positions with duties that require the operation or maintenance of a public vehicle, or the supervision of such an employee.

Secretary—Secretary of the Department of Revenue.

Testing with Cause—testing performed on employees on the basis of reasonable suspicion, post accident, rehabilitation monitoring, or possession of illegal drugs or drug paraphernalia while in the workplace.

Under the Influence—for the purposes of this regulation, a drug, chemical substance, or the combination of a drug or chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech, or difficulty in maintaining balance. A determination of influence can be established by a professional opinion or a scientifically valid test.

Workplace—any location on agency property including all property, offices, and facilities, including all vehicles and equipment, whether owned, leased, or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to any location from which an individual conducts agency business while such business is being conducted.

D. Drug-Free Workplace Policy

1. It shall be the policy of the Department of Revenue to maintain a drug-free, alcohol-free workplace and a workforce free of substance abuse.

2. Employees are prohibited from reporting to work or performing work with the presence in their bodies of illegal drugs, controlled substances, designer (synthetic) drugs, or alcohol at or above the initial testing levels and confirmatory testing levels as established in the contract between the state of Louisiana and the official provider of drug testing services.

3. Employees are further prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, illegal drugs, and alcohol at the work site and while on official state business, on duty or on call for duty.

E. Conditions Requiring Drug Tests. Drug and alcohol testing shall be required under the following conditions.

1. Reasonable Suspicion. Any employee shall be required to submit to a drug and alcohol test if there is reasonable suspicion, as defined in §101.C.*Reasonable Suspicion*, that the employee is using illegal drugs or is under the influence of alcohol while on duty.

2. Post Accident. Each employee involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug and alcohol test if the accident:

a. involves circumstances leading to a reasonable suspicion of the employee's drug or alcohol use; or

b. results in a fatality.

3. Rehabilitation Monitoring. Any employee who is participating in a substance abuse after-treatment program or who has a rehabilitation agreement with the agency following an incident involving substance abuse shall be required to submit to periodic drug testing.

4. Pre-Employment. Each prospective employee shall be required to submit to drug screening at the time and place designated by the Director of the Human Resources following a job offer contingent upon a negative drug-testing result. A prospective employee who tests positive for the presence of drugs in the initial screening or who fails to submit to drug testing shall be eliminated from consideration for employment. Employees transferring to the department from other state agencies without a break in service are exempt from pre-employment testing.

5. Safety-Sensitive and Security-Sensitive Positions

a. Appointments and Promotions. Each employee who is offered a safety-sensitive or security-sensitive position as defined in §101.J shall be required to pass a drug test before being placed in such position, whether through appointment or promotion. All such testing shall, if applicable, occur during the selected employee's work schedule.

b. Random Testing. Every employee in a safety-sensitive or security-sensitive position shall be required to submit to drug testing as required by the secretary, who shall periodically call for a sample of such employees, selected at random by a computer-generated random selection process, and require them to report for testing. All such testing shall, if applicable, occur during the selected employee's work schedule.

6. Employees in Possession of Illegal Drugs. Any employee previously found in possession of suspected illegal drugs or drug paraphernalia in the workplace shall be required to submit to subsequent random drug tests.

F. Drug and Alcohol Testing Procedure

1. Drug testing pursuant to this regulation shall be conducted for the presence of any illegal drugs, including, cannabinoids (marijuana metabolites), cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines in accordance with the provisions of R.S. 49:1001 et seq. The Department of Revenue reserves the right to test its employees for the presence of alcohol, any other illegal drugs, or controlled substances when there is reasonable suspicion to do so. For purposes of this regulation, alcohol consumption at or above the initial testing levels and confirmatory testing levels as established in the contract between the state of Louisiana and the official provider of drug testing services will classify alcohol as an illegal drug.

2. The Director of Human Resources and the secretary shall be involved in any determination that one of the above-named conditions requiring drug and alcohol testing exists. All recommendations for drug testing must be approved by the secretary. Upon final determination by the responsible officials, the Director of the Human Resources shall notify the supervisor of the employee to be tested, and the supervisor shall immediately notify the employee where and when to report for the testing.

3. Testing services shall be performed by a provider chosen by the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws. At a minimum, the testing service shall assure the following.

a. All specimen collections will be performed in accordance with applicable federal and state regulations and guidelines to ensure the integrity of the specimen and the privacy of the donor. The Director of Human Resources shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct supervision. All direct observation shall be conducted by a person of the same-sex at the collection site.

b. Chain of custody forms must be provided to ensure the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

c. Testing shall be performed by a Substance Abuse Mental Services Health Administration (SAMSHA) certified laboratory.

d. The laboratory shall use a cut-off of 50 ng/ml for a positive finding in testing for cannabinoids.

e. The laboratory shall use a concentration cut-off of 0.08 or more for the initial positive finding in testing for alcohol.

f. All positives reported by the laboratory must be confirmed by gas chromatography/mass spectrometry.

4. All confirmed positive results of alcohol and drug testing shall be reported by the laboratory to a qualified medical review officer.

G. Confidentiality

1. All information, interviews, reports, statements, memoranda, or test results received through this drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

2. All records regarding this policy shall be maintained by the Director of Human Resources in a secured, confidential file.

H. Responsibilities

1. The secretary is responsible for the overall compliance with this regulation and shall submit to the Office of the Governor, through the Commissioner of Administration, a report on this regulation and drug testing program, describing progress, the number of employees affected, the categories of testing being conducted, the associated costs for testing, and the effectiveness of the program by November 1 of each year.

2. The Director of the Human Resources is responsible for administering the drug and alcohol testing program; recommending to the secretary when drug testing is appropriate; receiving, acting on, and holding confidential all information received from the testing services provider and from the medical review officer; collecting appropriate information necessary to agency defense in the event of legal challenge; and providing the secretary with the data necessary to submit a detailed report to the Office of the Governor as described above.

3. All supervisory personnel are responsible for reporting to the Director of Human Resources any employee they suspect may be under the influence of any illegal drug, alcohol, or chemical substance. Supervisory personnel are also responsible for assuring that each employee under their supervision understands or is given the opportunity to understand and have questions answered about this regulation's contents.

I. Violation of the Regulation

1. All initial screening tests with positive results must be confirmed by a second test with the results reviewed by a medical review officer.

a. A breath test resulting in 0.08 or greater alcohol concentration level will be considered an initial positive result.

b. If a positive test result occurs, the confirmation test will be performed within 30 minutes, but not less than 15 minutes, of completion of the initial screening test.

c. Urine samples will be tested using the split sample method, with a confirmation test performed on the second half of the sample in the event that a positive test result occurs.

2. If the confirmation test produces positive results, the medical review officer will contact the employee/applicant prior to posting the results of the test as positive.

a. The employee/applicant will have the opportunity to verify the legitimacy of the result, i.e., producing a valid prescription in his/her name.

b. If the employee applicant is able to successfully verify the legitimacy of the positive results, the medical review officer will confirm the result as negative and report the results to the department.

c. If the employee is unable to successfully verify the legitimacy of the positive results, the employee shall be subject to disciplinary action up to and including possible termination of employment, as determined by the secretary.

3. Each violation and alleged violation of this regulation will be handled individually, taking into account all data, including the risk to self, fellow employees, and the general public.

4. Any employee whose drug test is confirmed positive may make a written request for access to records relating to his drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings within seven working days.

5. The secretary may, but shall not be required to, allow an employee whose drug test is certified positive by the medical review officer the opportunity to undergo rehabilitation without termination of employment, subject to the employee complying with the following conditions.

a. The employee must meet with an approved chemical abuse counselor for a substance abuse evaluation.

b. The employee must release the substance abuse evaluation before returning to work.

c. The employee shall be screened on a periodic basis for not less than 12 months nor more than 60 months.

d. The employee will be responsible for costs associated with follow-up testing, return to duty testing, counseling and any other recommended treatment.

6. Positive post accident or return to duty tests will result in the employee's immediate dismissal.

7. Any employee who refuses to submit to a urine test for the presence of illegal drugs or a breath test for the presence of alcohol shall be subject to the consequences of a positive test.

8. In the event that a current or prospective employee receives a confirmed positive test result, the employee may challenge the test results within 72 hours of actual notification.

a. The employee's challenge will not prevent the employee from being placed on suspension pending the investigation until the challenge is resolved.

b. The employee may submit a written explanation of the reason for the positive test result to the medical review officer.

c. Employees who are on legally prescribed and obtained medication for a documented illness, injury or ailment will be eligible for continued employment upon receiving clearance from the medical review officer.

9. In the event that a current or prospective employee remains unable to provide a sufficient urine specimen or amount of breath, the collector or Breath Alcohol Technician (BAT) must discontinue testing and notify the Director of Human Resources of their actions.

a. In both instances, whether the discrepancy is an insufficient urine specimen or amount of breath, the Director of Human Resources shall promptly inform the secretary.

b. The secretary shall then direct the employees to have a medical evaluation, at the expense of the Department of Revenue, by a licensed physician who possesses expertise in the medical issue surrounding the failure to provide a sufficient specimen.

c. This medical evaluation must be performed within five working days after the secretary is notified of the employee's inability to provide a sufficient specimen.

d. The physician shall provide the secretary with a report of his/her conclusions as to whether the employee's inability to provide a sufficient urine specimen or amount of breath is genuine.

e. If the physician determines that the employee's inability to provide a sufficient urine specimen or amount of breath is not genuine, the employees will be subject to the consequences of a positive test.

J. Safety-Sensitive or Security-Sensitive Positions to be Randomly Drug Tested

1. All candidates for the following positions are required to pass a drug test before being placed in the position, whether through appointment or promotion and employees who occupy these positions are subject to random drug/alcohol testing.

a. Alcohol Beverage Control Investigator Supervisor

b. Alcohol Beverage Control Investigator

c. Alcohol Beverage Control Manager

d. Alcohol Beverage Control Staff Officer

e. Alcohol Beverage Control Special Investigator

f. Alcohol and Tobacco Control Agent 1-6

g. Alcohol and Tobacco Control Commissioner

h. Alcohol and Tobacco Control Deputy Commissioner

i. Alcohol and Tobacco Control Financial Investigator 1-2

j. Alcohol and Tobacco Control Special Investigator 1-2

k. Alcohol and Tobacco Control Specialist

l. Special Investigation Division—Assistant Director

m. Special Investigations Division—Director

n. Special Investigations Division—Revenue Agent 3

AUTHORITY NOTE: Promulgated in accordance with Executive Orders KBB 2005-08 and 2005-11 and R.S. 49:1015 et seq.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 25:1523 (August 1999), amended LR 34:668 (April 2008).

§103. Criminal History Records Checks for Access to Federal Tax Information

A. Introduction and Purpose

1. Safeguarding federal tax information (FTI) is critically important to the continuous protection of taxpayer confidentiality as required by 26 U.S.C. 6103(p)(4) of the Internal Revenue Code and Publication 1075. The Department of Revenue will conduct fingerprinting, along with national, state, and local criminal history record checks on all individuals handling and those who may handle FTI in order to ensure the Department of Revenue is making a complete effort to protect the sensitive information of all taxpayers and complying with federal confidentiality laws and background investigation standards. The criminal history record checks will be used to determine the suitability of individuals to access FTI in performance of their job duties or services for the Department of Revenue. In determining suitability, the Department of Revenue will use information obtained through the criminal history record check to identify trends of behavior that may not rise to the criteria for reporting to the FBI or state database, but are a good source of information about the individual.

B. Applicability

1. This regulation applies to all current employees, prospective employees, contractors and subcontractors of the Department of Revenue.

C. Definitions

Criminal History Record Check—a review of an individual's criminal history on the national level through the use of fingerprints sent to the Federal Bureau of Investigation (FBI), the state level, through the use of fingerprints sent to the Louisiana Bureau of Criminal Identification and Information and the local level, through various local law enforcement agencies.

Department—the Louisiana Department of Revenue.

FTI Suitable (no reports)—an employee, contractor or subcontractor who is suitable to access federal tax information in the performance of his duties, function or service at the department.

FTI Suitable (with reports)—an employee, contractor or subcontractor where information was received during the criminal history record check process that indicated there were criminal cases, convictions, arrests or serious misconduct but a determination was made based upon compelling reasons, to allow access to FTI in the performance of his duties, function or service at the department.

FTI Unsuitable—an employee, contractor or subcontractor who is not suitable to access federal tax information in the performance of his duties, function or service at the department.

Federal Tax Information (*FTI*)—consists of federal tax returns and return information (and information derived from it) that is in the department's possession or control which is covered by the confidentiality protections of the *Internal Revenue Code* and subject to its safeguarding requirements, including IRS oversight.

D. General Provisions for Criminal History Record Checks

1. Every current employee, prospective employee, contractor or subcontractor identified as having or who will have access to FTI, shall sign a written authorization to have the fingerprinting and criminal history record check performed.

2. Criminal history record checks will include, at minimum, a national check through the use of fingerprints that are sent to the FBI, a state check, through the use of fingerprints sent to the Louisiana Bureau of Criminal Identification and Information along with a local check, through various local law enforcement agencies.

3. Criminal history record checks will be completed, at minimum, every five years.

4. Criminal history record checks will only be done on prospective employees after a conditional offer of employment is signed by the prospective employee.

5. Background checks on prospective contractors must be done prior to the contractor beginning work on the contract.

E. Suitability Standards

1. Whether a current or prospective employee, contractor or subcontractor is deemed to be "FTI suitable (no reports)," "FTI suitable (with reports)," or "FTI unsuitable" is determined by the factors contained in the following table.

Designation	Criminal History Record Check Results
FTI Suitable (No Reports)	No reports of open criminal cases, convictions, arrests or serious misconduct
FTI Suitable (With Reports)	• No reports of open criminal cases, convictions, arrests or serious misconduct with relevance to the duties of the position or access to FTI • Reports of open criminal cases, convictions, arrests or serious misconduct relevant to the duties of the position or access to FTI; but, compelling mitigating documentation has been provided • Reports of criminal cases, convictions, arrests or serious misconduct that occurred 10 or more years prior to the date of the criminal history record check - The criminal case, conviction, arrest or serious misconduct cannot be one or of the nature discussed in the FTI Unsuitable category. - The current or prospective employee, contractor and/or subcontractor shall submit a detailed explanation. - The detailed explanation will be reviewed to determine FTI suitability.
FTI Unsuitable	Reports of criminal cases, convictions, arrests or serious misconduct that includes but is not limited to: • Misappropriation Crimes* • Computer Related Crimes* • Offenses Affecting Organized Government, subparts B through F* • Tax, Alcohol Beverage, Tobacco or Charitable Gaming offenses where the federal or state statute exposes the offender to a penalty of imprisonment, with or without hard labor - The asterisk (*) indicates a specific category of various related crimes that are listed in Title 14 of the Louisiana Revised Statutes. - Compelling or mitigating documentation must be provided to show the offense is irrelevant to FTI suitability.

2. Any criminal history record check that does not result in a determination of FTI suitable (no reports) will be reviewed on a case by case basis.

3. The case by case assessment of all open criminal cases, convictions, arrests, or reports of misconduct shall take into consideration all the items/factors below:

a. the nature of the offense;

b. the relation of the offense to the duties of the employee, contractor or subcontractor;

c. any aggravating or mitigating circumstances, including the passage of time; and

d. any evidence of rehabilitation of the subject or the lack thereof.

F. Impact of Suitability Determination

1. Prospective and current employees as well as contractors and subcontractors who have been deemed FTI

suitable (no reports) or FTI suitable (with reports) will be able to exercise one of the options below that is applicable to their status:

a. continue to or be allowed to access FTI in the performance of job duties;

b. continue to or be allowed to access FTI in the performance of job duties with special restrictions or caveats; or

c. be considered for a vacant position with FTI access.

2. If a current or prospective employee, contractor or subcontractor has been deemed FTI unsuitable, the department will exercise one of the options below:

a. access or use of FTI will immediately be denied, suspended or prevented;

b. the job offer may be rescinded;

c. the contract may be terminated; or

d. the contractor or subcontractor's employee may be removed or prohibited from performing work on the contract.

3. A determination of FTI unsuitable may be appealed using the procedures outlined in Subsection G of this Section.

4. A successful appeal is the only mechanism in which the impact of a FTI unsuitable determination can be avoided.

G. Appeal Procedures

1. In the event the criminal history record check reveals information that leads to a determination of FTI unsuitable for a current or prospective department employee, contractor or subcontractor, the impacted person will be notified. This notification will also inform the impacted person of their right to challenge the accuracy of the criminal history record check.

2. The impacted person will have 30 days to present documentation to refute or mitigate the determination.

3. The department will review the documentation and notify the impacted person of its determination. The department may also use this information to request a new or updated criminal history record check, if allowed by the national, state and/or local law enforcement agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.5, R.S. 47:1504.1 and R.S. 47:1511

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:98 (January 2018), amended LR 48:2160 (August 2022).

Chapter 2. Alcoholic Beverages

§201. Direct Shipments of Sparkling or Still Wines

A. Identification of Shipments

1. All shipments made by an authorized manufacturer or retailer of sparkling or still wines that are shipped directly to any consumer in Louisiana shall be identified as follows:

a. the words "Alcoholic Beverage—Direct Shipment" shall be marked and clearly visible on both the front and back of the package in lettering measuring at least 1/4 inch in height; and

b. the words "Unlawful to Sell or Deliver to Anyone under 21 Years of Age" must be clearly visible on the front of the package, in lettering measuring at least 1/4 inch in height.

2. The manufacturer's or retailer's Louisiana registration or permit number assigned by the Excise Taxes Division shall be clearly displayed on the front of the package.

3. All shipments shall have affixed to the exterior packaging a notification to the person making the delivery that a signature of the recipient is required prior to delivery. The notice should be at least 3" by 3" and contain words similar to the following.

ATTENTION Courier
SIGNATURE REQUIRED Deliver to RECIPIENT address only. No indirect delivery. Disregard any Signature Release. Recipient MUST be at least 21 years old, and not show signs of intoxication.

B. Reporting of Shipments

1. For each shipment made by an authorized manufacturer or retailer of sparkling or still wines that is shipped directly to any consumer in the state of Louisiana, the authorized manufacturer or retailer shall maintain the following records until December 31 of the year following the year in which the shipment was made. These records shall be available for inspection by the Department of Revenue upon request:

a. an invoice detailing the transaction; and

b. a certification, on a written form as specified by the secretary, by the person receiving the shipment that the recipient is 21 years of age or older.

2. Each certification required by §201.B.1.b must be signed and dated at the time of delivery to any consumer in Louisiana.

3. The carrier making the actual delivery of packages of sparkling or still wines shall forward copies of the bills of lading to the Excise Tax Division of the Louisiana Department of Revenue by the fifteenth day of the month following the month of delivery in the same manner as reports showing the handling of alcoholic beverages as required under R.S. 26:369.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:341, 26:344, and 26:359.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Excise Taxes Division, LR 25:526 (March 1999).

Chapter 3. Corporation Franchise Tax

§301. Imposition of Tax

A. General. Except as specifically exempted by R.S. 47:608, R.S. 47:601 imposes a corporation franchise tax, in addition to all other taxes levied by any other statute, on all domestic corporations, for the right granted by the laws of this state to exist as such an organization and on both domestic and foreign corporations for the enjoyment under the protection of the laws of this state of the powers, rights, privileges, and immunities derived by reason of the corporate form of existence and operation. Liability for the tax is created whenever any such organization qualifies to do business in this state, owns or uses any part of its capital, plant, or any other property in this state, whether owned directly or indirectly by or through a partnership, joint venture, or any other business organization of which the domestic or foreign corporation is a related party as defined in R.S. 47:605.1, through the buying, selling, or procuring of services in this state, or actually does business in this state through exercising or enjoying each and every act, power, right, privilege, or immunity as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations.

1. The term *domestic corporation* shall include any of the following:

a. corporations, joint stock companies or associations, or other business organizations organized under the laws of the State of Louisiana which have privileges, powers, rights, or immunities not possessed by individuals or partnerships;

b. all entities taxed as corporations pursuant to 26 U.S.C. Subtitle A, Chapter 1, Subchapter C, for federal income tax purposes, notwithstanding any provisions of law to the contrary. Such entities will be treated and taxed in the same manner that such entities are treated and taxed for federal income tax purposes.

2. Exclusions

a. Nothing in this subsection shall extend franchise tax liability to any limited liability company qualified and eligible to be taxed in accordance with the provisions of 26 U.S.C. Subtitle A, Chapter 1, Subchapter S on the first day of its fiscal or annual year or to any other entity that was acquired before January 1, 2014, but not earlier than January 1, 2012, by an entity that was taxed pursuant to 26 U.S.C. Subtitle A, Chapter 1, Subchapter S.

b. Examples

i. Other than through its ownership in Partnership B, Corporation A is not subject to Louisiana corporation franchise tax. Corporation A owns an interest in Partnership B, which is doing business in Louisiana. Corporation A would be subject to Louisiana corporation franchise tax.

ii. Other than through its ownership in Limited Liability Company B, Corporation A is not subject to Louisiana corporation franchise tax. Corporation A owns an interest in Limited Liability Company B, which is taxed as a partnership and is doing business in Louisiana or owns property located in Louisiana. Corporation A would be subject to Louisiana corporation franchise tax.

iii. Subsidiary is a domestic corporation doing business in Louisiana and is a 100 percent owned subsidiary of Parent. Parent is a domestic limited liability company doing business in Louisiana and elects to be taxed as an S corporation pursuant to I.R.C. § 1362 for federal income tax purposes. Subsidiary is a QSub, as provided for in I.R.C. §1361(b)(3). For Louisiana corporation franchise tax purposes, Parent would not be subject to the franchise tax, because Parent is a limited liability company, eligible to be taxed as an S corporation. Subsidiary would be subject to the franchise tax, because Subsidiary is a corporation.

B. With respect to foreign corporations, R.S. 12:306 generally grants such organizations authority to transact business in this state subject to and limited by any restrictions recited in the certificate of authorization, and in addition thereto provides that they shall enjoy the same, but no greater, rights and privileges as a business or nonprofit corporation organized under the laws of the state of Louisiana to transact the business which such corporation is authorized to contract, and are subject to the same duties, restrictions, penalties, and liabilities (including the payment of taxes) as are imposed on a business or nonprofit corporation organized under the laws of this state. In view of the grant of such rights, privileges, immunities, and the imposition of the same duties, restrictions, penalties, and liabilities on foreign corporations as are imposed on domestic corporations, the exercise of any right, privilege, or the enjoyment of any immunity within this state by a foreign corporation which might be exercised or enjoyed by a domestic business or nonprofit corporation organized under the laws of this state renders the foreign corporation liable for the same taxes, penalties, and interest, where applicable, which would be imposed on a domestic corporation.

C. Thus, both domestic and foreign corporations which enjoy or exercise within this state any of the powers, privileges, or immunities granted to business corporations organized under the provisions of the Business Corporation Act, as found in R.S. 12:1-101 through 1-1704, are subject to and liable for the payment of the franchise tax imposed by this Section.

D. Thus, the mere ownership of property within this state, or an interest in property within this state, including but not limited to mineral interests and oil payments dependent upon production within Louisiana, whether owned directly or by or through a partnership or joint venture or otherwise, renders the corporation subject to franchise tax in Louisiana since a portion of its capital is employed in this state.

E. The tax imposed by this Section shall be at the rate prescribed in R.S. 47:601 for each $1,000, or a major fraction thereof, on the amount of its capital stock, determined as provided in R.S. 47:604, its surplus and undivided profits, determined as provided in R.S. 47:605,

and its borrowed capital, determined as provided in R.S. 47:603 on the amount of such capital stock, surplus, and undivided profits, and borrowed capital as is employed in the exercise of its rights, powers, and immunities within this state determined in compliance with the provisions of R.S. 47:606 and R.S. 47:607.

F. The accrual, payment, and reporting of franchise taxes imposed by this Section are set forth in R.S. 47:609.

G. In the case of any domestic or foreign corporation subject to the tax herein imposed, the tax shall not be less than the minimum tax provided in R.S. 47:601.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:601.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:448 (March 2004), amended LR 44:1635 (September 2018).

§302. Determination of Taxable Capital

A. Taxable Capital. Every corporation subject to the tax imposed by R.S. 47:601 must determine the total of its capital stock, as defined in R.S. 47:604, its surplus and undivided profits, as defined in R.S. 47:605, and its borrowed capital, as defined in R.S. 47:603, which total amount shall be used as the basis for determining the extent to which its franchise and the rights, powers, and immunities granted by Louisiana are exercised within this state. Determination of the taxable amount thereof shall be made in accordance with the provisions of R.S. 47:606 and R.S. 47:607, and the rules and regulations issued thereunder by the secretary of revenue and taxation.

B. Holding Corporation Deduction. Any corporation which owns at least 80 percent of the capital stock of a banking corporation organized under the laws of the United States or of the state of Louisiana may deduct from its total taxable base, determined as provided in §302.A and before the allocation of taxable base to Louisiana as provided in R.S. 47:606 and R.S. 47:607, the amount by which its investment in and advances to such banking corporation exceeds the excess of total assets of the holding corporation over total taxable capital of the holding corporation, determined as provided in §302.A.

C. Any corporation, as defined in R.S. 47:601(C), that is subject to the franchise tax imposed by R.S. 47:601(A) and that is not subject to R.S. 47:602(B), (C), (D), (E), or (F), that has one or more subsidiaries, will be entitled to deduct from its taxable capital its investments in and advances to one or more subsidiaries, whether made directly or indirectly, when computing its franchise tax.

1. The term subsidiaries shall include any corporation, as provided for in R.S. 47:601(C), that is subject to the franchise tax imposed by R.S. 47:601(A), and in which at least 80 percent of the voting and nonvoting power of all classes of their stock, membership, partnership, or other ownership interests are owned, directly or indirectly, by a corporation subject to the franchise tax imposed by R.S. 47:601(A).

2. The amount of deduction allowed will be the sum of the amounts determined by multiplying the parent corporation's investments in and advances to each subsidiary by each subsidiary's average ratio, as determined pursuant to R.S. 47:606.

3. Any direct or indirect subsidiary of a regulated company, as provided for in R.S. 47:602(C), that directly owns at least 80 percent of the voting power of the stock, membership, partnership, or other membership interests in a public-utility company, as defined by the Public Utility Holding Company Act of 1935 prior to its repeal, may use the holding corporation deduction with respect to investments in and advances to subsidiary corporations or subsidiary limited liability companies to calculate its taxable capital.

4. Example. Company A is a corporation owning 100 percent of Company B. Company B is a non-Louisiana corporation qualified to do business in Louisiana. Company B is a 100 percent member of XYZ LLC. XYZ LLC is an out of state limited liability company that owns property in Louisiana and has elected to be treated as a corporation pursuant to 26 U.S.C. Subtitle A, Chapter 1, Subchapter C, for federal income tax purposes. XYZ LLC would be subject to Louisiana corporation franchise tax. Company B would be subject to Louisiana corporation franchise tax as a 100 percent member of XYZ LLC. Company A would not be subject to Louisiana corporation franchise tax. Company B would be eligible for the holding company deduction.

5. Nothing in this Subsection shall extend franchise tax liability to any limited liability company at least 80 percent owned, directly or indirectly, by any entity subject to the bank shares tax pursuant to R.S. 47:1967.

D. Public Utility Holding Corporation Deductions. Any corporation registered under the Public Utility Holding Company Act of 1935 that owns at least 80 percent of the voting power of all classes of the stock in another corporation (not including nonvoting stock which is limited and preferred as to dividends) may, after having determined its Louisiana taxable capital as provided in R.S. 47:602(A), R.S. 47:606, and R.S. 47:607, deduct therefrom the amount of investment in and advances to such corporation which was allocated to Louisiana under the provisions of R.S. 47:606(B). The only reduction for investment in and advances to subsidiaries allowed by this Subsection is with respect to those subsidiaries in which the registered public utility holding company owns at least 80 percent of all classes of stock described herein; the reduction is not allowable with respect to other subsidiaries in which the holding company owns less than 80 percent of the stock of the subsidiary, notwithstanding the fact that such investments in and advances to the subsidiary may have been attributed to Louisiana under the provisions of R.S. 47:606(B). In no case shall a reduction be allowed with respect to revenues from the subsidiary. Any repeal of the Public Utility Holding Company Act of 1935 shall not affect

the entitlement to deductions under this Subsection of corporations registered under the provisions of the Public Utility Holding Company Act of 1935 prior to its repeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:602.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:449 (March 2004), amended LR 44:1636 (September 2018).

§303. Borrowed Capital

A. General

1. As used in this Chapter, borrowed capital means all indebtedness of a corporation, subject to the provisions of this Chapter, maturing more than one year from the date incurred, or which is not paid within one year from the date incurred regardless of maturity date.

2. All indebtedness of a corporation is construed to be capital employed by the corporation in the conduct of its business or pursuit of the purpose for which it was organized, and in the absence of a specific exclusion, qualification, or limitation contained in the statute, must be included in the total taxable base. No amount of indebtedness of a corporation may be excluded from borrowed capital except in those cases in which the corporation can demonstrate conclusively that a specific statutory provision permits exclusion of the indebtedness from borrowed capital.

3. In the case of amounts owed by a corporation to a creditor who does not meet the definition of an *affiliated corporation* contained in R.S. 47:603, all indebtedness of a corporation which has a maturity date of more than one year from the date on which the debt was incurred and all indebtedness which has not been paid within one year from the date the indebtedness was incurred, regardless of the maturity or due date of the indebtedness, shall be included in borrowed capital. Determination of the one-year controlling factor is with respect to the original date that the indebtedness was incurred and is not to be determined by any date the debt is renewed or refinanced. The entire amount of long-term debt not having a maturity date of less than one year, which was not paid within the one-year period, constitutes borrowed capital, even though it may constitute the current liability for payment on the long-term debt.

4. The fact that indebtedness which had a maturity date of more than one year from the date it was incurred, was actually liquidated within one year does not remove the indebtedness from the definition of borrowed capital.

5. For purposes of determining whether indebtedness has a maturity date in excess of one year from the date incurred or whether the indebtedness was paid within one year from the date incurred, the following shall apply: With respect to any indebtedness which was extended, renewed, or refinanced, the date the indebtedness was originally incurred shall be the date the extended, renewed, or refinanced indebtedness was incurred. All debt extended, renewed, or refinanced shall be included in borrowed capital if the extended maturity date is more than one year from, or if the debt has not been paid within one year from, that date. In instances of debts which are extended, renewed, or refinanced by initiating indebtedness with a creditor different from the original creditor, the indebtedness shall be construed to be new indebtedness and the one-year controlling factor will be measured from the date that the new debt is incurred.

6. For purposes of determining whether indebtedness has a maturity date in excess of one year from the date incurred or whether the indebtedness was paid within one year from the date incurred, with respect to the amount due on a mortgage on real estate purchased subject to the mortgage, the date the indebtedness was originally incurred shall be the date the property subject to the mortgage was acquired by the corporation.

7. In the case of amounts owed by a corporation to a creditor who meets the definition of an *affiliated corporation* contained in R.S. 47:603, the age or maturity date of the indebtedness is immaterial. An affiliated corporation is defined to be any corporation which through (a) stock ownership, (b) directorate control, or (c) any other means, substantially influences policy of some other corporation or is influenced through the same channels by some other corporation. It is not necessary that control exist between the corporations but only that policy be influenced substantially. Any indebtedness between such corporations constitutes borrowed capital to the extent it represents capital substantially used to finance or carry on the business of the debtor corporation, regardless of the age of the indebtedness. For this purpose, all funds, materials, products, or services furnished to a corporation for which indebtedness is incurred, except as provided in this Section with respect to normal trading accounts and offsetting indebtedness, are construed to be used by the corporation to finance or carry on the business of the corporation; in the absence of a conclusive showing by the taxpayer to the contrary, all such indebtedness shall be included in borrowed capital.

a. To illustrate this principle, assume:

i. Corporation A—Parent of B, C, D, and E;

ii. Corporation B—Nonoperating, funds flow conduit, owning no stock in C, D, or E;

iii. Corporation C—Other Corporation;

iv. Corporation D—Other Corporation;

v. Corporation E—Other Corporation;

vi. any funds furnished by the parent A to either B, C, D, or E constitute either a contribution to capital or an advance which must be included in the taxable base of the receiving corporation;

vii. any funds supplied by D or E to C, whether or not channeled through A or B, would constitute borrowed capital to C, and the indebtedness must be included in the taxable base. In the absence of a formal declaration of a

dividend from D or E to A, the funds constitute an advance to A by D or E and borrowed capital to A. In all such financing arrangements, the multiple transfers of funds are held to constitute capital substantially used to carry on each taxpayer's business.

8. The amount that normal trading-account indebtedness bears to capitalization of a debtor determines to what extent said indebtedness constitutes borrowed capital substantially used to finance or carry on the business of the debtor. Due consideration should also be given to the debtor's ability to have incurred a similar amount of indebtedness, equally payable as to terms and periods of time.

9. In the case of equally demandable and payable indebtedness of the same type between two corporations, wherein each is indebted to the other, only the excess of the amount due by any such corporation over the amount of its receivable from the other corporation shall be deemed to be borrowed capital.

10. With respect to any amount due from which debt discount was paid upon inception of the debt, that portion of the unamortized debt discount applicable to the indebtedness which would otherwise constitute borrowed capital shall be eliminated in calculating the amount of the indebtedness to be included in taxable base.

B. Exclusions from Borrowed Capital

1. Federal, State and Local Taxes. R.S. 47:603 provides that an amount equivalent to certain indebtedness shall not be included in borrowed capital. With respect to accruals of federal, state, and local taxes, the only amounts which may be excluded are the tax accruals determined to be due to the taxing authority or taxes due and not delinquent for more than 30 days. In the case of reserves for taxes, only so much of the reserve as represents the additional liability due at the taxpayer's year-end for taxes incurred during the accrual period may be excluded. Any amount of the reserve balance in excess of the amount additionally due for the accrual period shall be included in the taxable base, since the excess does not constitute a reserve for a definitely fixed liability. This additional amount due is determined by subtracting the taxpayer's tax deposits during the year from the total liability for the period. All reserves for anticipated future liabilities due to accounting and tax timing differences shall be included in the taxable base. Any taxes which are due and are delinquent more than 30 days must be included in borrowed capital. For purposes of determining whether taxes are delinquent, extensions of time granted by the taxing authority for the filing of the tax return or for payment of the tax shall be considered as establishing the date from which delinquency is measured.

2. Voluntary Deposits

a. The liability of a taxpayer to a depositor created as the result of advances, credits, or sums of money having been voluntarily left on deposit shall not constitute borrowed capital if:

i. said moneys have been voluntarily left on deposit to facilitate the transaction of business between the parties; and

ii. said moneys have been segregated by the taxpayer and are not otherwise used in the conduct of its business.

b. Neither the relationship of the depositor to the taxpayer nor the length of time the deposits remain for the intended purpose has an effect on the amount of such liability which shall be excluded from borrowed capital.

3. Deposits with Trustees

a. The principal amount of cash or securities deposited with a trustee or other custodian or segregated into a separate or special account may be excluded from the indebtedness which would otherwise constitute borrowed capital if such segregation is fixed by a prior written commitment or court order for the payment of principal or interest on funded indebtedness or other fixed obligations. In the absence of a prior written commitment or court order fixing segregation of the funds or securities, no reduction of borrowed capital shall be made with respect to such deposits or segregated amounts.

b. Whenever a liability for the payment of dividends theretofore lawfully and formally authorized would constitute borrowed capital as defined in this Section, an amount equivalent to the amount of cash or securities deposited with a trustee or other custodian or segregated into a separate or special account for payment of the dividend liability may be excluded from borrowed capital.

4. Receiverships, Bankruptcies and Reorganizations. In the case of a corporation having indebtedness which could have been paid from cash and temporary investments on hand which were not currently needed for working capital and in which case the corporation has secured approval or allowance by the court of the petition for receivership, bankruptcy, or reorganization under the bankruptcy law, after such allowance or approval by the court of the taxpayer's petition, the taxpayer may then reduce the amount which would otherwise constitute borrowed capital by the amount of cash or temporary investment which it could have paid on the indebtedness prior to such approval, to the extent that they are permitted to make such payments under the terms of the receivership, bankruptcy, or reorganization proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:603.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:450 (March 2004).

§304. Capital Stock

A. For the purpose of determining the amount of capital stock upon which the tax imposed by R.S. 47:601 is based, such stock shall in every instance have such value as is reflected on the books of the corporation, subject to whatever increases to the recorded book values may be

found necessary by the Secretary of Revenue and taxation to reflect the true value of the stock. In no case shall the value upon which the tax is based be less than is shown on the books of the corporation.

B. In any case in which capital stock of a corporation has been issued in exchange for assets, the capital stock shall have a value equal to the fair market value of the assets received in exchange for the stock, plus any intangibles received in the exchange, except as provided in the following Subsection.

C. In any such case in which capital stock of a corporation is transferred to one or more persons in exchange for assets, and the only consideration for the exchange was stock or securities of the corporation, and immediately after the exchange such person or persons owned at least 80 percent of the total voting power of all voting stock and at least 80 percent of the total number of shares of all of the stock of the corporation, the value of the stock exchanged for the assets so acquired shall be the same as the basis of the assets received in the hands of the transferor of the assets, plus any intangibles received in the exchange. The only other exception to the rule that capital stock exchanged for assets shall have such value as equals the fair market value of the assets received and any intangibles received is in the case of stock issued in exchange for assets in a reorganization, which transaction was fully exempt from the tax imposed by the Louisiana income tax law, in which case the value of the stock shall have a value equal to the basis of the assets received in the hands of the transferor of the assets, plus any intangibles received.

D. In any case in which an exchange of stock of a corporation for assets resulted in a transaction taxable in part or in full under the Louisiana income tax law, the value of the stock so exchanged shall be equal to the fair market value of all of the assets received in the exchange, including the value of any intangibles received.

E. Capital stock, valued as set forth heretofore, shall include all issued and outstanding stock, including treasury stock, fractional shares, full shares, and any certificates or options convertible into shares.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:604.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:451 (March 2004).

§305. Surplus and Undivided Profits

A. Determination of Value—Assets

1. For the purpose of determining the tax imposed by R.S. 47:601, there are statutory limitations on both the maximum and minimum amounts which shall be included in the taxable base with respect to surplus and undivided profits. The minimum amount which shall be included in the taxable base shall be no less than the amount reflected on the books of the taxpayer. Irrespective of the reason for any book entry which increases the franchise tax base, such as, but not limited to, entries to record asset appreciation, entries to reflect equity accounting for investments in affiliates or subsidiaries, and amounts credited to surplus to record accrual of anticipated future tax refunds created by accounting timing differences, the amount reflected on the books must be included in the tax base.

2. Entries to the books of any corporation to record the decrease in value of any investment through the use of equity accounting will be allowed as a reduction in taxable surplus and its related asset account for property factor purposes. This is only in those cases in which all investments are recorded under the principles of equity accounting, and such reductions in the value of any particular investment below cost thereof to the taxpayer will not be allowed. The exception is in those instances in which the taxpayer can show that such reduction is in the nature of a bona fide valuation adjustment based on the fair value of the investment. In no case will a reduction below zero value be recognized. Corresponding adjustments shall in all instances be made to the value of assets for property factor purposes.

3. In any instance in which an asset is required to be included in the property factor under the provisions of R. S. 47:606 and the regulations issued thereunder, the acquisition of which resulted in the establishment of a contra account, such as, but not limited to, an account to record unrealized gain from an installment sale, all such contra accounts shall be included in the taxable base, except to the extent such contra accounts constitute a reserve permitted to be excluded under the provisions of R.S. 47:605(A) and the regulations issued under §305.A. See §306.A for required adjustments to assets with respect to any contra account or reserve which is not included in the taxable base.

4. The minimum value under the statute is subject to examination and revision by the secretary of revenue and taxation. The recorded book value of surplus and undivided profits may be increased, but not in excess of cost, as the result of such examination to the extent found necessary by the secretary to reflect the true value of surplus and undivided profits. The secretary is prohibited from making revisions which would reflect any value below the amount reflected on the books of the taxpayer. A taxpayer may, in his own discretion, reflect values in excess of cost; that option is not extended to the secretary in any examination of recorded cost.

5. In determining cost to which the revisions limitation applies, the fair market value of any asset received in an exchange of properties shall be deemed to constitute the cost of the asset to the taxpayer under the generally recognized concept that no prudent person will exchange an article of value for one of lesser value. In application of that concept, the secretary of revenue and taxation shall, except as provided in the following Paragraphs, construe cost of any asset to be fair market value of the asset received in exchange therefor.

6. Exception to the rules stated above will be made only in those instances in which the exchange resulted in a

fully tax-free exchange under provisions of the Louisiana income tax law, in which case cost shall be construed to be the income tax basis of the properties received for purposes of calculating depreciation and the determination of gain or loss on any subsequent disposition of the assets. Limitation of the valuation of the cost of any asset to the income tax basis will be considered only in the case of fully tax-free exchanges and will not be considered if the transaction was taxable to any extent under the provisions of the Louisiana income tax law contained in R.S. 47:131, 132, 133, 134, 135, 136, and 138.

B. Determination of Value—Reserves

1. There must be included in the franchise taxable base determined in the manner heretofore described, all reserves other than those for:

a. definitely fixed liabilities;

b. reasonable depreciation (or amortization), but only to the extent recorded on the books of the taxpayer, except as noted in the following Paragraphs with respect to taxpayers subject to regulations of governmental agencies controlling the books of such taxpayers;

c. bad debts; and

d. other established valuation reserves.

2. No deduction from surplus and undivided profits shall be made with respect to any reserve for contingencies of any nature, without regard to whether the reserve is partially or fully funded. Reserves for future liability for income taxes shall not be excluded from the tax base. Deferred federal income tax accounts may be netted in determining the amount of reserve to be included in the taxable base. Reserves for fixed liabilities shall be included in the taxable base to the extent that they constitute borrowed capital under the provisions of R.S. 47:603 and the regulations issued thereunder.

3. In addition to the four classifications of reserves which may be excluded from the taxable base, any amount of surplus which has been set aside and segregated pursuant to a court order so as not to be available for distribution to stockholders or for investment in properties which would produce income which would be distributable to stockholders may also be excluded from the taxable base.

C. Adjustment by regulated companies for depreciation sustained but not recorded. When, because of regulations of a governmental agency controlling the books of a taxpayer, the taxpayer is unable to record on its books the full amount of depreciation sustained, the taxpayer may apply to the collector of revenue for permission to add to its reserve for depreciation and deduct from its surplus the amount of depreciation sustained but not recorded, and if the collector finds that the amount proposed to be so added represents a reasonable allowance for actual depreciation, he shall grant such permission.

1. Permission to add to depreciation reserves and reduce surplus must be requested in advance and shall be granted only in those instances in which a governmental agency requires that the books of the corporation reflect a depreciation method under which the total accumulated depreciation reflected on the books is less than would be reflected if the straight-line method of depreciation had been applied from the date of acquisition of the asset. The period over which depreciation shall be computed shall be the expected useful life of the asset.

2. The amount of adjustment shall be the amount of accumulated depreciation which would be reflected on the books if the straight-line method had been applied from the date of acquisition of the asset, less the amount of accumulated depreciation actually reflected on the books.

3. Permission granted by the secretary shall be automatically revoked upon a material change in the facts and circumstances presented by the taxpayer.

4. Permission granted by the secretary shall be for a period of six years, at which time the taxpayer must reapply for permission to continue making the adjustment.

D. For purposes of this Chapter, reserves include all accounts appearing on the books of a corporation that represent amounts payable or potentially payable to others. However, the term reserves shall not include accounts included in capital stock as used in R.S. 47:604 and shall not include accounts that represent indebtedness, regardless of maturity date, as indebtedness is used in R.S. 47:603.

E. For purposes of this Chapter, the term assets shall mean all of a corporation's property and rights of every kind. The definition of the term assets for corporation franchise tax purposes may differ from the definition of assets for general accounting purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:605.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), LR 28:1995 (September 2002), LR 29:1520 (August 2003), repromulgated by the Department of Revenue, Policy Services Division, LR 30:452 (March 2004).

§306. Allocation of Taxable Capital

A. General Allocation Formula. Every corporation subject to the corporation franchise tax must determine the extent to which its entire franchise taxable base is employed in the exercise of its franchise within this state. For all taxpayers other than those in the business of manufacturing, the extent of such use of total taxable base in the state is determined by multiplying the total taxable capital by the ratio obtained through the arithmetical average of the ratio of net sales made to customers in the regular course of business and other revenues attributable to Louisiana to total net sales made to customers in the regular course of business and total other revenues, and the ratio that the value of all of the taxpayer's property and assets situated or used by the taxpayer in Louisiana bears to all of the taxpayer's property and assets wherever situated or used. For taxpayers in the business of manufacturing, the extent of such use of total taxable base in the state is determined by multiplying the total taxable capital by the ratio of net sales made to customers in the regular course of business and other

revenues attributable to Louisiana to total net sales made to customers in the regular course of business and total other revenues.

1. Net Sales and Other Revenue. Net sales to be combined with other revenue in determining both the numerator and denominator of the revenue ratio for purposes of calculating the portion of the taxpayer's total taxable capital to be allocated to Louisiana are only those sales made to customers in the regular course of the taxpayer's business. In transactions in which raw materials, products, or merchandise are transferred to another party at one location in exchange for raw materials, products, or merchandise at another location in agreements requiring the subsequent replacement with similar property on a routine, continuing, or repeated basis, all such transactions shall be carefully analyzed to determine whether they constitute sales made to customers that should be included in the revenue ratio or whether they constitute exchanges that are not sales and should be excluded from the revenue ratio. Sales of scrap materials and by-products are construed to meet the requirements for inclusion in the revenue ratio. Sales made other than to customers, such as, but not limited to, sales of stocks, bonds, futures, options, derivatives, and other evidence of investment on the open market, regardless of the frequency or volume of those sales, shall not be included in the revenue ratio. Similarly, revenues and/or gains on the sale of property other than stock in trade shall not be included in the revenue ratio since they generally do not meet the specific requirements that only sales made to customers in the regular course of business of the taxpayer should be included. Whenever a transaction is not a sale to customers in the regular course of business, the amount does not constitute other revenue so as to qualify for inclusion in either the numerator or the denominator of the allocation ratio.

a. Sales attributable to Louisiana are those sales where the goods, merchandise, or property are received in Louisiana by the purchaser. Where goods are delivered into Louisiana by public 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. The transportation in question is the initial transportation relating to the sale by the taxpayer.

i. Transportation by Taxpayer or by Public Carrier. Where the goods are delivered by the taxpayer in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point and whether the carrier be a pipeline, trucking line, railroad, airline, or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation incident to the sale has ended is deemed to be the place where the goods are received by the purchaser.

ii. Transportation by Purchaser

(a). Where the transportation involved is transportation by the purchaser, it is recognized that it is more difficult to determine whether or not the transportation is related to the sale by the taxpayer. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent economic and natural circumstances occurring at the time.

(b). The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

(c). In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the vendor or by a carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B. Houston to a purchaser in Baton Rouge, by common carrier, and a case where all facts are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

iii. Transportation of Natural Resources by a Public Carrier Pipeline. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. However, because of the nature and character of the property, the type of carrier, and the customs of the trade, the natural resources in the pipeline may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In all cases possible, attribution will be made in accordance with the rules applicable to all public carrier transportation, that is, where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by public carrier pipeline, the sale will be attributed to the state where the crude oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality, but not any specific oil.

iv. Storage of Property after Purchase

(a). In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase and at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the storage is of a temporary nature.

(b). In cases where the storage is permanent or semipermanent, delivery to the place of storage concludes

the initial transportation, and the sale is attributed to the place of storage. However, where the storage is of a temporary nature, such as that necessitated by lack of transportation or by change from one means of transportation to another, or by natural conditions, the place of such storage is of no significance.

b. Revenue from Air Transportation. All revenues derived from the transportation of cargo or passengers by air shall be attributed within and without this state based on the point at which the cargo shipment or passenger journey originates.

c. Revenue from Transportation Other Than Air Travel. Revenue attributable to Louisiana from transportation other than air includes all such revenue derived entirely from sources within Louisiana plus a portion of revenue from transportation performed partly within and partly without Louisiana, based upon the ratio of the number of units of transportation service performed in Louisiana to the total of such units. Revenue from transportation exclusively without Louisiana shall not be included in the revenue attributed to Louisiana. Revenue attributable to Louisiana shall be computed separately for each of the four classes enumerated below.

i. A unit of transportation shall consist of the following:

(a). in the case of the transportation of passengers, the transportation of one passenger a distance of 1 mile;

(b). in the case of the transportation of liquid commodities, including petroleum or related products, the transportation of one barrel of the commodities a distance of 1 mile;

(c). in the case of the transportation of property other than liquids, the transportation of 1 ton of the property a distance of 1 mile;

(d). in the case of the transportation of natural gas, the transportation of 1 MCF or 1 MBTU a distance of 1 mile.

ii. In any case where another method would more clearly reflect the gross apportionable income attributable to Louisiana, or where the above information is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the use of any method deemed reasonable by him.

iii. Example: ABC Corporation is in the business of transporting natural gas as a common carrier. During the year 2005, ABC entered into five transactions. In the first transaction 1 million MMCF was transported from Texas, through Louisiana, to Mississippi. The total distance transported was 500 miles, of which 200 miles was in Louisiana. The charge for the transportation was $250,000.00. In the second transaction 1 million MMCF was transported from one point in Louisiana to another point in Louisiana, a distance of 150 miles, for a charge of $150,000.00. In the third transaction 1 million MMCF was transported from one point in Texas to another point in Texas, a distance of 500 miles, for a charge of $250,000.00. In the fourth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of $500,000.00. The total distance transported was 1,000 miles, of which 100 miles were in Louisiana. In the fifth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of $250,000.00. The distance transported was 500 miles, of which 100 was in Louisiana. The portion of the gross apportionable income attributed to Louisiana would be computed as follows:

	Louisiana Amount
First Transaction—200/500 x $250,000 =	$100,000
Second Transaction—entirely from Louisiana =	150,000
Third Transaction—neither entirely nor partially in Louisiana	-0-
Fourth Transaction—100/1,000 x $500,000 =	50,000
Fifth Transaction—100/500 x $250,000 =	50,000
Louisiana Income from Transportation of Natural Gas	$350,000

d. Revenue from Services Other Than from Transportation

i. For purposes of R.S. 47:606(A), in addition to any other revenue attributed to Louisiana, the following revenue from providing telephone, telecommunications, and similar services shall be attributed to Louisiana:

(a). revenue derived from charges for providing telephone "access" from a location in this state. Access means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

(b). revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

(c). revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

(d). revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

(e). revenue from mobile telecommunications service:

(i). revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(ii). if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(iii). revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana.

(f). Definitions. For the purpose of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise.

(i). *Call*—a specific telecommunications transmission.

(ii). *Customer*—any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

(iii). *Home Service Provider*—the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(iv). *Place of Primary Use of Mobile Telecommunications Service*—the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI).

(v). *Service Address*—the address where the telephone equipment is located and to which the telephone number is assigned.

(vi). *Telecommunications*—the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic wires, light waves or any combination of those or similar media now in existence or that might be devised, by telecommunications does not include the information content of any such transmission.

(vii). *Telecommunication Service*—providing telecommunications including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service.

ii. Revenue derived from services, other than from transportation, or telephone, telecommunications, and similar services, shall be attributed to the state in which the services are rendered. Services are rendered where they are received by the customer.

iii. In any case in which it can be shown that charges for services constitute a pure recovery of the cost of performing the services and do not include a reasonable rate of profit, amounts received in reimbursement of such costs shall not be construed to be revenues received and shall be omitted from both the numerator and denominator of the attribution ratio.

e. Rents and Royalties from Immovable or Corporeal Movable Property

i. Rents and royalties from immovable or corporeal movable property shall be attributed to the state where the property is located at the time the revenue is derived, which is construed to be the place at which the property is used resulting in the rental payment. Rents, royalties, and other income from mineral leases, royalty interests, oil payments, and other mineral interests shall be allocated to the state or states in which the property subject to such interest is located.

ii. In the case of movable property which is used in more than one state or when the lessor has no knowledge of where the property is located at all times, application of the general rule for attributing the revenue from rental of the property may be sufficiently difficult so as to require use of a formula or formulas to determine the place of use for which the rents were paid. The specific formula to be used must be determined by reference to the basis on which rents are charged, the basis of which is usually set forth in the rental agreement. In those cases in which time of possession in the hands of the lessee is the only consideration in calculating rental charges, time used by the lessee in each state will be used as the basis for attributing the revenue to each state. Where miles traveled is the basis for the rental charge, revenue shall be attributed on that basis; where ton miles or traffic density in combination with miles traveled is the basis for the rental charges, revenue will be attributed to each state on that basis. In the case of drilling equipment where rentals are based on the number of feet drilled, income will be attributed to each state based on the ratio of the number of feet drilled within that state to the total number of feet drilled in all states by the rented equipment during the taxable period covered by the rental agreement.

f. Interest on Customers' Notes and Accounts

i. Interest on customers' notes and accounts can generally be associated directly with the specific credit instrument or account upon which the interest is paid and shall be attributed to the state at which the goods were received by the purchaser or services rendered. Interest is construed to include all charges made for the extension of credit, such as finance charges and carrying charges.

ii. When the records of the taxpayer are not sufficiently detailed so as to enable direct attribution of the revenue, interest, as defined herein, shall be attributed to each state on the basis of a formula or formulas which give due consideration to credit sales in the various states, outstanding customer accounts and notes receivable, and variances in the rates of interest charged or permitted to be charged in each of the states where the taxpayer makes credit sales.

g. Other Interest and Dividends

i. Interest, other than on customers' notes and accounts, and dividends shall be attributed to the state in

which the securities producing such revenue have their situs, which shall be at the business situs of such securities if they have been so used in connection with the taxpayer's business as to acquire a business situs, or, in the absence of such a business situs, shall be at the commercial domicile of the taxpayer.

ii. Used in connection with the taxpayer's business is construed to mean use of a continuing nature in the regular course of business and does not include the mere holding of the instrument at a location or the use of the property as security for credit. Business situs must be established on the basis of facts, indicating precisely the use to which the securities have been put and the manner in which the taxpayer conducts its business.

iii. Commercial Domicile is in that state where management decisions are implemented which is presumed to be the state where the taxpayer conducts its principal business and thereby benefits from public facilities and protection provided by that state. The location of board of directors' meetings is not presumed to create commercial domicile at the location.

iv. Interest and dividends from a parent or subsidiary corporation shall be attributed as provided in R.S. 47:606(B) and the regulations issued thereunder.

h. Royalties or Similar Revenue from the Use of Patents, Trademarks, Secret Processes, and Other Similar Intangible Rights

i. Royalties or similar revenue received for the use of patents, trademarks, secret processes, and other similar intangible rights shall be attributed to the state or states in which such rights are used by the licensee from whom the income is received.

ii. In those cases where the rights are used by the licensee in more than one state, royalties and similar revenue will be attributed to the states on the basis of a ratio which gives due consideration to the proportion of use of the right by the licensee within each of the states. When the royalty is based on a measurable unit of production, sales, or other measurable unit, the attribution ratio shall be based on such units within each state to the total of such units for which the royalties were received. When the royalty or similar revenue is not based on measurable units, the attribution ratio will be based on the relative amounts of income produced by the licensee in each state or on such other ratio as will clearly reflect the proportion of use of the rights by the licensee in each state.

i. Revenue from a Parent or Subsidiary Corporation. Revenue from a parent or subsidiary corporation shall be allocated as provided in R.S. 47:606(B) and the regulations issued thereunder.

j. All Other Revenues

i. All revenues which are not specifically described in §306.A.l.a-i shall be attributed within and without Louisiana on the basis of such ratio or ratios as may be reasonably applicable to the type of revenue and business involved.

ii. In the case of revenue from construction, repairs, and similar services, generally, all of the work will be performed at a specific geographical location and the total revenue, including all billings by the taxpayer without regard to the method of reporting gain for purpose of the income tax statutes, shall be attributed to the place where the work is performed. In the case of contracts wherein a material part or parts of the work may have been performed in another state, such as the design, engineering, manufacture, fabrication, or preassembly of component parts, total revenue from the specific elements will be attributed to the place at which that segment of the work was performed on the basis of segregated charges contained in the performance contract. In the absence of segregated charges in the contract, revenues shall be allocated on the basis of a formula or formulas which give due consideration to such factors as direct cost, time devoted to the separate elements, and relative profitability of the specific function. Such ratios may be based on estimates of costs compiled during calculation of bid amounts for purposes of securing the contract in the absence of sufficient contract segregation of the charges between functions or sufficient records necessary to determine direct cost.

iii.(a). Revenues from partnerships shall be attributed within and without Louisiana based on the proportion of the partnership's capital employed in Louisiana. The proportion of the partnership's capital employed in Louisiana is the allocation ratio, also known as the franchise tax apportionment ratio, that would be computed for the partnership if the partnership were a corporation subject to franchise tax.

(b). Revenues from a partnership are the partner's distributive share of partnership net income when the partner's distributive share of partnership net income is a positive amount. Losses from a partnership are not revenues from a partnership.

(c). Revenue from a partnership should be revenue from the partnership as reflected on the taxpayer's books. However, if there is no difference in the proportions of incomes, expenses, gains, losses, credits and other items accruing to the taxpayer from the partnership for book purposes and tax purposes the taxpayer may use tax basis revenue from a partnership. Once a taxpayer uses either book basis revenue or tax basis revenue, that basis must be used for all future tax periods.

iv. The term partnership includes a syndicate, group, pool, joint venture, limited liability company, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on.

2. Property and Assets. For the purpose of calculating the ratio of the value of property situated or used by a corporation in Louisiana to the value of all property wherever situated, both tangible and intangible property must be considered. The minimum value to be included in both the numerator and denominator is the value recorded on

the books of the taxpayer. Both the cost recorded on the books of the corporation and the reserves applicable thereto are subject to examination and revision by the secretary when such revision is found to be necessary in order to reflect properly the extent to which capital of the corporation is employed in the exercise of its charter; in no event, however, shall the revision by the secretary to any asset value or applicable reserve result in a net valuation which exceeds actual cost of the asset to the taxpayer. Assets will be allocated as follows.

a. Cash on hand shall be allocated to the state in which the cash is physically located.

b. Cash in banks and temporary cash investments shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such assets, cash in banks and temporary cash investments shall be allocated to the state in which the commercial domicile of the taxpayer is located.

c. Trade accounts and trade notes receivable are construed to mean only those accounts and notes receivable resulting from the sale of merchandise or the performance of services for customers in the regular course of business of the taxpayer. Such accounts and notes shall be allocated to the location at which the merchandise was delivered or at which the services were performed resulting in the receivable. In the absence of sufficient recorded detail upon which to base the allocation of specific accounts and notes receivable to the various states, such accounts and notes may, by agreement between the secretary and the corporation, be allocated to the separate states based upon the ratio of credit sales within any particular state to the total of all credit sales.

d. Investments in and advances to a parent or subsidiary corporation shall be allocated as provided in R.S. 47:606(B) and the regulations issued thereunder.

e. Notes and accounts receivable other than temporary cash investments, trade notes and accounts, and advances to a parent or subsidiary, shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such assets, notes and accounts receivable other than temporary cash investments, trade notes and accounts, and advances to a parent or subsidiary shall be allocated to the state in which the commercial domicile of the taxpayer is located. See §306.A.1.g relative to business situs and commercial domicile.

f. Stocks and bonds other than temporary cash investments and investments in or advances to a parent or subsidiary corporation shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such assets, stocks and bonds other than temporary cash investments and advances to a parent or subsidiary corporation shall be allocated to the state in which the commercial domicile of the corporation is located.

g. Immovable property and corporeal movable property which is used entirely within a particular state shall be allocated to the state in which the property is located. Movable property which is not limited in use to any particular state shall be allocated among the states in which used on the basis of a ratio which gives due consideration to the extent of use in each of the states. For the purpose of determining the amount to be included in the numerator of the property ratio with respect to corporeal movable property used both within and without Louisiana, the following rules shall apply.

i. The value of diesel locomotives shall be allocated to Louisiana on the basis of the ratio of diesel locomotive miles traveled in Louisiana to total diesel locomotive miles.

ii. The value of other locomotives shall be allocated to Louisiana on the basis of the ratio of other locomotive miles traveled in Louisiana to total other locomotive miles.

iii. The value of freight train cars shall be allocated to Louisiana on the basis of the ratio of freight car miles traveled in Louisiana to total freight car miles.

iv. The value of railroad passenger cars shall be allocated to Louisiana on the basis of the ratio of passenger car miles traveled in Louisiana to total passenger car miles.

v. The value of passenger buses shall be allocated to Louisiana on the basis of the ratio of passenger bus miles traveled in Louisiana to total passenger bus miles.

vi. The value of diesel trucks shall be allocated to Louisiana on the basis of the ratio of diesel truck miles traveled in Louisiana to total diesel truck miles.

vii. The value of other trucks shall be allocated to Louisiana on the basis of the ratio of other truck miles traveled in Louisiana to total other truck miles.

viii. The value of trailers shall be allocated to Louisiana on the basis of the ratio of trailer miles traveled in Louisiana to total trailer miles.

ix. The value of towboats shall be allocated to Louisiana on the basis of the ratio of towboat miles traveled in Louisiana to total towboat miles. In the determination of Louisiana towboat miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

x. The value of tugs shall be allocated to Louisiana on the basis of the ratio of tug miles traveled in Louisiana to total tug miles. In the determination of Louisiana tug miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xi. The value of barges shall be allocated to Louisiana on the basis of the ratio of barge miles traveled in Louisiana to total barge miles. In the determination of Louisiana barge miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xii. The value of work and miscellaneous equipment shall be allocated to Louisiana in the following manner:

(a). in the case of a railroad, on the basis of the ratio of track miles in Louisiana to total track miles;

(b). in the case of truck and bus transportation, on the basis of the ratio of route miles operated in Louisiana to total route miles; and

(c). in the case of inland waterway transportation, on the basis of the ratio of bank miles in Louisiana to total bank miles. In the determination of bank mileage of navigable rivers or streams bordering on both Louisiana and another state, one-half of such mileage shall be considered Louisiana miles.

xiii. The value of other floating equipment shall be allocated to Louisiana on the basis of the ratio of operating equipment miles within Louisiana to total operating equipment miles for the particular equipment to be allocated. In the determination of Louisiana operating equipment miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xiv. The value of flight equipment shall be allocated to Louisiana on the basis of the ratio of ton miles flown within Louisiana to total ton miles. For the purpose of determining Louisiana ton miles, a passenger and his luggage shall be assigned a weight factor of 1/10 of 1 ton.

xv. The value of inventories of merchandise in transit shall be allocated to the state in which their delivery destination is located in the absence of conclusive evidence to the contrary.

xvi. All other corporeal movable property shall be allocated to Louisiana on the basis of such ratio or ratios as will reasonably reflect the extent of their use within this state. In any case where the information necessary to determine the prescribed ratio is not readily available from the taxpayer's records, the secretary may require the allocation of the value of the property on the basis of any method deemed reasonable by the secretary.

h. All other assets shall be allocated within or without Louisiana on such basis as may be reasonably applicable to the particular asset and the type of business involved. Investments in or advances to a partnership shall be attributed within and without Louisiana based on the proportion of the partnership's capital employed in Louisiana. The proportion of the partnership's capital employed in Louisiana is the allocation ratio, also known as the franchise tax apportionment ratio, that would be computed for the partnership if the partnership were a corporation subject to franchise tax.

B. Allocation of Intercompany Items

1. Without regard to the legal or commercial domicile of a corporation subject to the corporation franchise tax, and without regard to the business situs of investments in or advances to a subsidiary or parent corporation by a corporation subject to the corporation franchise tax , all such investments in, advances to, and revenue from such parent or subsidiary shall be allocated to Louisiana on the basis of the percentage of capital employed in Louisiana by the parent or subsidiary corporation for franchise tax purposes. The corporation franchise tax ratio of the parent or subsidiary shall be the measure of the extent to which the investment in, advances to, and revenues from the parent or subsidiary are attributable to Louisiana for purposes of determining the revenue and property ratios to be used in allocating the total taxable base of any corporation subject to the corporation franchise tax.

2. A subsidiary corporation is any corporation the majority of the capital stock of which is actually, wholly, or substantially owned by another corporation and whose management, business policies, and operations are, howsoever, actually, wholly, or substantially controlled by another corporation. Such latter corporation shall be termed the parent corporation.

3. In general, the ownership, either directly or indirectly, of more than 50 percent of the voting stock of any corporation constitutes control of that corporation's management, business policies, and operations, whether such control is documented by formal directives from the owner of such stock or not.

4. Other criteria which will be construed to constitute control of the management, business policies, and operations of a corporation are:

a. the filing of a consolidated income tax return in which operations of the corporation are included with operations of the corporation owning more than 50 percent of its stock for purposes of determining its federal income tax liability, foreign tax credits, investment credits, other credits against its tax, and the alternative minimum tax; or

b. the requirement or policy that the purchase of a majority of the merchandise, equipment, supplies, or services required for operations be made from the corporation owning more than 50 percent of its stock, its designee, or from another corporation in which the owning corporation owns more than 50 percent of the stock; or

c. the requirement or policy that a majority of sales of merchandise, products, or service be made to the corporation owning more than 50 percent of its stock, its designee, or to another corporation in which the owning corporation owns more than 50 percent of the stock; or

d. the participation in a retirement, profit-sharing, or stock option plan administered by or participating in the profits or purchase of stock of the corporation owning more than 50 percent of its stock; or

e. the filing of reports with the Securities and Exchange Commission or other regulatory bodies in which its operations, assets, liabilities, and other financial information are reflected as a part of similar information of the corporation owning more than 50 percent of its stock; or

f. the presence on its board of directors of a majority of members who are directors, officers, or

employees of the corporation owning more than 50 percent of its stock.

5. In the case of a corporation that owns more than 50 percent of a corporation, the burden of proving that control of the management, business policies, and operations of the latter does not exist shall rest with the taxpayer.

6. Accounts receivable which may be considered to be advances resulting from normal trading between the companies in the regular course of business and the sales of merchandise, products, or services in such transactions shall not be included in advances to or revenue from a parent or subsidiary under this provision, but shall be allocated and attributed as provided in R.S. 47:606(A) and the regulations issued thereunder.

C. Minimum Allocation; Assessed Value of Real and Personal Property. The minimum amount of taxable capital upon which the corporation franchise tax is calculated shall be the total assessed value of all real and personal property of a corporation in this state. Total assessed value is construed to be the value, after any and all exemptions, upon which the ad valorem tax is based. The assessed value to be used as the basis for the minimum tax calculation is the value upon which the ad valorem tax was calculated for the calendar year preceding the year in which the corporation franchise tax is due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:606.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:453 (March 2004), amended LR 31:696 (March 2005), LR 32:415 (March 2006).

§308. Exemptions

A. General

1. Corporations organized for the purposes described in §308.B.1-15 of this Section are fully exempt from the payment of Louisiana Corporation Franchise Tax. Only those corporations which meet the prescribed standards of organization, ownership, control, sources of income, and disposition of funds are exempt from the tax, whether or not they may enjoy exemption from any other tax, federal, state, or local, or whether or not they may be specifically exempted from all taxes under the laws of the state in which they were organized, chartered, or domiciled.

2. A corporation is not exempt from the corporation franchise tax merely because it is a nonprofit organization. In each case, an organization other than those described in §308.B.1.a.ii and iii as limited by §308.B.1.c.i and ii, must file a verified application for exemption with the Secretary of Revenue and Taxation which shall include an affidavit showing, in addition to such other information as the secretary may deem necessary from any particular applicant, the following:

a. character of the organization;

b. purpose for which organized;

c. its actual activities;

d. ownership of stock in the corporation;

e. the source of its income;

f. the disposition of its income;

g. whether or not any of its income is credited to surplus, and if so, the intended future use of the retained amounts;

h. whether any of its income may inure to the benefit of any shareholder or individual;

i. a copy of the charter or articles of incorporation;

j. bylaws of the organization;

k. the latest statement of the assets, liabilities, receipts, and disbursements;

l. any other facts relating to its operations which affect its right to exemption from the tax; and

m. a copy of the ruling or determination letter issued by the federal Internal Revenue Service.

3. The required application for exemption may be filed by an organization before it has started operations or at any time it can describe its operations in sufficient detail to permit a conclusion that it will be clearly exempt under the particular requirements of the Section for which the exemption is sought.

4. Once the secretary has issued a ruling or determination letter that an organization, except those described in §308.B.1.a.ii and iii, as limited by §308.B.1.c.i and ii, meets the exemption requirements, there is no mandatory provision that it make a return or any further showing that it meets the specified requirements unless it changes the character of its organization or operations. The secretary reserves the right to review any exemption granted, and may require the filing of whatever information deemed necessary to permit proper evaluation of the exempt status.

5. No exemption will be granted to a corporation, other than those described in §308.B.1.a.ii and iii, as limited by §308.B.1.c.i and ii, organized and operated for the purpose of carrying on a trade or business for profit, even though its entire income may be contributed or distributed to another organization or organizations which are themselves exempt from the tax.

6. An application for exemption filed by a corporation under either the Louisiana income tax law or the Louisiana corporation franchise tax law may be accepted by the secretary as fulfilling the application requirements under both laws. Taxpayers are cautioned, however, that approval of exemption under either law does not grant exemption under the other law in the absence of a statement contained in the ruling to that effect.

7. A corporation is either entirely exempt from the corporation franchise tax law or it is wholly taxable. There is no statutory provision under which partial exemption may be granted.

B. Exempt Corporations

1. Labor, Agricultural or Horticultural Organizations

a. Labor, agricultural, or horticultural organizations which are exempt under this provision are those corporations which have:

i. no net income inuring to the benefit of any stockholder or member and are educational or instructive in character, and have as their objects the betterment of conditions of those engaged in such pursuits, or improvements of the grade of their respective occupations; or

ii. at least 75 percent of the beneficial ownership held by or for the benefit of members, or the spouses of members of a family, and at least 80 percent of total gross income is from the production, harvesting, and preparation for market of products produced by the corporation; or

iii. at least 80 percent of total gross income of the corporation derived from the production, harvesting, and preparation for market of products produced by the corporation, but only if total gross income of such corporation did not exceed $500,000 for the previous year.

b. For purposes of this Subsection, agricultural includes the art or science of cultivating land, harvesting crops or aquatic resources, excluding minerals, or raising livestock, poultry, fish, and crawfish. Thus, the following types of organizations (but not limited thereto) which meet the requirements of §308.B.1.a.i, will be deemed to be exempt from the tax:

i. an organization engaged in the promotion of artificial insemination of livestock;

ii. a nonprofit organization of growers and producers formed principally to negotiate with processors for the price to be paid to members for their produce;

iii. a nonprofit organization of persons engaged in raising fish (or crawfish) as a cash crop on farms that were formed to encourage better and more economical methods of fish farming and to promote the interest of its members; or

iv. parish fairs and like organizations formed to encourage the development of better agricultural and horticultural products through a system of awards, and whose income is used exclusively to meet the necessary expenses of upkeep and operations;

c. corporations engaged in growing agricultural or horticultural products for profit are not exempt from the tax, except as provided in §308.B.1.a.ii and iii, subject to the following limitations:

i. any corporation engaged in the production, harvesting, and preparation for market of raw agricultural products or horticultural products produced by it and that has at least 80 percent of its gross income from such pursuits is exempt from corporation franchise tax, but only if 75 percent or more of the beneficial ownership in such corporation is held by or for the benefit of a single family. For purposes of this Paragraph, a single family shall consist of brothers, sisters, spouses, ancestors, and lineal descendants, including those legally adopted;

ii. any corporation engaged in the production, harvesting, and preparation for market of raw agricultural or horticultural products produced by such corporation is exempt from corporation franchise tax, but only if:

(a). at least 80 percent of its income is from such activity; and

(b). total gross income of the corporation for the previous year did not exceed $500,000.

2. Mutual Savings Banks, National Banking Corporations and Banking Corporations Organized under the Laws of Louisiana, and Building and Loan Associations

a. Mutual savings banks, national banking corporations, and building and loan associations are exempt from the tax imposed by this Chapter regardless of where organized.

b. Banking corporations organized under the laws of the state of Louisiana which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock, are exempt.

c. Banking corporations, other than those described in §308.B.2.a and b above, organized under the laws of a state other than the state of Louisiana are not exempt from the tax.

3. Fraternal Beneficiary Societies, Orders or Associations Operating under the Lodge System. Fraternal beneficiary societies, orders, or associations are exempt from tax only if operated under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system. Operating under the lodge system means carrying on its activities under a form of organization that comprises local branches, chartered by a parent organization, and largely self-governing, called lodges, chapters, or the like. In order to be exempt, it is necessary that the organization have an established system for the payment of life, sick, accident, or other benefits to its members or their dependents.

4. Cemetery Companies

a. Cemetery companies are exempt from the corporation franchise tax if:

i. they are owned and operated exclusively for the benefit of their lot owners who hold such lots for bona fide burial purposes and not for the purpose of resale, or they are not operated for profit;

ii. they are not permitted by their charter to engage in any business not necessarily incident to burial purposes; and

iii. no part of their net earnings inures to the benefit of any private shareholder or individual.

b. For purposes of this Paragraph, a nonprofit corporation engaged in the operation of a crematory, which

otherwise meets the exemption qualifications set forth herein, will be deemed to be an exempt cemetery company.

c. Such companies may issue preferred stock entitling the holders to dividends at a fixed rate not exceeding 8 percent per annum on the value of the consideration for which the stock was issued, but only if the articles of incorporation require that the preferred stock shall be retired at par as soon as sufficient funds available therefor are realized from sales, and that all funds not required for the payment of dividends or for retirement of the preferred stock shall be used for the care and improvement of the cemetery property.

5. Community Chests, Funds or Foundations

a. Organizational and Operational Tests

i. In order to be exempt as an organization described in R.S. 47:608(5), an organization must be both organized and operated exclusively for one or more of the purposes specified in such .Section. If an organization fails to meet either the organizational test or the operational test, it is not exempt.

ii. The term *exempt purpose or purposes* as used in this Section means any purpose or purposes specified in R.S. 47:608(5), as defined and elaborated in Subparagraph d of this Section (see §308.B.5.d).

b. Organizational Test

i. In General

(a). An organization is organized exclusively for one or more exempt purposes only if its articles of organization (referred to in this Section as its articles) as defined in §308.B.5.b.ii:

(i). limit the purposes of such organization to one or more exempt purposes; and

(ii). do not expressly empower the organization to engage, otherwise than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of one or more exempt purposes.

(b). In meeting the organizational test, the organization's purposes, as stated in its articles, may be as broad as, or more specific than, the purposes stated in R.S. 47:608(5). Therefore, an organization which, by the terms of its articles, is formed for literary and scientific purposes, within the meaning of R.S. 47:608(5) shall, if it otherwise meets the requirements in this Paragraph, be considered to have met the organizational test. Similarly, articles stating that the organization is created solely to receive contributions and pay them over to organizations which are described in R.S. 47:608(5) and exempt from taxation under R.S. 47:608(5) are sufficient for purposes of the organizational test. Moreover, it is sufficient if the articles set forth the purpose of the organization to be the operation of a school for adult education and describe in detail the manner of the operation of such school. In addition, if the articles state that the organization is formed for charitable purposes, such articles ordinarily shall be sufficient for purposes of the organizational test (see §308.B.5.b.v) for rules relating to construction of terms.

(c). An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it to carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more exempt purposes, even though such organization is, by the terms of such articles, created for a purpose that is no broader than the purposes specified in R.S. 47:608(5). Thus, an organization that is empowered by its articles to engage in a manufacturing business, or to engage in the operation of a social club does not meet the organizational test regardless of the fact that its articles may state that such organization is created for charitable purposes within the meaning of R.S. 47:608(5).

(d). In no case shall an organization be considered to be organized exclusively for one or more exempt purposes if, by the terms of its articles, the purposes for which such organization is created are broader than the purposes specified in R.S. 47:608(5). The fact that the actual operations of such an organization have been exclusively in furtherance of one or more exempt purposes shall not be sufficient to permit the organization to meet the organizational test. Similarly, such an organization will not meet the organizational test as a result of statements or other evidence that the members thereof intend to operate only in furtherance of one or more exempt purposes.

(e). An organization must, in order to establish its exemption, submit a detailed statement of its proposed activities with and as a part of its application for exemption.

ii. Articles of Organization. For purposes of this Section, the term articles of organization or articles includes the trust instrument, the corporate charter, the articles of association, or any other written instrument by which an organization is created.

iii. Authorization of Legislative or Political Activities

(a). An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it:

(i). to devote more than an insubstantial part of its activities attempting to influence legislation by propaganda;

(ii). to directly or indirectly participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office; or

(iii). to have objectives and to engage in activities which characterize it as an action organization as defined in §308.B.5.c.iii.

(b). The terms used in §308.B.5.b.iii.(a).(i)-(iii) shall have the meanings provided in §308.B.5.c.

iv. Distribution of Assets on Dissolution. An organization is not organized exclusively for one or more exempt purposes unless its assets are dedicated to an exempt

purpose. An organization's assets will be considered dedicated to an exempt purpose, for example, if, upon dissolution, such assets would, by reason of a provision in the organization's articles or by operation of law, be distributed for one or more exempt purposes, or to the federal government, or to a state or local government, for a public purpose, or would be distributed by a court to another organization to be used in such manner as the court decides will best accomplish the general purposes for which the dissolved organization was organized. However, an organization does not meet the organizational test if its articles of incorporation or the law of the state in which it was created provided that its assets would, upon dissolution, be distributed to its members or shareholders.

v. Construction of Terms. The law of the state in which an organization is created shall be controlling in interpreting the terms of its articles. However, any organization which contends that such terms have, under state law, a different meaning from their generally accepted meaning must establish such special meaning by clear and convincing reference to relevant court decisions, opinions of the state attorney general, or other evidence of applicable state law.

vi. Applicability of the Organization Test. A determination by the secretary that an organization as described in R.S. 47:608(5) and exempt under R.S. 47:608(5) will not be granted the exemption unless such organization meets the organizational test prescribed by this Subparagraph. If an organization has been determined by the secretary to be exempt as an organization described in R.S. 47:608(5) and such determination has not been revoked, the fact that such organization does not meet the organizational test prescribed by this Subparagraph shall not be basis for revoking such determination. Accordingly, an organization which has been determined to be exempt, and which does not seek a new determination of exemption, is not required to amend its articles of organization to conform to the rules of this Subparagraph.

c. Operational Test

i. Primary Activities. An organization will be regarded as operated exclusively for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in R.S. 47:608(5). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

ii. Distribution of Earnings. An organization is not operated exclusively for one or more exempt purposes if its net earnings inure in whole or in part to the benefit of private shareholders or individuals.

iii. Action Organizations

(a). An organization is not operated exclusively for one or more exempt purposes if it is an *action* organization as defined in §308.B.5.c.iii.(b), (c), or (d).

(b). An organization is an action organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

(i). contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(ii). advocates the adoption or rejection of legislation. The term *legislation*, as used in this Clause, includes action by the Congress, by any state legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(c). An organization is an action organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term *candidate for public office* means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, state, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(d). An organization is an action organization if it has the following two characteristics:

(i). its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and

(ii). it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

(e). An action organization, described in §308.B.5.c.iii.(b) or (d), though it cannot qualify under R.S. 47:608(5), may nevertheless qualify as a social welfare organization under R.S. 47:608(7) if it meets the requirements set out in R.S. 47:608(7).

d. Exempt Purposes

i. In General

(a). An organization may be exempt as an organization described in R.S. 47:608(5) if it is organized and operated exclusively for one or more of the following purposes:

(i). religious;

(ii). charitable;

(iii). scientific;

(iv). literary;

(v). educational; or

(vi). prevention of cruelty to children or animals.

(b). An organization is not organized or operated exclusively for one or more of the purposes specified in §308.B.5.d.i.(a) unless it serves a public rather than a private interest. Thus, to meet the requirement of this Subclause, it is necessary for an organization to establish that it is not organized or operated for the benefit of private interest such as designated individuals, the creator or his family, shareholders of the organization, or persons controlled, directly or indirectly, by such private interest.

(c). Since each of the purposes specified in §308.B.5.d.i.(a) is an exempt purpose in itself, an organization may be exempt if it is organized and operated exclusively for any one or more of such purposes.

(d). If, in fact, an organization is organized and operated exclusively for an exempt purpose or purposes, exemption will be granted to such an organization regardless of the purpose or purposes specified in its application for exemption. For example, if an organization claims exemption on the ground that it is educational, an exemption will not be denied if, in fact, it is charitable.

ii. Charitable Defined

(a). The term *charitable* as used in R.S. 47:608(5) in its generally accepted legal sense is not to be construed as limited by the separate enumeration in R.S. 47:608(5) of other tax-exempt purposes which may fall within the broad outlines of charity as developed by judicial decisions. Such term includes relief of the poor and distressed or of the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or work; lessening of the burdens of government; and promotion of social welfare by organizations designed to accomplish any of the above purposes; or

(i). to lessen neighborhood tension;

(ii). to eliminate prejudice and discrimination;

(iii). to defend human and civil rights secured by law; or

(iv). to combat community deterioration and juvenile delinquency.

(b). The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes.

(c). The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinions on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying under R.S. 47:608(5) so long as it is not an action organization of any one of the types described in §308.B.5.c.iii.

iii. Educational Defined

(a). In General. The term *educational*, as used in R.S. 47:608(5), relates to:

(i). the instruction or training of the individual for the purpose of improving or developing his capabilities; or

(ii). the instruction of the public on subjects useful to the individual and beneficial to the community.

(b). An organization may be educational even though it advocates a particular position or viewpoint, so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

(c). Examples of Educational Organizations. The following are examples of organizations which, if they otherwise meet the requirements of this Subsection, are educational.

(i). Example. An organization, such as a primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on.

(ii). Example. An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television.

(iii). Example. An organization which presents a course of instruction by means of correspondence or through the use of television or radio.

(iv). Example. Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

iv. Scientific Defined

(a). Since an organization may meet the requirements of R.S. 47:608(5) only if it serves a public rather than a private interest, a scientific organization must be organized and operated in the public interest [§308.B.5.d.i.(b)]. Therefore, the term *scientific*, as used in R.S. 47:608(5) includes the carrying on of scientific research in the public interest. Research when taken alone is a word with various meanings; it is not synonymous with scientific, and the nature of particular research depends upon the purpose which it serves. For research to be scientific within the meaning of R.S. 47:608(5), it must be carried on in furtherance of a scientific purpose. The determination as to whether research is scientific does not depend on such research being classified as fundamental or basic, as contrasted with applied or practical.

(b). Scientific research does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, as, for example, the ordinary testing or inspection of materials or products, or the designing or construction of equipment, buildings, etc.

(c). Scientific research will be regarded as carried on in the public interest:

(i). if the results of such research (including any patents, copyrights, processes, or formulas resulting from such research) are made available to the public on a nondiscriminatory basis;

(ii). if such research is performed for the United States, or any of its agencies or instrumentalities, or for a state or political Subdivision thereof; or

(iii). if such research is directed toward benefiting the public. The following are examples of scientific research which will be considered as directed toward benefiting the public, and, therefore, which will be regarded as carried on in the public interest:

[a]. scientific research carried on for the purpose of aiding in the scientific education of college or university students;

[b]. scientific research carried on for the purpose of obtaining scientific information, which is published in a treatise, thesis, trade publication, or in any other form that is available to the interested public;

[c]. scientific research carried on for the purpose of discovering a cure for a disease; or

[d]. scientific research carried on for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area. Scientific research described in §308.B.5.d.iv.(c) will be regarded as carried on in the public interest even though such research is performed pursuant to a contract or agreement under which the sponsor or sponsors of the research have the right to obtain ownership or control of any patents, copyrights, processes, or formulas resulting from such research.

(d). An organization will not be regarded as organized and operated for the purpose of carrying on scientific research in the public interest and, consequently, will not qualify under R.S. 47:608(5) as a scientific organization, if:

(i). such organization will perform research only for persons who are (directly or indirectly) its creators and who are not described in R.S. 47:608(5); or

(ii). such organization retains (directly or indirectly) the ownership or control of more than an insubstantial portion of the patents, copyrights, processes, or formulas resulting from its research and does not make such patents, copyrights, processes, or formulas available to the public. For purposes of this Subclause, a patent, copyright, process, or formula shall be considered as made available to the public if such patent, copyright, process, or formula is made available to the public on a nondiscriminatory basis. In addition, although one person is granted the exclusive right to the use of a patent, copyright, process, or formula, it shall be considered as made available to the public if the granting of such exclusive right is the only practicable manner in which the patent, copyright, process, or formula can be used to benefit the public. In such a case, however, the research from which the patent, copyright, process, or formula resulted will be regarded as carried on in the public interest (within the meaning of §308.B.5.d.iv.(c).(iii) if it is carried on for a person described in §308.B.5.d.iv.(c).(ii) or if it is scientific research described in §308.B.5.d.iv.(c).(iii).

(e). The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in R.S. 47:608(5) will not preclude such organization from meeting the requirements of R.S. 47:608(5) so long as the organization meets the organizational test and is not operated for the primary purpose of carrying on such research (see §308.B.5.e relating to organizations carrying on a trade or business).

e. Organizations Carrying on Trade or Business. In general, an organization may meet the requirements of R.S. 47:608(5) although it operates a trade or business as a substantial part of its activities, if the operation of such trade or business is in furtherance of the organization's exempt purpose or purposes and if the organization is not organized or operated for the primary purpose of carrying on an unrelated trade or business. In determining the existence or nonexistence of such primary purpose, all the circumstances must be considered, including the size and extent of the trade or business and the size and extent of the activities which are in furtherance of one or more exempt purposes. An organization which is organized and operated for the primary purpose of carrying on an unrelated trade or business is not exempt under R.S. 47:608(5), even though it has certain religious purposes, its property is held in common, and its profits do not inure to the benefit of individual members of the organization.

6. Business Leagues, Chambers of Commerce, Real Estate Boards, and Boards of Trade. A business league is an association of persons having some common business interest, the purpose of which is to promote such common interest and not to engage in regular business of a kind ordinarily carried on for profit. It is an organization of the same general class as a chamber of commerce or board of trade. Thus, its activities should be directed to the improvement of business conditions of one or more lines of business as distinguished from the performance of particular services for individual persons. An organization whose purpose is to engage in a regular business of a kind ordinarily carried on for profit, even though the business is conducted on a cooperative basis or produces only sufficient income to be self sustaining, is not a business league. An association engaged in furnishing information to prospective investors to enable them to make sound investments is not a business league since its activities do not further any

common business interest, even though all of its income is devoted to the purpose stated. A stock or commodity exchange is not a business league, a chamber of commerce, or a board of trade within the meaning of R.S. 47:608(6) and is not exempt from the tax.

7. Civic Leagues and Local Associations of Employees

a. Civic leagues or organizations may be exempt, provided they are not organized or operated for profit, and are operated exclusively for the promotion of social welfare. An organization is operated exclusively for social welfare only if it is primarily engaged in promoting in some manner the common good and general welfare of people in the community. An organization embraced within this provision is one which is operated primarily for the purpose of bringing about civic betterment and social improvements. A social welfare organization will qualify for exemption as a charitable organization if it falls within the definition of *charitable* set forth in §308.B.5.d.ii and is not an action organization as set forth in §308.B.5.c.iii.

b. The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office, nor is an organization operated primarily for the promotion of social welfare if its primary activity is operating a social club for the benefit, pleasure, or recreation of its members, or is carrying on a business with the general public in a manner similar to organizations which are operated for profit. See R.S. 47:608(6) and the regulations issued thereunder, relating to business leagues and similar organizations. A social welfare organization may qualify under this Section even though it is an action organization described in §308.B if it otherwise qualifies under this Section.

c. Local associations of employees described in R.S. 47:608(7) are expressly entitled to exemption. As conditions to exemption, it is required that:

i. membership of such an association be limited to the employees of a designated person or persons in a particular municipality;

ii. the net earnings of the association be devoted exclusively to charitable, educational, or recreational purposes;

iii. its activities are confined to a particular community, place, or district. If the activities are limited only by the borders of a state, it cannot be considered to be local in character; and

iv. no substantial part of the activities of the association is carrying on propaganda or otherwise attempting to influence legislation.

8. Social Clubs

a. The exemption provided by R.S. 47:608(8) applies only to clubs which are organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, but does not apply to any club if any part of its net earnings inures to the benefit of any private shareholder. In general, the exemption extends to social and recreational clubs which are supported solely by membership fees, dues, and assessments. However, a club otherwise entitled to exemption will not be disqualified because it raises revenue from members through the use of club facilities or in connection with club activities.

b. A club which engages in business, such as making its social and recreational facilities available to the general public or by selling real estate or other products, is not organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, and is not exempt. Solicitation by advertisement or otherwise for public patronage to its facilities is prima facie evidence that the club is engaging in business and is not being operated exclusively for pleasure, recreation, or social purposes. However, an incidental sale of property will not deprive a club of its exemption.

9. Local Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual Cooperative or Telephone Companies, and Like Organizations

a. In order to be exempt under the provision of R.S. 47:608(9), an organization of the type specified must receive at least 85 percent of its income from amounts collected from members for the sole purpose of meeting losses and expenses. If an organization issues policies for stipulated cash premiums, or if it requires advance deposits to cover the cost of insurance and maintains investments from which more than 15 percent of its income is derived, it is not entitled to an exemption. Although it may make advance assessments for the sole purpose of meeting future losses and expenses, an organization may be entitled to the exemption provided that the balance of such assessments remaining on hand at the end of the year is retained to meet losses and expenses or is returned to members.

b. The phrase *of a purely local character* applies only to benevolent life insurance associations and organizations exempt on the ground that they are organizations similar to a benevolent life insurance association, and not to the other organizations specified in R.S. 47:608(9). An organization of a purely local character is one whose business activities are confined to a particular community, place, or district, irrespective of political subdivisions. If the activities of an organization are limited only by the borders of a state, it cannot be considered to be purely local in character.

10. Insurance Corporations. Insurance companies which pay or which are required to pay a premium tax under the provisions of Title 22 of the Louisiana Revised Statutes of 1950 are exempt from the corporation franchise tax.

11. Farmers' and Fruit Growers' Cooperatives

a. Farmers' cooperative marketing associations engaged in the marketing of farm products for farmers, fruit growers, livestock growers, dairymen, etc., and turning back to the producers the proceeds of the sales of their products, less the necessary operating expenses, on the basis of either the quantity or the value of the products furnished by them, are exempt from the corporation franchise tax. Nonmember

patrons must be treated the same as members insofar as the distribution of patronage dividends is concerned. Thus, if products are marketed for nonmember producers, the proceeds of the sales, less necessary operating expenses, must be returned to the patron from the sale of whose goods such proceeds result, whether or not such patrons are members of the association. In order to establish compliance with the statutory requirement that the proceeds of sales, less necessary operating expenses, be turned back to all producers on the basis of either the quantity or the value of the products furnished by them, it is necessary for such an association to keep permanent records of the business done with both members and nonmembers. While patronage dividends must be paid to all producers on the same basis, the requirement is complied with if an association, instead of paying patronage dividends to nonmembers in cash, keeps permanent records from which the proportionate share of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

b. An association which has capital stock will not for such reason be denied exemption:

i. if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation on the value of the consideration for which the stock was issued; and

ii. if substantially all of such stock (with the exception noted below) is owned by producers who market their products or purchase their supplies and equipment through the association. Any ownership of stock by others than such actual producers must be satisfactorily explained in the association's application for exemption. The association will be required to show that the ownership of its capital stock has been restricted as far as possible to such actual producers. If by statutory requirement all officers of an association must be shareholders, the ownership of a share of stock by a nonproducer to qualify him as an officer will not destroy the association's exemption. Likewise, if a shareholder for any reason ceases to be a producer and the association, because of a constitutional restriction or prohibition or other reason beyond the control of the association, is unable to purchase or retire the stock of such nonproducer, the fact that under such circumstances a small amount of the outstanding capital stock is owned by shareholders who are no longer producers will not destroy the exemption. The restriction placed on the ownership of capital stock of an exempt cooperative association shall not apply to nonvoting preferred stock, provided the owners of such stock are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends.

c. The accumulation and maintenance of a reserve required by state statute, or the accumulation and maintenance of a reasonable reserve or surplus for any necessary purpose, such as to provide for the erection of buildings and facilities required in business or for the purchase and installation of machinery and equipment or to retire indebtedness incurred for such purposes, will not destroy the exemption. An association will not be denied exemption because it markets the products of nonmembers, provided the value of the products marketed for nonmembers does not exceed the value of the products marketed for members. Anyone who shares in the profits of a farmers' cooperative marketing association and is entitled to participate in the management of the association must be regarded as a member of such association.

d. Cooperative associations engaged in the purchasing of supplies and equipment for farmers, fruit growers, livestock growers, dairymen, etc., and turning over such supplies and equipment to them at actual cost, plus the necessary operating expenses, are exempt. The term *supplies and equipment* includes groceries and all other goods and merchandise used by farmers in the operation and maintenance of a farm or farmer's household. The provisions relating to a reserve or surplus and to capital stock shall apply to associations coming under this Paragraph. An association which purchases supplies and equipment for nonmembers will not for such reason be denied exemption, provided the value of the purchases for nonmembers does not exceed the value of the purchases made for members, and provided the value of the purchases made for nonmembers who are not producers does not exceed 15 percent of the value of all its purchases.

e. In order to be exempt under R.S. 47:608(11), an association must establish that it has no income for its own account other than that reflected in a reserve or surplus authorized therein. An association engaged both in marketing farm products and in purchasing supplies and equipment is exempt only if it meets the prescribed requirements for each of its functions.

f. To be exempt, an association must not only be organized but actually operated in the manner of and for the purposes specified in R.S. 47:608(11).

g. Cooperative organizations engaged in activities dissimilar from those of farmers, fruitgrowers, and the like, are not exempt.

12. Corporations Organized to Finance Crop Operations. A corporation organized by a farmers' cooperative marketing or purchasing association, or the members thereof, for the purpose of financing the ordinary crop operations of such members or other producers is exempt, provided the marketing or purchasing association is exempt under the provisions of R. S. 47:608(11) and the financing corporation is operated in conjunction with the marketing or purchasing association. The provisions of R.S. 47:608(11) relating to a reserve or surplus and to capital stock also apply to corporations coming under this Paragraph.

13. Corporations Organized for the Exclusive Purpose of Holding Title to Property

a. Corporations organized for the exclusive purpose of holding title to property are exempt from the corporation franchise tax, but only if:

i. the entire amount of income from the property, less expenses, is turned over to organizations which are organized and operated exclusively for:

(a). religious purposes;

(b). charitable purposes;

(c). scientific purposes;

(d). literary purposes; or

(e). educational purposes; and

ii. no part of the net earnings inures to the benefit of any private shareholder or any organization organized and operated for a purpose other than those enumerated under §308.B.13.a.i.(a), whether or not the benefiting organization is exempt under other provisions of R.S. 47:608.

b. Corporations whose articles of incorporation or by-laws permit activities other than the holding of title to property, collecting the income therefrom, paying the necessary expenses of operating the property, and turning over the entire amount of its income, after expenses, to the specified types of organizations are not exempt.

14. Voluntary Employees' Beneficiary Associations

a. In general, the exemption provided by R.S. 47:608(14) applies if all of the following requirements are met:

i. the organization is an association of employees;

ii. membership of the employees in the association is voluntary;

iii. the organization is operated only for the purpose of providing for the payment of life, sick, accident, or other benefits to its members or their dependents;

iv. no part of the net earnings of the organization inures, other than by payment of the benefits described in §308.B.14.a.iii, to the benefit of any private shareholder or individual; and

v. at least 85 percent of the income of the organization consists of amounts collected from members for the sole purpose of such payments of benefits and meeting expenses.

b. Explanation of requirements necessary to constitute an organization described in R.S. 47:608(14) (LAC 61.I.308.B.14.b.ii). For purposes of §308.B.14.b:

i. Association of Employees

(a). In general, an organization described in R.S. 47:608(14) must be composed of individuals who are entitled to participate in the association by reason of their status as employees who are members of a common working unit. The members of a common working unit include, for example, the employees of a single employer, one industry, or the members of one labor union. Although membership in such an association need not be offered to all the employees of a common working unit, membership must be offered to all of the employees of one or more classes of the common working unit and such class or classes must be selected on the basis of criteria which do not limit membership to shareholders, highly compensated employees, or other like individuals. The criteria for defining a class may be restricted by conditions reasonably related to employment, such as a limitation based on a reasonable minimum period of service, a limitation based on a maximum compensation, or a requirement that a member be employed on a full-time basis. The criteria for defining a class may also be restricted by conditions relating to the type and amount of benefits offered, such as a requirement that members need a reasonable minimum health standard in order to be eligible for life, sick, or accident benefits, or a requirement which excludes, or has the effect of excluding, employees who are members of another organization offering similar benefits to the extent such employees are eligible for such benefits. Whether a group of employees constitutes an acceptable class is a question to be determined with regard to all the facts and circumstances, taking into account the guidelines set forth in this Clause. Furthermore, exemption will not be barred merely because the membership of the association includes some individuals who are not employees (within the meaning of §308.B.14.b.i.(b) or who are not members of the common working unit, provided that these individuals constitute no more than 10 percent of the total membership of the association.

(b). Meaning of *Employee*

(i). The term *employee* has reference to the legal and bona fide relationship of employer and employee.

(ii). The term *employee* also includes:

[a]. an individual who would otherwise qualify for membership under §308.B.14.b.i.(b).(i), but for the fact that he is retired or on leave of absence;

[b]. an individual who would otherwise qualify under §308.B.14.b.i.(b).(i), but subsequent to the time he qualifies for membership he becomes temporarily unemployed. The term *temporary unemployment* means involuntary or seasonal unemployment, which can reasonably be expected to be of limited duration. An individual will still qualify as an employee under §308.B.14.b.i.(b).(i), during a period of temporary unemployment, he performs services as an independent contractor or for another employer; or

[c]. an individual who qualifies as an employee under the state or federal unemployment compensation law covering his employment, whether or not such an individual could qualify as an employee under the usual common law rules applicable in determining the employer-employee relationship.

ii. Explanation of Voluntary Association. An association is not a voluntary association if the employer unilaterally imposes membership in the association on the employee as a condition of his employment and the employee incurs a detriment (for example, in the form of

deductions from his pay) because of his membership in the association. An employer will not be deemed to have unilaterally imposed membership on the employee if such employer requires membership as the result of a collective bargaining agreement which validly requires membership in the association.

iii. Life, Sick, Accident, or Other Benefits

(a). In general, a voluntary employee's beneficiary association must provide solely (and not merely primarily) for the payment of life, sick, accident, or other benefits to its members or their dependents. Such benefits may take the form of cash or non-cash benefits.

(i). Life Benefits. The term life benefits includes life insurance benefits, or similar benefits payable on the death of the member, made available to members for current protection only. Thus, term life insurance is an acceptable benefit. However, life insurance protection made available under an endowment insurance plan or a plan providing cash surrender values to the member is not included. Life benefits may be payable to any designated beneficiary of a member.

(ii). Sick and Accident Benefits. A sick and accident benefit is, in general, an amount furnished in the event of illness or personal injury to or on behalf of members or their dependents. For example, a sick and accident benefit includes an amount provided under a plan to reimburse a member for amounts he expends because of illness or injury, or for premiums which he pays to a medical benefit program such as Medicare. Sick and accident benefits may also be furnished in noncash form, such as benefits in the nature of clinical care, services by visiting nurses, and transportation furnished for medical care.

(iii). Other Benefits. The term other benefits includes only benefits furnished to members or their dependents which are similar to life, sick and accident benefits. A benefit is similar to a life, sick or accident benefit if it is intended to safeguard or improve the health of the employee or to protect against a contingency which interrupts earning power. Thus, paying vacation benefits, subsidizing recreational activities such as athletic leagues, and providing vacation facilities are considered other benefits since such benefits protect against physical or mental fatigue and accidents or illness which may result therefrom. Severance payments or supplemental unemployment compensation benefits paid because of a reduction in force or temporary layoff are other benefits since they protect the employee in the event of interruption of earning power. However, severance payments at a time of mandatory or voluntary retirement and benefits of the type provided by pension, annuity, profit-sharing, or stock bonus plans are not other benefits since their purpose is not to protect in the event of an interruption of earning power. Furthermore, the term other benefits does not include the furnishing of automobile or fire insurance or the furnishing of scholarships to the members' dependents.

iv. Inurement to the Benefit of Any Private Shareholder or Individual. No part of the net earnings of the organization may inure to the benefit of any private shareholder or individual other than through the payment of benefits described in §308.B.14.b.iii. The disposition of property to, or the performance of services for, any person for less than its cost (including the indirect costs) to the association, other than for the purpose of providing such a benefit, will constitute inurement. Further, the payment to any member of disproportionate benefits will not be considered a benefit within the meaning of §308.B.14.b.iii even though the benefit is of the type described in §308.B.14.b.iii. For example, the payment to highly compensated personnel of benefits which are disproportionate in relation to benefits received by other members of the association will constitute inurement. However, the payment to similarly situated employees of benefits which differ in kind or amount will not constitute inurement if such benefits are paid pursuant to objective and reasonable standards. For example, two employees who are similarly situated while employed receive unemployment benefits which differ in kind and amount. These unemployment benefits will not constitute inurement if the reason for the larger payment to the one employee is to provide training for that employee to qualify for reemployment and the other employee has already received such training. Furthermore, the rebate of excess insurance premiums based on experience to the payor of the premium, or a distribution to member-employees upon the dissolution of the association, will not constitute inurement. However, the return of contributions to an employer upon the dissolution of the association will constitute inurement.

v. Meaning of the Term *Income*. The requirement of R.S. 47:608(14) that 85 percent of the income of a voluntary employees' beneficiary association consist of amounts collected from members and amounts contributed by the employer for the sole purpose of making payment of the benefits described in §308.B.14.b.iii (including meeting the expenses of the association) assures that not more than a limited amount (15 percent) of an association's income is from sources such as investments, selling goods, and performing services, which are foreign to what must be the principal source of the association's income, i.e., the employees. Therefore, the term *income* as used in R.S. 47:608(14) means the gross receipts of the organization for the taxable year, including income from tax-exempt investments (but exclusive of gifts and donations) and computed without regard to losses and expenses paid or incurred for the taxable year. The term *income* does not include the return to the association of an amount previously expended. Thus, for example, rebates of insurance premiums paid in excess of actual insurance costs do not constitute income for this purpose. In order to be an amount collected from a member, it must be collected as a payment, such as dues, qualifying the member to receive an allowable benefit, or as a payment for an allowable benefit actually received. For example, if the association furnishes medical care in a hospital operated by it for its members, an amount received from the member as payment of a portion of the hospital costs is an amount collected from such a member. However, an amount paid by an employee as interest on a loan made

by the association is not an amount collected from a member since the interest is not an amount collected as payment for an allowable benefit received. For the same reason, gross receipts collected by the association as a result of employee purchases of work clothing from an association-owned store, or employee purchases of food from an association-owned vending machine, are not amounts collected from members. Amounts collected from members or amounts contributed to the association by the employer of the members are not considered gifts or donations.

vi. Record-Keeping Requirements

(a). In addition to such other records which may be required, every organization described in R.S. 47:608(14) must maintain records indicating the amount of benefits paid by such organization to each member. If the organization is financed, in whole or in part, by amounts collected from members, the organization must maintain records indicating the amount of each member's contribution.

(b). A supplemental unemployment compensation benefit plan may also qualify for exemption under the provisions of R.S. 47:608(14).

15. Teachers' Retirement Fund Associations. Teachers' retirement fund associations are exempt from the corporation franchise tax only if:

a. they are of a purely local character whose activities are confined to a particular community, place, or district, irrespective of political subdivisions, but if the activities are limited only by the borders of a state, it cannot be considered to be purely local in character;

b. its income consists solely of amounts received from public taxation, assessments upon the teaching salaries of members, and income from investments; and

c. no part of its net earnings inures (other than through the payment of retirement benefits) to the benefit of any private shareholder or individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:608.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February, 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:459 (March 2004).

§309. Due Date, Payment, and Reporting of Tax

A. The corporation franchise tax becomes due on the first day of each calendar or fiscal year in which a corporation is subject to the tax, and is based on its entire issued and outstanding capital stock, surplus, and undivided profits, and borrowed capital determined as of the close of the previous calendar or fiscal year. There is no proration of the tax for a portion of the year in the case of dissolution of a domestic corporation, withdrawal from the state by a foreign corporation, or where a corporation otherwise ceases to be subject to the tax. The tax is payable to the Secretary of Revenue on or before the fifteenth day of the third month following the month in which the tax becomes due; in the case of a calendar year taxpayer, the tax becomes due on January 1 and is payable to the secretary on or before April 15. If the day on which the tax is payable falls on a Saturday, Sunday, or legal holiday the tax is payable on the next business day. For purposes of this Section, fiscal or calendar year shall be determined by reference to the annual accounting period regularly used by the corporation in keeping its books.

B. Payment of the tax shall be accompanied by a full, accurate, and complete report prepared on forms furnished by the Secretary of Revenue, which shall be signed by a duly authorized official of the corporation.

C. Whenever the secretary has granted permission to a corporation to change its accounting period under the provisions of R. S. 47:613, the tax to be paid for the period from the end of the last period for which the tax has already become due until the end of the new accounting period shall be determined by multiplying the ratio that the number of such months bears to 12, times the tax computed for an annual period based on the previous period's closing. All subsequent returns shall be prepared on the basis of the new accounting period.

1. The previous period's closing means the closing of the new accounting period.

2. Example: A taxpayer has been filing Corporation Income and Franchise Tax returns on a FYE June 30 basis. In December 2002, the taxpayer obtains approval to change his accounting year-end to December 31. For franchise tax purposes, a taxpayer will compute the franchise tax due based on its December 31, 2002 information and multiply the tax by 50 percent (6/12). On its prior return, which was based upon the June 30, 2002 balance sheet, the taxpayer paid franchise tax through June 30, 2003. When the taxpayer changes its accounting period to December 31, 2002, the franchise tax is due only for the period July 1, 2003 through December 31, 2003, a period of six months. This short period return will be due April 15, 2003.

D. In the case of a mere change in the name or change in the state of incorporation, the tax shall be determined and paid as if the change had not occurred.

E. For provisions relating to newly taxable corporations, see R.S. 47:611.

F. For provisions relating to requests for extensions of time within which to file the report required by this Chapter, see R.S. 47:612.

G. In the case of mergers which have an effective time and date of 12 midnight of the last day of the merged corporation's accounting period which coincides with the last day of the surviving corporation's accounting period, the surviving corporation shall include the assets of the merged corporation with its assets in computing the ratios of property and assets for the purpose of determining the amount of tax due for the year following the date of the merger.

H. If the surviving corporation was not previously subject to the tax, it shall pay the minimum tax for the

accounting period within which such merger date occurs as required of newly taxable corporations under the provisions of R.S. 47:611.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:609 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), amended by the Department of Revenue, Policy Services Division, LR 28:97 (January 2002), LR 30:468 (March 2004), LR 31:90 (January 2005).

§311. Newly Taxable Corporations

A. Every corporation or other entity subject to the franchise tax shall pay only the minimum tax in the first accounting period or fraction thereof in which it becomes subject to the tax. It is immaterial whether the corporation became liable for the tax on the first day or the last day of the accounting period regularly used by the taxpayer in keeping its books; the minimum tax is due for that accounting period. The tax accrues immediately upon the corporation's becoming subject thereto.

B. The tax for all accounting periods subsequent to the period in which the corporation became subject to the tax accrues on the first day of the period and is based on the previous period's closing.

C. In all instances, the tax is payable on or before the fifteenth day of the fourth month following the month in which the tax accrues.

D. Notwithstanding the provisions of this Section, the initial tax of an entity in existence and actually conducting business in Louisiana, as reflected in the definition of doing business found in R.S. 47:601(A)(1), during its previous calendar or fiscal year shall be calculated pursuant to R.S. 47:609, based on its corporate books on the first day of the calendar or fiscal year in which the tax levied under this Chapter becomes due and shall be payable on or before the date otherwise required by this Section.

E. For entities previously determined not subject to corporate franchise taxation under the *Utelcom, Inc. and Ucom, Inc. v. Bridges*, 2010-0654 (La. App. 1 Cir. 9/12/11), 77 So. 3d 39, Writ Denied 2011-2632 (La. 3/2/12), 84 So. 3d 1046 decision, such entities shall be liable for the franchise tax pursuant to R.S. 47:611(B) for the 2017 franchise tax period based on the entities' corporate books on the first day of the 2017 calendar or fiscal year.

F. Examples.

1. On February 1, 2017, 150 natural persons organized Limited Liability Company A. Limited Liability Company A is a domestic limited liability company as defined by R.S. 12:1301(A)(10). Limited Liability Company A elected to be taxed as a corporation pursuant to 26 U.S.C. Subtitle A, Chapter 1, Subchapter C for federal income tax purposes and is ineligible to make an election to be taxed in accordance with the provisions of 26 U.S.C. Subtitle A, Chapter 1, Subchapter S for federal income tax purposes because its membership exceeds 100 members. Therefore, Limited Liability Company A must file a corporate franchise tax return and remit an initial tax of $110 on or before May 15, 2017.

2. Corporation A was previously determined not subject to corporate franchise taxation under the *Utelcom, Inc. and Ucom, Inc. v. Bridges*, 2010-0654 (La. App. 1 Cir. 9/12/11), 77 So. 3d 39, Writ Denied 2011-2632 (La. 3/2/12), 84 So. 3d 1046 decision. Corporation A, a calendar year taxpayer, holds a limited partnership interest in Partnership B. Partnership B conducts business in Louisiana in 2016 and 2017. Because of Corporation A's partnership interest in Partnership B, which conducted business in Louisiana in 2016, Corporation A is deemed to have conducted business in Louisiana in 2016 and is subject to initial franchise tax pursuant to R.S. 47:611(B) for the 2017 franchise tax period. The tax is based on Corporation A's corporate books on January 1, 2017 and is payable on or before April 15, 2017.

AUTHORITY NOTE: Promulgated in accordance with 47:611.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:469 (March 2004), amended LR 44:1637 (September 2018).

§312. Extension of Time for Filing Return and Paying the Tax

A. When such application for an extension of time within which to file the report required by this Chapter has been filed, the Secretary of Revenue and Taxation may grant such extension for a period not to exceed six months from the due date of the report prescribed by R.S. 47:609 and R.S. 47:611. In any case in which the taxpayer has filed a request for an automatic extension of time within which to file its federal income tax return with the U.S. Internal Revenue Service, a copy of the automatic extension request attached to the report required by this Chapter will be accepted by the secretary as an application filed under this Section, and an extension equal to that granted by the federal government will be granted by Louisiana.

B. The granting of an extension of time within which to file the report required by this Chapter does not automatically grant an extension of time within which the tax shall be paid, and the secretary may require payment of the estimated amount of tax due as a condition to granting the report filing extension.

C. Whenever an extension has been granted with respect to payment of the tax, interest accrues thereon for the period from the payment date prescribed by R.S. 47:609 to the date on which the tax is paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:612.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:469 (March 2004).

§313. Fiscal Year; Accounting Period

A. *Fiscal year* means an accounting period of 12 months ending on the last day of any month other than December. In the case of a taxpayer that, in keeping its books, regularly uses a 52- to 53-week period permitted under R.S. 47:91(F), the secretary of revenue and taxation may permit the use of such accounting period for purposes of this Chapter, provided that in any case in which the effective date or the applicability of any provisions of this Chapter is expressed in terms of taxable years beginning or ending with reference to a specified date which is the first or last day of a month, such 52- or 53-week accounting period shall be treated:

1. as beginning with the first day of the calendar month beginning nearest to the first day of such taxable period; or

2. as ending with the last day of the calendar month ending nearest to the last day of such taxable period, as the case may be.

B. However, no fiscal year will be recognized unless, before its close, it was definitely established as an accounting period and the books of the taxpayer were kept accordingly.

C. Once an accounting period has been established, no change from that period shall be made without the approval of the secretary of revenue and taxation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:613.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:469 (March 2004).

§320. Books of the Corporation

A. Generally the "books of the corporation" are financial statements that will include an income statement, a balance sheet (listing assets, liabilities, and owners equity including changes thereto), and other appropriate information. The following may be considered applicable financial statements.

1. Statement Required to be Filed with the Securities and Exchange Commission (SEC). A financial statement that is required to be filed with the Securities and Exchange Commission.

2.a. Certified Audited Financial Statement. A certified audited financial statement that is used for credit purposes, for reporting to shareholders or for any other substantial non-tax purpose. Such a statement must be accompanied by the report of an independent (as defined in the American Institute of Certified Public Accountants Professional Standards, Code of Professional Conduct, Rule 101 and its interpretations and rulings) certified public accountant or, in the case of a foreign corporation, a similarly qualified and independent professional who is licensed in any foreign country. A financial statement is "certified audited" for purposes of this Section if it is:

i. certified to be fairly presented (an unqualified or "clean" opinion);

ii. subject to a qualified opinion that such financial statement is fairly presented subject to a concern about a contingency (a qualified "subject to" opinion);

iii. subject to a qualified opinion that such financial statement is fairly presented, except for a method of accounting with which the accountant disagrees (a qualified "except for" opinion); or

iv. subject to an adverse opinion, but only if the accountant discloses the amount of the disagreement with the statement.

b. Any other statement or report, such as a review statement or a compilation report that is not subject to a full audit is not a certified audit statement.

3. A Financial Statement Provided to a Government Regulator. A financial statement that is required to be provided to the federal government, or any agency thereof (other than the Securities and Exchange Commission), a state government or agency thereof, or a political subdivision of a state or agency thereof. Except as otherwise provided herein, an income tax return, franchise tax return or other tax return prepared solely for the purpose of determining any tax liability that is filed with a federal, state or local government or agency cannot be an applicable financial statement.

4. Other Financial Statements. A financial statement that is used for credit purposes, for reporting to shareholders, or for any other substantial non-tax purpose, even though such financial statement is not described in Paragraphs A.1-3 of this Section.

B. Priority among Statements

1. In general, if a taxpayer has more than one financial statement described in Paragraphs A.1-4 of this Section, the taxpayer's applicable financial statement is the statement with the highest priority.

a. Priority is determined in the following order:

i. a financial statement described in Paragraph A.1 of this Section;

ii. a certified audited statement described in Paragraph A.2 of this Section;

iii. a financial statement provided to a government regulator described in Paragraph A.3 of this Section;

iv. any other financial statement described in Paragraph A.4 of this Section.

b. For example, Corporation A, which uses a calendar year for both financial accounting and tax purposes, prepares a financial statement for calendar year 2003 that is provided to a state regulator and an unaudited financial statement that is provided to A's creditors. The statement provided to the state regulator is A's financial statement with the highest priority and thus is A's financial statement.

2. Special Priority Rules for Use of Certified Audit Financial Statements and Other Financial Statements

a. In the case of financial statements described in Paragraphs A.2 and A.4 of this Section, within each of these categories the taxpayer's applicable financial statement is determined according to the following priority:

i. a statement used for credit purposes;

ii. a statement used for disclosure to shareholders; and

iii. any other statement used for other substantial non-tax purposes.

b. For example, Corporation B uses a calendar year for both financial accounting and tax purposes. B prepares a financial statement for 2003 that it uses for credit purposes and prepares another financial statement for calendar year 2003 that it uses for disclosure to shareholders. Both financial statements are unaudited. The statement used for credit purposes is B's financial statement with the highest priority and thus is B's applicable financial statement.

3. Priority among Financial Statements Provided a Government Regulator. In the case of two or more financial statements described in Paragraph A.3 of this Section that are of equal priority, the taxpayer's applicable financial statement is determined according to the following priority:

a. a statement required to be provided to the federal government or any of its agencies;

b. a statement required to be provided to a state government or any of its agencies; and

c. a statement required to be provided to any subdivision of a state or any agency of a subdivision.

C. Whenever more than one entity, for franchise tax purposes, is included in a corporation's books, as herein defined, separate books shall be constructed for each entity doing business in Louisiana. These books shall be constructed following the same principles and methods as were employed when constructing the original books.

D. Nothing in this regulation shall restrict the secretary's authority to revise the books of the corporation as needed for the purpose of ascertaining the correct franchise tax liability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:604, R.S. 47:605 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:807 (April 2004).

Chapter 9. Hazardous Waste Tax

§901. Definitions

A. The terms used in this Chapter shall be defined as provided in R.S. 30:1054 and R.S. 30:1133, with R.S. 30:1133 governing in any case of conflict between them, unless another definition is specifically provided or a definition is specifically modified.

B. The words defined in R.S. 47:821(B) have the meaning ascribed to them in that Section unless the context clearly indicates otherwise.

Disposal—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste as defined in this Chapter, into or on any land or water in a hazardous waste disposal facility within Louisiana in such a manner that the hazardous waste so disposed becomes part of the surrounding or underlying land. Storage in excess of 90 days shall be presumed to constitute disposal for purposes of collection of the tax but shall not subject those wastes stored in excess of 90 days to additional taxation when ultimately disposed.

a. *Hazardous Waste Disposal Facility*—any facility or location where any processing or deposition of hazardous waste occurs or is contained. This includes any location where waste is disposed in violation of law or the regulations of the Louisiana Department of Environmental Quality.

b. *Hazardous Waste Treatment Facility*—any facility or location where any method, technique, or process, including neutralization or incineration, designed to change the physical or chemical character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous; however, a "treatment facility" shall be treated in the same manner as a "disposal facility" if it receives hazardous waste from outside companies or stores the hazardous waste in excess of 90 days before the waste is treated to render it nonhazardous.

c. *Storage*—the containment of hazardous waste on a temporary basis in such a manner as not to constitute disposal of such hazardous waste. In order to comply with this definition, the waste in storage cannot become part of the surrounding or underlying land or water.

Dry-Weight Ton—a ton of hazardous waste excluding the weight of the water, and for underground injection shall include no more than 1 percent of the inorganic solids contained in the hazardous waste. Calculation of the taxable dry-weight tons of a waste is accomplished through the use of a dry-weight conversion factor which is determined with reference to a chemical analysis, or, when appropriate, by reference to the standard dry-weight conversion factors established by §903. The chemical analysis shall determine the percentage of water content of the waste and, when the waste is to be disposed by underground injection and the 1-percent inorganic solids limitation applies, the percentage of inorganic solids content.

a. When the 1 percent inorganic solids limitation does not apply, the dry-weight conversion factor shall be 100 percent less the percentage of water content. For example, if the chemical analysis determines that the waste is 30 percent water, the dry-weight conversion factor is

100 percent - 30 percent = 70 percent and the taxable dry-weight of the waste is 70 percent of the total weight of the waste.

b. When the waste is to be disposed of by underground injection and the 1 percent inorganic solids limitation applies, the dry-weight conversion factor shall be 100 percent less the percentage of water content and less the percentage of inorganic solids in excess of 1 percent. For example, if the chemical analysis determines that the waste is 30 percent water and 5 percent inorganic solids, the dry-weight conversion factor is 100 percent less the 30 percent water content and less the 4 percent by which the percentage of inorganic solids exceeds 1 percent, or (100 percent - 30 percent) - 4 percent = 66 percent. In this example the taxable dry-weight would be 66 percent of the total weight of the waste.

c. Any method which has received prior approval from the Department of Environmental Quality may be used to determine the dry-weight of the hazardous waste.

Hazardous Waste—a substance identified or listed as a *hazardous waste* in the Louisiana Hazardous Waste Regulations of the Department of Environmental Quality in effect on July 1, 1984, except that the term *hazardous waste* shall not include special waste as defined in R.S. 47:821. The regulations of the Department of Environmental Quality in effect on July 1, 1984, provide that to be a *hazardous waste*, a substance must first be a "waste" and define waste to be "any material for which no use or reuse is intended and which is to be discarded." Any substance for which the generator has further use is not considered a waste or hazardous waste. Examples of further use include use as a feed stream to processes from which usable substances are extracted, use as a fuel-producing energy, and sale of the substance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:821.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§903. Standard Dry-Weight Conversion Factors

A. In order to minimize instances in which the cost to the taxpayer of testing waste to determine the actual dry-weight exceeds the tax liability, and to minimize instances in which the cost to the state of administering and enforcing the tax exceeds the tax revenue, the secretary herein establishes standard dry-weight conversion factors and guidelines for the use of these factors. The standard conversion factors can be used only in instances which meet all conditions established by the guidelines.

B. The guidelines for use of the standard conversion factors are:

1. any generator may use the standard conversion factors in computing the taxable dry-weight of a hazardous waste when the wet weight is 40 tons or less for the taxable quarter;

2. when a taxpayer files a consolidated return covering several generation sites, the 40-ton limit is to be applied on a per-site basis;

3. the 40-ton limit applies to each waste. The total tons of all wastes which are substantially the same must be combined in determining if the 40-ton limit is exceeded. A taxpayer may qualify to use the standard factors in computing the dry-weight of some wastes on a return while being required to use the actual conversion factor for other wastes on the same return;

4. taxpayers are not required to use the standard conversion factors. The actual conversion factor or the wet weight may be used; however, if the standard conversion factors are used as a deliberate means to avoid paying a higher amount of tax, then the use of the standard conversion factors will be disallowed and the actual dry-weight determination will be used.

C. When the use of the standard conversion factors is allowed, and the taxpayer elects to use them, the allowable factor is based upon the method of disposal. Listed below are the disposal methods for which standard conversion factors have been established, and their associated factors.

Landfill	0.75, i.e., total weight x 0.75 = dry weight
Landfarm	0.25, i.e., total weight x 0.25 = dry weight
Impoundments	0.05, i.e., total weight x 0.05 = dry weight
Injection wells	0.02, i.e., total weight x 0.02 = dry weight

AUTHORITY NOTE: Promulgated in accordance with R.S. 47.821.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§905. Imposition of Tax

A. The tax is imposed upon the disposal, as defined by R.S. 47:821, of any hazardous waste and on hazardous waste stored for more than 90 days for the purpose of eventual incineration at sea. R.S. 47:821 defines *disposal* to include storage in excess of 90 days; therefore, the tax is imposed on any storage in excess of 90 days, not only on storage for the purpose of eventual incineration at sea.

B. A disposer or generator who voluntarily removes hazardous waste from an inactive or abandoned site shall not be subjected to imposition of this tax when the hazardous waste is disposed of again. Disposers receiving such waste are required to charge the tax on waste received by them and disposers or generators voluntarily removing waste from an inactive or abandoned site are required to pay the tax to the disposer; however, the disposer or generator voluntarily removing the waste may exclude the exempt amounts from the calculation of the tax on his return while taking credit on his return for the tax paid to the disposer. Whenever a generator or disposer excludes waste from the tax calculation under this provision, he shall attach to his return a signed statement declaring that he is entitled to the exemption and a schedule detailing by manifest number the total gross tons excluded, the type of waste, and the disposer who received the waste, or other appropriate records acceptable to the secretary. Credit claimed under this provision shall be disallowed if it is determined that the removal or redisposal of the waste was in violation of the laws, rules, or regulations administered by the Department of Environmental Quality or that the waste was not voluntarily removed from an inactive or abandoned.

C. A generator who has been classified as a small-quantity generator by the Department of Environmental Quality and has received written permission from the Department of Environmental Quality to store hazardous waste in excess of 90 days may elect to report the taxable storage in excess of 90 days in the quarter in which the waste is removed from storage, rather than the quarter in which the storage period actually exceeded 90 days. This method of reporting may be used only for those wastes authorized by the Department of Environmental Quality to be stored in excess of 90 days. If this method of reporting is elected, the tax shall be due at the rate established for taxable disposal at a site other than the site at which the waste is generated, regardless of how or where the waste is ultimately disposed of.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:822.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§907. Rate of Tax

A. The tax is levied at the rate of $5 per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at the site upon which the generator's act or process produced the hazardous waste, and at the rate of $10 per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at a site other than the site upon which the generator's act or process produced the hazardous waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:823.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§909. Direct Payment by Generator

A. The tax imposed by R.S. 47:822 shall be collectible from and shall be paid by the generator of the hazardous waste directly to the secretary if the generator disposes of his own waste on or at his own disposal site. In addition, R.S. 47:826(A) provides that the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax; and in support of this, the generator is required to pay directly to the secretary any tax due not collected by a disposer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:825.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§911. Collection by Disposer; Liability of Disposer

A. R.S. 47:826(A) provides that when the generator does not dispose of his own hazardous waste on or at his own disposal site, the disposer shall collect the tax from the generator at the time the disposer receives the hazardous waste and shall remit the tax so collected to the secretary.

B. The disposer is required by R.S. 47:826(B) to state and collect the tax separately from any other fee, charge, or other price charged to the generator, and is required to provide the generator with documentation of the amount of tax collected. The disposer shall not advertise or hold out to the generator that he will relieve the generator from the payment of all or any part of the tax and the generator shall not be deemed to have paid the tax unless he receives a document from the disposer separately stating the amount of the tax that has been paid. The tax charged by the disposer shall be a debt from the generator to the disposer, until paid, and shall be recoverable at law in the same manner as other debts.

C. If the disposer neglects, fails, or refuses to collect or remit the tax, he shall be liable and shall pay the tax himself. However, the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:826.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§913. Exempt Disposal by Disposer

A. R.S. 47:826(C) provides in part that if hazardous waste is received by a disposer and it is stored for 90 days or less and then not disposed of in a taxable manner, then the generator shall be entitled to a refund from the secretary for the amount of any taxes collected from the generator for that hazardous waste.

B. Whenever waste is received by a disposer from a generator and stored for 90 days or less and then disposed of in a tax-free manner, the disposer must certify this to the generator. The certification must identify the waste, the amount of waste, the invoice on which the tax was charged, and the amount of tax collected. The generator may take credit on his return for the amount of tax paid on the certification exempt disposals, provided copies of certifications are attached to the return.

C. When hazardous waste is to be disposed of in a tax-free manner, the Secretary of the Department of Revenue and Taxation may allow the disposer to post a surety bond, or other such financial assurances acceptable to the secretary, in lieu of payment of the tax. The minimum amount of the surety bond or other financial assurances shall not be less than the amount of the average quarterly tax liability that would have been due had no bond or financial assurance been pledged. If this alternate method is allowed, then both the generator and the disposer of the hazardous waste must attach a schedule to their quarterly tax reports, detailing all shipments and/or disposals of hazardous waste on which no tax was paid.

D. Additionally, the disposer of the hazardous waste must enter into an agreement with the Department of Revenue and Taxation guaranteeing payment of the hazardous-waste tax in the event that the hazardous waste was not disposed of:

1. within 90 days; or
2. in a tax-free manner.

E. Any disposer wishing to use this alternate method must submit a proposal to this department, in writing, for approval. Any disposer employing this method without

proper approval or any disposer found not charging the tax may be assessed the fine outlined in R.S. 47:827.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:826.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§915. Returns and Payment

A. The tax due for each quarter shall be remitted to the secretary, by the person responsible for remitting the tax, on or before the twentieth day of the subsequent quarter. All generators and disposers doing business in Louisiana are required to file a tax return quarterly, unless otherwise provided, on forms prescribed by the secretary. Forms are available from the secretary; and although forms are usually mailed to each taxpayer, failure to receive a form will not relieve the taxpayer of the necessity of filing and remitting the tax currently due.

B. Corporations that violate the provisions of R.S. 47:827 shall be fined an amount not to exceed $100,000. Individuals who violate the provisions of R.S. 47:827 shall be fined an amount not to exceed $10,000, or imprisoned for not more than one year, or both.

C. When any taxpayer fails to pay any tax, penalty, and interest assessed, as provided in this Chapter, the secretary of the Department of Revenue and Taxation may proceed to enforce the collection thereof by distraint and sale under the provisions of R.S. 47:1570-1573.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:827.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

§917. Records Requirements

A. Every person required to pay, collect, or remit the tax imposed under this Chapter shall keep a permanent record of all production, handling, storage, disposal, shipment, and receipt of hazardous waste by him in sufficient detail to be of value in determining the correct tax liability under this Chapter. These records must be kept whether or not the person believes the tax imposed by this Chapter is applicable.

B. Whenever the dry-weight of a waste is used as the basis for computing the tax on a return, full documentation of the facts and methodology used in calculating the dry-weight must be maintained. This documentation includes, but is not limited to, testing procedures followed, test results obtained, assumptions made, and the basis for assumptions made.

C. Where required records are voluminous, they must be kept in chronological order or in some other systematic order compatible with the taxpayer's regular bookkeeping system which will enable the secretary to verify the accuracy of information contained in tax returns.

D. Records kept on punched cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible provided the taxpayer makes available all necessary codes and equipment to enable the secretary to audit such records, or provides the secretary with written transcripts of those parts of the records which the secretary wishes to examine.

E. The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained until the tax period to which they relate has prescribed. Records required by this Section must be available at all times during the regular business hours of the day for inspection by the secretary or duly authorized agents of the secretary.

F. For the purpose of computing, collecting, or auditing the tax imposed by this Chapter, the secretary shall have access to all manifests and records which are required by the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:831.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 13:105 (February 1987).

Chapter 10. Income: Pass-Through Entities

§1001. Election of Pass-Through Entities

A. Act 442 of the 2019 Regular Session of the Louisiana Legislature, allows S corporations, and other entities taxed as partnerships for federal income tax purposes, to make an election to be taxed in the same manner as if the entity was required to file a tax return with the Internal Revenue Service as a C corporation.

1. The income of entities that make the election under LA R.S. 47:287.732.2 shall be taxed at the following rates:

a. two percent upon the first $25,000 of Louisiana taxable income;

b. four percent upon the amount of Louisiana taxable income above $25,000 but not in excess of $100.000; and

c. six percent upon the amount of Louisiana taxable income above $100,000.

B. Requirements to Make the Election

1. Shareholders, members or partners holding more than one-half of the ownership interest in the entity based upon capital account balances on the day the election is made shall approve the election.

2. The entity shall provide the Department of Revenue at the time of making the election either:

a. a resolution signed by secretary of the corporation or equivalent officer or manager verifying that more than one-half of the ownership interest in the entity based upon capital account balances approved the election, or

b. other written proof that more than one-half the ownership interest in the entity approved the election.

3. An entity shall make the election on Form R-6980, *Tax Election for Pass-Through Entities* and the form shall be submitted to the Department of Revenue by email to Section732.2election@la.gov.

a. The following documentation shall be attached to Form R-6980:

i. a list of all owners, their addresses and their tax identification numbers as of the last day of the taxable year to which the election is effective;

ii. federal returns for the entity for the preceding three taxable years if applicable, including form K-1s and pass-through or disregarded entity forms such as Schedules C, E, and F;

iii. a copy of the federal S corporation election form, if applicable;

iv. formation documents of the entity such as the Articles of Incorporation, Partnership Agreement or Operating Agreement which specifically set forth how profits, losses and other tax items are distributed to the owners;

v. a list of all unused Louisiana net operating losses, tax credit balances and other tax items earned at the entity level prior to the election; and

vi. any audit reports issued by certified public accountants for the preceding three taxable years, if applicable.

4. Any entity who files a composite partnership return pursuant to LA R.S. 47:201.1 is prohibited from making the election.

5. Elections are timely if made: at any time during the preceding taxable year of the year in which the election is first effective; at any time during the taxable year in which the election is first effective or on or before the 15th day of the fourth month after the close of the taxable year in which the election is first effective.

a. The department will begin accepting elections on February 1, 2020 for taxable years beginning on or after January 1, 2019.

b. The secretary has the discretion to treat an election made after the fifteenth day of the fourth month after the close of the taxable year in which the election is first effective as timely if reasonable circumstances exist for the entity's failure to make a timely election.

i. The secretary shall consider whether to treat applications filed after the fifteenth day of the fourth month after the close of the taxable year as filed timely on a case-by-case basis.

ii. Reasonable circumstances may include, but are not limited to, death or serious illness of owners, death or serious illness of the entity's tax preparer, or federally declared natural disasters or emergencies.

iii. A determination that the entity and its owners will pay less total tax under the election shall not be a reasonable circumstance to consider a late election timely.

c. An election, once made, is effective for the entire taxable year for which is was made as well as all subsequent taxable years until the election is terminated.

C. Filing Tax Returns after Election

1. Each entity making the election shall file Louisiana Form CIFT-620, *Corporation Income Tax and Franchise Tax Return*, for the applicable taxable year for which the election was made and all taxable years thereafter unless the election is terminated.

2. Each entity making the election and filing the Louisiana Form CIFT-620 with all supporting documentation as required by the Department shall be required to file the return electronically in accordance with LAC 61:III.1505. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

3. The following documents shall be attached to the Louisiana Form CIFT-620 when filed:

a. A *pro forma* Federal Form 1120 completed as if the entity had filed as a C corporation for federal income tax purposes including all necessary federal schedules to compute the amount of federal tax that would have been due;

b. Schedule K-1s as actually issued to the owners of the entity for the taxable year as well as Form R-6981, *Statement of Owner's Share of Entity Level Tax Items*, reflecting any income that remains taxable to the entity's owners in Louisiana after the election such as dividends and interest; and

c. Form R-6982, *Schedule of Tax Paid if Paid by Owner*, calculating how much tax would have been due if the entity had passed the income through to its owners and the tax had been paid at the owner level.

4. Resident individual taxpayers with an ownership interest in an entity making this election shall make a modification on Schedule E of their Louisiana Form IT-540, *Louisiana Resident Income Tax Return*, in accordance with LA R.S. 47:297.14. A non-resident or part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.

a. The modification shall be made for all income or loss of the entity that was included by the individual owners in the calculation of federal adjusted gross income but which is being taxed at the entity level for Louisiana income tax purposes after the election is made.

b. The modification shall not be made for any income or loss that remains taxable for Louisiana individual income tax purposes to the entity's owners such as interest income and dividend income.

c. For calculation purposes, individual income taxpayers with an ownership interest in an entity making the election shall submit a *pro forma* Federal Form 1040 that excludes any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity's Louisiana Form CIFT-620.

5. Net Operating Losses

a. Louisiana net operating losses recognized in taxable years prior to the election that have previously been passed through to the owners are tax items of the owners and any such losses are not available for utilization at the entity level in taxable years to which the election applies.

b. Louisiana net operating losses for any taxable year to which the election applies are tax items of the entity and any such losses shall not pass through to the owners of the entity regardless of whether or not the election is terminated in a future taxable year.

6. Tax Credits Granted to Pass-Through Entities

a. Louisiana tax credits earned in taxable years prior to the election that have previously passed through to the owners are tax items of the owners and any such credits are not available for utilization at the entity level in taxable years to which the election applies.

b. Louisiana tax credits earned for any taxable years to which the election applies are tax items of the entity and any such credits shall not pass through to the owners of the entity regardless of whether or not the election is terminated in a future taxable year.

D. Termination of the Election. Entities who make the election pursuant to LA R.S. 47:287.732.2, may apply to the secretary of the Department of Revenue to terminate the election. Any such termination request requires the written approval of more than one-half the of the ownership interest based upon capital account balances on the date the request is submitted.

1. The secretary may terminate the election if the entity shows a material change in circumstances.

a. A significant change in federal law may be considered a material change in circumstances.

b. A tax increase resulting from the decision to make the election, in and of itself, shall not be considered a material change in circumstances.

2. The entity shall request to terminate the election by submitting a private letter request to the Policy Services Division of the Department of Revenue in accordance with LAC 61:III.101.(C)(2)(a).

a. The entity must provide the Department either:

(i) A resolution signed by secretary of the corporation or equivalent officer or manager verifying that more than one-half the ownership interest in the entity based upon capital account balances approved the election, or

(ii) Other written proof that more than one-half the ownership interest in the entity based upon capital account balances approved the request for termination.

3. Once the entity has filed a Louisiana income tax return for a taxable year for which the election has been made or a subsequent taxable year, the secretary shall not grant a termination of the election to apply to such taxable year for which a return has already been filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47: 47:287.732(B), 287.732.2, 293, 297.14, 1511, and 1675.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020).

Chapter 11. Corporation Income Tax

§1114. Modifications of Federal Gross Income

A. In order to calculate Louisiana gross income, R.S. 47:287.71 requires modifications be made to federal gross income. R.S. 47:287.71(B)(7) provides that exclusions from Subpart F must be taken into account when computing Louisiana gross income. Included in the exclusions from gross income required by R.S. 47:287.71(B)(7) are those modifications provided for in R.S. 47:287.738(C) through (F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.71, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:261 (February 2006).

§1115. Corporate Deductions; Add-Back of Certain Intangible Expenses; Interest and Management Fees

A. General. R.S. 47:287.82 provides that otherwise deductible interest expenses and costs, intangible expenses and costs, and management fees directly or indirectly paid to a related member shall be added back to the corporation's gross income.

B. Exceptions. The taxpayer shall make the add-back unless:

1. the item of income corresponding to the taxpayer's expense, cost, or fee, was in the same taxable year subject to a tax based on or measured by the related member's net income in Louisiana or any other state; or

2. the item of income corresponding to the taxpayer's expense, cost, or fee, was in the same taxable year subject to a tax based on or measured by the related member's net income in a foreign nation which has in force an income tax treaty with the United States, if the recipient was a "resident" as defined in the income tax treaty with the foreign nation; or

3. the transaction giving rise to the expense, cost, or fee between the taxpayer and the related member did not have as a principal purpose the avoidance of any Louisiana tax; or

4. the expense, cost, or fee that was paid or accrued to a related member was "passed through" by the related member or members to an unrelated third party in an arms-

length transaction via a corresponding expense, cost, or fee payment; or

5. the add-back is unreasonable. The add-back will be considered unreasonable if the taxpayer establishes that, based on the entirety of the taxpayer's particular facts and circumstances, the add-back adjustments would increase the taxpayer's Louisiana income tax liability to an amount that bears no reasonable relation to the taxpayer's Louisiana presence.

C. Definitions

Indirectly Paid—interest expenses and costs, intangible expenses and costs, and management fees subject to add-back include expenses, costs, and fees incurred by a taxpayer if the expense is related to an intermediate expense, cost, or fee incurred in a transaction between one related member and a second related member.

a. EXAMPLE. Corporations B and C are related members with respect to Corporation A. Corporation A is a Louisiana taxpayer that sells products it purchases from Corporation B on a cost plus basis. Corporation B licenses intangible property from Corporation C and makes intangible expense payments to Corporation C based in part on the sales Corporation B makes to Corporation A. To the extent the intangible expenses Corporation B pays to Corporation C are reflected in the costs of the products Corporation A purchases from Corporation B, the direct intangible expenses of Corporation B are considered to be indirect intangible expenses of Corporation A. Furthermore, Corporation A is deemed to directly pay an intangible expense to Corporation B and indirectly pay an intangible expense to Corporation C.

Intangible Expenses—includes but is not limited to:

a. expenses, accruals, and costs for, related to, or directly or indirectly incurred in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property. "Intangible property" includes stocks, bonds, financial instruments, patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, "know how", and similar types of intangible assets;

b. costs related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions;

c. royalty, patent, technical, and copyright fees;

d. licensing fees;

e. other similar expenses, accruals, and costs.

Management Fees—includes but is not limited to expenses and costs, including intercompany administrative charges, pertaining to accounts receivable, accounts payable, employee benefit plans, insurance, legal matters, payroll, data processing, including assembled workforce and/or employment data processing, purchasing, procurement, organizational matters, business structuring matters, taxation, financial matters, securities, accounting, marketing, reporting, and compliance matters or similar activities.

Related Entity—

a. a stockholder who is an individual, or a member of the stockholder's family set forth in 26 U.S.C. 318 if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50 percent of the value of the taxpayer's outstanding stock;

b. a stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50 percent of the value of the taxpayer's outstanding stock; or

c. a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of the *Internal Revenue Code* if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50 percent of the value of the corporation's outstanding stock. The attribution rules of the Internal Revenue Code shall apply for purposes of determining whether the ownership requirements of this definition have been met.

Related Member—a person that, with respect to the taxpayer during all or any portion of the taxable year, is:

a. a related entity;

b. a related party;

c. a component member as defined in subsection (b) of 26 U.S.C. 1563;

d. a person to or from whom there is attribution of stock ownership in accordance with subsection (e) of 26 U.S.C. 1563; or

e. a person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in Subparagraphs a to c, inclusive.

Related Party—any member of a controlled group of corporations as defined in 26 U.S.C. 1563, or any other person that would be a member of a controlled group if rules similar to those of 26 U.S.C. 1563 were applied to that person.

Reported and Included in Income for Purposes of a Tax on Net Income—to the extent reported and included in post-allocation income or apportioned income for purposes of a tax applied to the net income apportioned or allocated to the taxing jurisdiction.

State—a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Subject to a Tax Based on or Measured by the Related Member's Net Income—that the receipt or accrual of the payment by the recipient related member is reported and included in income for purposes of a tax on net income, and

not offset or eliminated in a combined or consolidated return which includes the payor.

D. Operating Rules

1. Upon request by the secretary of the Louisiana Department of Revenue, the taxpayer shall produce documentation substantiating any exceptions to add-back claimed by the taxpayer.

2. The exceptions described in Paragraphs B.1. and B.2 of this Section. (corresponding item of income subject to tax) are allowed only to the extent the recipient related member includes the corresponding item of income in post-allocation income or apportioned income reported to the taxing jurisdiction or jurisdictions. Income offset or eliminated in a combined reporting regime would not qualify for the subject to tax exception.

a. EXAMPLE. Corporation A, a Louisiana taxpayer, incurs a $100 intangible expense in a transaction with Corporation B, a related member with respect to Corporation A. Corporation B files an income tax return in State B where it apportions and/or allocates 5 percent of its income, but files no other income tax returns. Only $5 of the intangible expense was allocated/apportioned to State B. Corporation A must add-back $95 of the otherwise deductible $100 intangible expense incurred in the transaction with Corporation B.

3. Upon request of the secretary of the Louisiana Department of Revenue, the exception described in Paragraph B.3 of this Section. (non-tax business purpose for conducting a transaction) must be supported by contemporaneous documentation. Documentation shall be considered contemporaneous if the documentation is in existence and compiled before the due date (including extensions) for the filing of a return containing the transaction(s). Mere statements or assertions that a transaction was intended to allow for better management or greater utilization of intangible assets, or similarly unsubstantiated claims are not sufficient to establish a principal non-tax business purpose. Examples of principal non-tax business purposes include:

a. EXAMPLE. Taxpayer purchases administrative services such as accounting, legal, hu man resources, purchasing, etc., from a Related Member and does so at rates comparable to rates that would be charged by third party service providers.

b. EXAMPLE. Taxpayer borrows funds from a Related Member and does so at an interest rate and with other terms that are comparable to rates and terms that would be required by an unrelated third party lender.

c. EXAMPLE. Taxpayer incurs royalty expense in connection with the use of intangible assets provided by a Related Party. The royalty rates and other terms of agreement are comparable to rates and terms that would be required by an unrelated third party.

4. The exception described in Paragraph B.4 of this Section. (expense “passed through” to an unrelated third party) is limited if the expenses, costs, and fees paid to a related member are greater than the expenses, costs, and fees the related member pays to unrelated third parties because only a portion of the expenses, costs, and fees incurred in connection with a transaction with a related member is considered to have “passed through” to the unrelated third parties.

a. EXAMPLE. Taxpayer A, a Louisiana taxpayer, incurs a $100 management fee to Related Member B. Related Member B receives a total of $400 of related member management fee income ($100 from Taxpayer A plus $300 from other related payors). Related Member B pays $200 of management fees to unrelated third parties. Related Member B will be deemed to have passed through to unrelated third parties only 50 percent of the interest expense/income it received from Taxpayer A. Only $50 of Taxpayer A’s $100 related member management fee payment to Related Member B will be deemed to have been passed through to unrelated third parties and qualify for the exception described in section B.4. (expense "passed through" to an unrelated third party).

5. With respect to both interest and intangible expenses, if the interest or intangible expense rate charged the taxpayer by the related member exceeds the interest or intangible expense rate charged the related member by unrelated third party payees, then the excess expense will not qualify for the exception described in section B.5 (add-back is unreasonable) and must be added back. If multiple transaction arrangements exist between the taxpayer and the related member, or the related member and the unrelated third-party, then a weighted average rate should be calculated by dividing total expense by total amounts of each base amount used to determine the expense amounts. The weighted average rate should then be used to determine the existence of non-qualifying excess interest or intangible expense.

a. EXAMPLE. Taxpayer B incurs interest expense of $100 during its taxable year to its parent Company A (a related member) in order to service a $1,000 debt between B and A. Company A’s related member interest rate is 10 percent calculated by dividing its related member interest expense ($100) by its related member debt ($1000). Company A makes interest expense payments of $200 to Unrelated Lenders C and D to service the $4,000 of total debt existing between A and Unrelated Lenders C and D. A’s weighted average unrelated third party interest rate is five percent (5 percent) calculated by dividing total unrelated third party interest expense ($200) by total unrelated third party interest bearing debt ($4,000). Company B's non-qualifying excess interest is $50. Company B's debt to Company A ($1,000) is multiplied by the excess interest rate Company B incurred over Company A's average interest rate to unrelated lenders (10 percent-5 percent).

6. With respect to interest expense, if the taxpayer’s debt over asset percentage exceeds the consolidated unrelated third-party debt over asset percentage of its federal consolidated group (as represented by interest-bearing debt reported on the schedule L balance sheet(s) included in the consolidated and pro forma federal income tax returns), then the interest expense associated with the excess debt must be added back and cannot qualify for the exception described in Paragraph B.5 of this Section. (add-back is unreasonable). The debt over asset test only applies to the unreasonable exception.

a. EXAMPLE. Company A and Taxpayer B are related members. Taxpayer B’s separate company federal income tax return Schedule L balance sheet shows $1,500 of assets and $1,000 of interest bearing debt which produces a debt over asset percentage of 66.7 percent. The Company A and Subsidiaries’ federal consolidated income tax return Schedule

L balance sheet shows $6,000 of assets and $3,000 of unrelated third party interest bearing debt which produces a debt over asset percentage of 50 percent. Because Taxpayer B's debt over asset percentage of 66.7 percent, exceeds the group's unrelated third party debt over asset percentage, 50 percent, the amount of Taxpayer B's related member interest expense that may qualify for the exception described in section B.5. (add-back is unreasonable) is limited. The limitation is calculated by multiplying B's assets ($1,500) by the lower of the taxpayer's debt over asset percentage or the group's unrelated third party debt over asset percentage (50 percent) and then multiplying the product ($750) by the lower of the taxpayer's related member interest rate or the related member's unrelated third party interest rate (5 percent), which yields an ultimate limitation of $37.50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:785 (April 2018).

§1122. Taxes Not Deductible

A. General. R.S. 47:287.83 provides that federal income tax levied on net income upon which no Louisiana income tax has been incurred, or upon which, for any reason whatsoever, no Louisiana income tax will be paid, is not deductible.

B. Federal Alternative Minimum Tax. Federal alternative minimum tax attributable to tax preference items such as, but not limited to, accelerated depreciation, depletion, and intangible drilling and development cost is not deductible. Federal alternative minimum taxable net income from sources other than tax preference items is deductible to the extent that it is applicable to regular federal taxable income.

C. Net Operating Loss Carryback. Federal income tax deducted from Louisiana net income in taxable periods to which a net operating loss is carried back shall be computed to determine the amount of federal income tax attributable to net income which is taxed by the federal but which is not taxed by Louisiana as a result of a net operating loss carryback. Federal income tax attributable to net income which is not taxed by Louisiana as a result of a net operating loss carryback is the excess of allowable federal income tax deducted from Louisiana net income before the net operating loss carryback over the allowable deduction after the net operating loss carryback. The federal income tax attributable to net income which is not taxed by Louisiana shall be treated as a reduction to the net operating loss deduction. If the amount of the federal income tax attributable to the net income which is not taxed by Louisiana exceeds the Louisiana net operating loss deduction, such excess shall be treated as income in the year of the transaction that gave rise to the excess. These principles are illustrated in the following examples.

D. Examples

Example 1

The ABC Corporation does not include its net income in a consolidated federal income return as provided by Section 1501 of the *Internal Revenue Code*. ABC files state and federal income tax returns on a calendar year basis. ABC Corporation's net income and other financial information used to file state and federal income tax returns for the four-year period ending December 31, 1987, include the following:

Taxable Periods	1984	1985	1986	1987
Federal net income or (loss)	$ 2,000,000	$ 4,000,000	$ 5,000,000	$ 600,000
Louisiana net income or (loss)	1,200,000	1,800,000	3,000,000	(1,000,000)
Federal income tax	800,000	1,600,000	2,000,000	240,000
Federal income tax deducted from Louisiana net income	467,280	706,240	1,171,200	-0-
State income tax deducted from federal net income but not Louisiana net income	57,500	86,000	144,000	-0-
Income tax apportionment ratio	55%	40%	50%	50%
Louisiana taxable income	732,720	1,093,760	1,828,800	-0-

ABC Corporation elects to carry their 1987 Louisiana net operating loss back to 1984 pursuant to R.S. 47:287.86. Federal income tax attributable to net income which is not taxed by Louisiana as a result of the net operating loss carryback is computed as follows:

1. Louisiana net income, 1984		$1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	$31,625	
Louisiana net operating loss, 1987	$1,000,000	
Adjustment		$1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		$168,375
4. Federal net income, 1984		$2,000,000
5. Ratio (line 3 divided by line 4)		8.4188%
6. Federal income tax, 1984		$ 800,000
7. Allowable federal income tax deduction after the Louisiana net operating loss carryback (line 6 multiplied by line 5)		$67,350
8. Federal income tax deducted from Louisiana net income before the net operating loss carryback		$467,280
9. Federal income tax attributable to net income which is not taxed by Louisiana (line 8 minus line 7)		$ 399,930
10. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		$1,000,000
11. Federal income tax attributable to net income which is not taxed by Louisiana (from line 9)		$399,930
12. Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 11)		$600,070

Example 2

Assume the same facts in Example 1 except that the ABC Corporation sustained a $2,000,000 federal net operating loss in 1987 and elects to carry the federal loss back to 1984. Federal income tax after the net operating loss carryback is zero.

1. Louisiana net income, 1984		$1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	$31,625	
Louisiana net operating loss, 1987	$1,000,000	
Adjustment		$1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		$168,375
4. Federal net income, 1984		$2,000,000
5. Federal net operating loss carryback from 1987		($2,000,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		-0-
7. Ratio (line 3 divided by line 6)		-0-
8. Federal income tax after the federal net operating loss carryback		-0-
9. Allowable federal income tax deduction after the net operating loss carryback (line 8 multiplied by line 7)		-0-
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		$ 467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 9)		$ 467,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		$1,000,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		$467,280
14. Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		$532,720

Example 3

Assume the same facts in Examples 1 and 2 except that the Louisiana and federal net operating losses in 1987 are $350,000 and $1,800,000 respectively. Federal income tax after the net operating loss carryback is $80,000.

1. Louisiana net income, 1984		$1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	$31,625	
Louisiana net operating loss, 1987	$350,000	
Adjustment		$381,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		$818,375
4. Federal net income, 1984		$2,000,000
5. Federal net operating loss carryback from 1987		($1,800,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		$200,000
7. Ratio (line 3 divided by line 6)		100%
8. Federal income tax after the federal net operating loss carryback		$80,000
9. Allowable federal income tax deduction after the net operating loss carryback (line 8 times line 7)		$80,000
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		$467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana, 1984 (line 10 minus line 9)		$387,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		$350,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		$387,280
14. Louisiana net operating loss after deduction for the amount of federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		-0
15. Additional Louisiana taxable income for 1987 due to excess of federal income tax attributable to net income which is not taxed by Louisiana over the Louisiana net operating loss (line 13 minus line 12)		$37,280

E. Definitions. For the purposes of this Section, alternative minimum tax, regular federal income tax, alternative tax on capital gains, and regular tax on ordinary net income are defined as provided in §1123.F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.83, R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:96 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:470 (March 2004), amended by the Department of Revenue, Policy Services Division, LR 33:295 (February 2007).

§1123. Federal Income Tax Deduction

A. General. R.S. 47:287.85(C) permits corporations to claim as a deduction in computing net income that portion of the federal income tax levied with respect to the Louisiana net income, which is applicable to the year for which the Louisiana return is filed, regardless of the method of accounting utilized (cash, accrual, etc.). For determination of the deductible amount of federal alternative minimum tax attributable to Louisiana net income, refer to §1122. When a corporation includes its net income in a consolidated federal income tax return, total federal income tax for the purpose of this Section shall be the amount determined pursuant to §1123.E.

B. Computations. The deductible portion of the federal income tax, the tax attributable to Louisiana income, is the sum of the amounts determined in §1123.B.1 and 2.

1. The deductible portion of federal income tax attributable to Louisiana apportionable and allocable net income which is taxed at alternative capital gain rates is the result obtained by multiplying the federal income tax which is calculated at alternative capital gain rates by a fraction, the numerator of which is Louisiana apportionable and allocable net income which is taxed at alternative capital gain rates and the denominator of which is federal net income which is taxed at alternative capital gain rates.

2. The deductible portion of federal income tax attributable to Louisiana apportionable and allocable net income, less adjustment for the net operating loss deduction if applicable, which is taxed at ordinary rates, is the result obtained by multiplying the federal income tax which is calculated at ordinary rates by a fraction, the numerator of which is Louisiana apportionable and allocable net income, less adjustment for the net operating loss deduction if applicable, which is taxed at ordinary rates and the denominator of which is federal net income which is taxed at ordinary rates.

C. Numerator. The numerator to be used in §1123.B shall be determined as set forth in §1123.C.1 and 2.

1. The numerator in the case of Louisiana net income which is taxed by federal at alternative capital gain rates is the sum of:

a. the amount of net apportionable and net allocable income, subject to tax at alternative capital gain rates for federal income tax purposes, apportioned and allocated to Louisiana;

b. any compensating item of income attributable to Louisiana and which is taxed by federal at alternative capital gain rates but which is not taxed by Louisiana; and

c. any compensating loss item of income, of a character which would be allowable by federal in arriving at income which is taxed at alternative capital gain rates, attributed to and allowed by Louisiana but not allowed by federal, reduced by the sum of:

i. any compensating item of income, of a character which would be subject to tax by federal at alternative capital gain rates, attributed to and taxed by Louisiana but which is not taxed by federal;

ii. any compensating loss item of income attributable to Louisiana and allowed by federal in arriving at income which is taxed at alternative capital gain rates but not allowed by Louisiana; and

iii. any excess of the sum of:

(a). any noncompensating loss item of income attributable to Louisiana and allowed by federal in arriving at income which is taxed at alternative capital gain rates, but not allowed by Louisiana; and

(b). any noncompensating item of income, of a character which would be subject to tax by federal at alternative capital gain rates, attributed to and taxed by Louisiana but which is not taxed by federal; over

(c). any noncompensating loss item of income, of a character which would be allowable in arriving at income which is taxed at alternative capital gain rates by federal, attributed to and allowed by Louisiana but not allowed by federal.

2. The numerator in the case of Louisiana net income which is taxed by federal at ordinary rates is the sum of:

a. the amount of net apportionable and net allocable income, less adjustment for the net operating loss deduction if applicable, subject to tax at ordinary rates for federal income tax purposes, apportioned and allocated to Louisiana;

b. any compensating item of gross income attributable to Louisiana and taxed by federal at ordinary rates but which is not taxed by Louisiana; and

c. any compensating item of deduction, of a character which would be allowable by federal in arriving at income which is taxed at ordinary rates, attributed to and allowed by Louisiana but not allowed by federal, and not attributable to any item of gross income taxable by Louisiana but not by federal; reduced by the sum of:

i. any compensating item of gross income, which would be subject to tax by federal at ordinary rates, attributed to and taxed by Louisiana but which is not taxed by federal;

ii. any compensating item of deduction attributable to Louisiana and allowed by federal in arriving at income which is taxed at ordinary rates but not allowed by Louisiana;

iii. any excess of the sum of:

(a). any noncompensating item of deduction attributable to Louisiana and allowed by federal in arriving at income which is taxed at ordinary rates, but not allowed by Louisiana, and not attributable to any item of gross income taxable by federal but not by Louisiana; and

(b). any noncompensating item of gross income, of a character which would be subject to tax at ordinary rates, attributed to and taxed by Louisiana but which is not taxed by federal; over

(c) any noncompensating item of deduction, which would be allowable by federal in arriving at income which is taxed at ordinary rates, attributed to and allowed by Louisiana but not allowed by federal, and not attributable to any item of gross income taxable by Louisiana but which is not by federal.

D. Example. The following example illustrates these principles. Facts: The income reported and deductions claimed by ABC, Inc., a Delaware corporation having its commercial domicile in Louisiana and having several places of business outside this state, are reflected below. The difference between the federal depreciation deduction and the depreciation deducted in arriving at total net income is a compensating item. One-half of the total royalty income, depletion, and other expenses related thereto are attributable to a Louisiana oil property. There are $15,000 in expenses attributable to the royalty income in addition to the depletion

deduction. The portion of net income from royalties allocable to Louisiana is $25,000. Of the total profit from the sale of capital assets, $25,000 is allocable to Louisiana.

Items		-------- RETURNS -------- Federal	Louisiana
Income			
Gross profit from sales		$ 1,400,000	$ 1,400,000
Royalties		100,000	100,000
Interest—Bond, State of Mississippi		-0-	5,000
Interest—Bond, U.S. Government		5,000	-0-
Long-term gain from sale of capital assets		100,000	100,000
Total Income		$ 1,605,000	$ 1,605,000
Deductions			
Louisiana income tax		10,000	-0-
Officers' compensation		50,000	50,000
Repairs		10,000	10,000
Interest		15,000	15,000
Bad debts		5,000	5,000
Depletion		27,500	35,000
Depreciation		25,000	35,000
Contributions		5,000	5,000
Other deductions		350,000	350,000
Total deductions		$ 497,500	$ 505,000
Net Income		$ 1,107,500	$ 1,100,000
Federal income tax—			
Ordinary income	$518,400		
Capital gains	25,000		
Total	$543,400		

1. The taxpayer files on the apportionment basis and the following computation discloses the net allocable and net apportionable income derived from Louisiana sources.

Total net income		$ 1,100,000
Deduct allocable income		
Profit from sale of capital assets	$ 100,000	
Interest—Bonds, State of Mississippi	5,000	
Net royalty income	50,000	$ 155,000
Net income for apportionment		$ 945,000
Net income apportioned to Louisiana (20% of $945,000)		$ 189,000
Add Louisiana allocable income		
Interest	$ 5,000	
Profit from sale of capital assets	25,000	
Royalty income	25,000	55,000
Total Louisiana apportionable and allocable income		$ 244,000

2. Computations

		Ordinary Rates	Alternative Capital Gains Rates
Net income apportioned and allocated to Louisiana		$ 219,000	$ 25,000
Add: Compensating items of income attributable to Louisiana and taxed by federal but which is not taxed by Louisiana		-0-	-0-
Compensating items of deduction attributed to Louisiana and allowed by Louisiana but not allowed by federal depreciation (20% of $10,000)		2,000	-0-
TOTAL:		$ 221,000	$ 25,000
Deduct: Compensating items of income attributed to and taxed by Louisiana but not taxed by federal		-0-	
Compensating items of deduction attributable to Louisiana and allowed by federal but not allowed by Louisiana		-0-	-0-
TOTAL:		$ 221,000	$ 25,000
Excess of the sum of noncompensating items of deduction attributable to Louisiana and allowed by federal but not allowed by Louisiana			
Louisiana income tax (20% of $10,000)*	$ 2,000		
Noncompensating items of gross income attributed to and taxed by Louisiana but which is not taxed by federal			
Bond interest—State of Mississippi	5,000		
TOTAL	$ 7,000		
Over			
Noncompensating items of deduction attributed to and allowed by Louisiana but not allowed by federal depletion on oil royalties	$ 3,750		

Excess	$ 3,250	-0-
Louisiana net income which is taxed by federal	$ 217,750	$ 25,000
Federal net income	$ 1,007,500	$ 100,000
Ratio	21.61%	25.00%
Federal income tax liability	$ 518,400	$ 25,000
Deductible federal income tax		
21.61% of $518,400	$ 112,026	
25% of $25,000		$ 6,250
		112,026
Grand Total		$ 118,276

*Where the separate method of reporting is used, the entire amount of Louisiana income tax deducted in the federal return is attributed to Louisiana under this item.

E. Consolidated Returns. When a corporation includes its net income in a consolidated federal income tax return, the portion of the consolidated federal income tax after credits attributable to such corporation shall consist of the sum of the amounts determined in §1123.E.1, 2, and 3:

1. the consolidated regular tax on ordinary net income multiplied by the percentage determined by a fraction, the numerator of which is regular tax on ordinary net income of each member of the consolidated group computed on a separate return basis and the denominator of which is regular tax of all members of the group so computed; plus

2. the consolidated alternative tax on net capital gains multiplied by the percentage determined by a fraction, the numerator of which is alternative tax on net capital gains of each member of the consolidated group computed on a separate return basis and the denominator of which is alternative tax on net capital gains of all members of the group so computed; plus

3. the consolidated alternative minimum tax multiplied by the percentage determined by a fraction, the numerator of which is alternative minimum tax of each member of the consolidated group computed on a separate return basis and the denominator of which is alternative minimum tax of all members of the group so computed.

F. Definitions

Alternative Minimum Tax—the excess of the federal tentative minimum tax after credits for the tax year, over the federal regular tax after credits for the taxable year.

Alternative Tax on Capital Gains—the net tax liability imposed by Section 1201(a)(2) of the *Internal Revenue Code* on net capital gains, less credits.

Compensating Item—any difference in any deduction or item of income for a particular year arising solely by reason of the fact that the item is accounted for in different periods for federal and Louisiana income tax purposes. However, if a larger federal income tax deduction would be allowable were an item treated as a compensating item than would be allowable were the item treated as a noncompensating item, the item is a compensating item only to the extent that it is equal to the result obtained by multiplying the difference in the item by a fraction determined as follows:

a. in the case of a deduction:

i. the numerator shall be the excess, if any, of the amount of the item allowed by federal over the amount allowed by Louisiana in each prior year in which the federal allowance exceeded the Louisiana allowance and which has been taken into consideration fully in determining the allowable federal income tax deduction for Louisiana income tax purposes for such prior years, plus the excess, if any, of the amount of the item to be allowed by federal over the amount to be allowed by Louisiana in each future year in which the federal allowance will exceed the Louisiana allowance and which reasonably can be expected to be taken into consideration in determining the allowable federal income tax deduction for Louisiana income tax purposes in such future years;

ii. the denominator shall be the total of all excesses of the amount of the item allowed by federal over the amount of the item allowed by Louisiana in each prior year and of all excesses of the amount of the item to be allowed by federal over the amount to be allowed by Louisiana in each future year;

b. in the case of an item of income:

i. the numerator shall be the excess, if any, of the amount of the item taxed by Louisiana over the amount taxed by federal in each prior year in which the amount taxed by Louisiana exceeded the amount taxed by federal and which has been fully taken into consideration in determining the allowable federal income tax deduction for Louisiana income tax purposes for such prior years, plus the excess, if any, of the amount of the item to be taxed by Louisiana over the amount to be taxed by federal in each future year in which the amount to be taxed by Louisiana will exceed the amount to be taxed by federal and which can reasonably be expected to be fully taken into consideration in determining the allowable federal income tax deduction in such future years for Louisiana income tax purposes;

ii. the denominator shall be the total of all excesses of the amount of the item taxed by Louisiana over the amount taxed by federal in each prior year and of all excesses of the amount of the item to be taxable by Louisiana over the amount to be taxable by federal in each future year.

Income Taxed—income included in taxable income, regardless of whether tax has been paid thereon.

Item of Deduction—each individual deduction rather than each category of deduction, and includes loss items of gross income. For example, the amount of depreciation on a particular property, as distinguished from the amount of depreciation on all properties of the taxpayer, would be an

item of deduction. Similarly, the term *item of income* means each amount of income rather than each category of income. The amount of a Louisiana item of income or deduction is the amount apportioned or allocated to Louisiana. Thus, where a taxpayer has a 10 percent apportionment ratio and has an item of deduction of $10,000 allowed by Louisiana in arriving at apportionable net income but not allowed by federal, the amount of the Louisiana item is 10 percent of $10,000 or $1,000.

Noncompensating Item—any item of difference between federal and Louisiana income or deductions for a particular year other than a compensating item.

Regular Federal Income Tax—the sum of the tax defined in *regular tax on ordinary net income* and *alternative tax on capital gains*.

Regular Tax on Ordinary Net Income—the federal net tax liability imposed on net income after net income is reduced by the amount of net capital gain subject to alternative tax rates, less credits.

Taken into Consideration Fully in Determining the Allowable Federal Income Tax Deduction for Louisiana Income Tax Purposes for Prior Years—as used in this Section means fully used in reducing the amount of the federal income tax deduction for such prior years. The purpose of this provision is to allow an adjustment for an item which will increase the federal income tax deduction only to the extent that adjustments applicable to the item in prior years were used to decrease the federal income tax deduction. Similarly, the term *to be fully taken into consideration in determining the allowable federal income tax deduction in ... future years for Louisiana income tax purposes* means to be used fully in reducing the amount of the federal income tax deduction for such future years.

G. Special Rules

1. The computations prescribed in §1123.B are subject to the rules provided in R.S. 47:287.442. That is, the computations cannot have the effect of attributing refunds of federal income tax which arose on account of conditions or transactions occurring after the close of the taxable year, to any year other than that in which arose the transactions or conditions giving rise to the refund. Accordingly, appropriate changes shall be made when necessary to attribute the refund to the proper year.

2. Notwithstanding the definition provided in §1123.F *noncompensating item* and *compensating item*, deductions which are declared as allowable in the computation of Louisiana net income pursuant to R.S. 47:287.73(C)4 shall be treated as a compensating item of deduction for the purpose of computing the amount of federal income tax deduction under §1123.C.

3. The federal income tax deduction determined under §1123 must take into account R.S. 47:287.83 which provides in part that no federal income tax deduction shall be allowed on net income upon which no Louisiana income tax has been incurred, or upon which, for any reason whatsoever, no Louisiana income tax will be paid.

4. If the tax of any member computed on a separate return basis under §1123.E.1, 2, and 3 is less than zero, then for the purposes of §1123.E, such member's separate return tax shall be zero.

5. The secretary may adjust the consolidated federal income tax allocation formula prescribed in §1123.E when in his opinion such action is necessary to obtain a reasonable allocation and to clearly reflect Louisiana taxable income.

6. The sum of the net consolidated federal income tax attributed to all members of the consolidated group for the taxable period cannot exceed the amount of consolidated federal income tax paid to the U.S. government for the taxable period.

7. When the alternative tax rate on net capital gains is the same as the regular tax rate on ordinary net income reduced by net capital gains, consolidated regular tax on ordinary net income and alternative tax on capital gains, after credits, may be combined and then attributed to each member of the consolidated group.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47.287.85.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:98 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:473 (March 2004).

§1124. Net Operating Loss Deduction

A. Election to Relinquish Carryback of a Net Operating Loss. The election to relinquish carryback is made by filing a return carrying the net operating loss to the earliest of the taxable years allowed for carryovers.

B. Changes to Election

1. Except as otherwise provided herein, a taxpayer may change the election to relinquish carryback of a net operating loss or the decision to carryback a net operating loss provided any additional tax and interest due as a result of the change is paid and any refund due as a result of the change has not prescribed.

2. The change in the election is made by filing an amended return for each tax year affected, paying any tax and interest due and showing any refunds due.

C. When a change in election is made during an audit or examination, the taxpayer shall submit to the auditor a written notification of the change in election and provide any additional information the auditor may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.86, R. S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:2494 (November 2004).

§1125. Application of Net Operating Losses Carryover to Otherwise Closed Years

A. The Louisiana Department of Revenue will follow the position of the Internal Revenue Service set out in Revenue Ruling 81-88 when determining whether a net operating loss (NOL) carryback should be applied against the income

claimed on the taxpayer's return or the income that should have been reported.

B. In determining the amount of an overpayment of income tax from an NOL carryback that may be refunded or credited:

1. the taxable income of the carryback year for which the prescriptive period has otherwise run should not be reduced by the amount of an unclaimed deduction or by the amount of an item of income reported in error;

2. however, an adjustment should be taken into account if it would increase the income in the year to which the net operating loss is carried back and the increase in income should be applied as a setoff against the net operating loss carryback.

C. Examples

1. A calendar year 100 percent Louisiana corporate taxpayer has an NOL of $165,000 for Year 3. Its taxable income before the federal income tax (FIT) deduction for each of its two earlier years is as follows: Year 2-$150,000 and Year 1-$100,000. On April 1, Year 6, taxpayer files a claim for refund for Year 1 (its first year of operation) and Year 2 due to the Year 3 NOL carryback. In September, Year 6, a LDR audit of Year 1 through Year 4 shows that taxpayer failed to claim a $20,000 deduction in Year 1. The prescriptive period for filing a refund claim for this unclaimed deduction expired on December 31, Year 5. Year 1 income (as originally reported) of $100,000 is not reduced by the unclaimed deduction for purposes of computing Year 1's pre-modification taxable income, and the unclaimed deduction isn't taken into account in determining the Year 3 NOL to be carried to Year 2. Thus the taxpayer is entitled to a full refund or credit of all its Year 1 tax paid on the Year 1 reported income of $100,000, and the Year 3 NOL carried to Year 2 is $65,000 (i.e. Year 3 NOL of $165,000 less Year 1 reported income of $100,000).

2. A calendar year 100 percent Louisiana corporate taxpayer has an NOL of $165,000 for Year 3. Its taxable income before the FIT deduction for each of its two earlier years is as follows: Year 2-$150,000 and Year 1-$100,000. On April 1, Year 6, taxpayer files a claim for refund for Year 1 (its first year of operation) and Year 2 due to the Year 3 NOL carryback. In September, Year 6, an LDR audit of Year 1 through Year 4 shows that taxpayer failed to report $20,000 of income in Year 1. Year 1 income (as originally reported) of $100,000 is increased by the unreported income for purposes of computing Year 1's pre-modification taxable income, and the unreported income is taken into account in determining the Year 3 NOL to be carried to Year 2. Thus the taxpayer is entitled to a full refund or credit of all its Year 1 tax paid on the Year 1 actual income of $120,000, and the Year 3 NOL carried to Year 2 is $45,000 (i.e. Year 3 NOL of $165,000 less Year 1 actual income of $120,000).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.86 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:2290 (October 2010).

§1130. Computation of Net Allocable Income from Louisiana Sources

A. Allocation of Items of Income and Loss. R.S. 47:287.93 provides that items of gross allocable income or loss shall be allocated directly to the state or states within which such items of income are earned or derived. The statute attributes every item of gross allocable income to a location and does not allow for any unallocated items of income. The principles embodied in the statute and this regulation are that items of allocable income from the use of tangible assets are allocated to the location of the tangible asset at the time of the use; income from the use of intangible assets is allocated to the business situs of the intangible asset, or in the absence of a business situs, to the commercial domicile of the corporation; and items of allocable income from services are allocated to the location at which the service was performed.

1. Rents and Royalties from Immovable or Corporeal Movable Property

a. Rents and royalties from immovable or corporeal movable property shall be allocated to the state where such property is located at the time the income is derived.

b. Rents or royalties from incorporeal immovables, such as mineral interests, are allocated to the state in which the property subject to the interest is located.

2. Interest from Controlled Corporation

a. Under the provisions of R.S 47:287.738(F)(2), a corporation may elect to pay tax on interest income from a corporation that is controlled by the former through direct ownership of 50 percent or more of the voting stock of the latter.

b. The election is made for each taxable period by employing the method on the return or amended return.

c. If the election is made, interest from securities and credits that is received by the electing corporation from another corporation controlled by the former through the direct ownership of 50 percent or more of the voting stock of the latter, shall be allocated to the state or states in which the real and tangible personal property of the controlled corporation is located. The allocation shall be made on the basis of the ratio of the value of such property located in Louisiana to the value of such property within and without the state, as follows.

i. Real and tangible personal property includes all such property of the controlled corporation regardless of whether the property is idle or productive and regardless of the nature of the income that it produces.

ii. The value of Louisiana real and tangible property and real and tangible property within and without the state shall be the average value of such property at the beginning and close of the taxable period, determined on a comparable basis. If the average value does not fairly represent the average of the property owned during the year, the average value shall be obtained by dividing the sum of

the monthly balances by the number of months in the taxable period.

iii. Value of Property to Be Used

(a). For purposes of this Subsection, the value of property to be used shall be determined using one of the following methods. The taxpayer will choose which valuation method to use on the first return filed following the effective date of this regulation on which a R.S. 47:287.738(F)(2) election is made by employing the chosen valuation method on the tax return. Once a valuation method is chosen, this valuation method must be used on all future returns upon which the R.S. 47:287.738(F)(2) election is made and cannot be changed without the approval of the secretary upon the showing of good cause:

(i). the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, amortization, depletion, and obsolescence; or

(ii). the value of property is cost to the taxpayer, so long as the property continues to be used in the taxpayer's trade or business;

(iii). the value of property is the value reflected on the taxpayer's books, so long as the value is not below zero.

(b). The secretary may require a different method of valuation or adjust reserves if the method elected by the taxpayer does not reflect the fair value of the property.

3. Royalties or Similar Revenue Received for the Use of Patents, Trademarks, Copyrights, Secret Processes, and Other Similar Intangible Rights

a. Royalties or similar revenue received for the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights shall be allocated to the state or states in which such rights are used. The use referred to is that of the licensee rather than that of the licensor.

i. Example: X Company, Inc., a Delaware corporation with its commercial domicile in California, owns certain patents relating to the refining of crude oil, which at all times were kept in its safe in California. During 2006, the X Company, Inc. entered into an agreement with the Y Corporation whereby that company was given the right to use the patents at its refineries in consideration for the payment of a royalty based upon units of production. The Y Corporation used the patents exclusively at its Louisiana refinery and paid the X Company, Inc. the amount of $100,000 for such use. The entire royalty income of $100,000 is allocable to Louisiana.

ii. Example: ABC Company, Inc. is a trademark holding company incorporated in Delaware that owns certain trademarks relating to the sale of retail goods and/or services. In 2005, ABC entered into a licensing agreement with XYZ Retail Co. in which XYZ was authorized to use the trademark in exchange for consideration of royalty payments. In 2006, XYZ used the trademark to promote the sale of retail goods and/or services in Louisiana. The royalty payment attributable to the Louisiana stores was $250,000. ABC must allocate the royalty income of $250,000 to Louisiana.

b. Income from a mineral lease, royalty interest, oil payment, or other mineral interest shall be allocated to the state or states in which the property subject to such mineral interest is situated.

4. Income from Construction, Repair, or Other Similar Services

a. Income from construction, repair, or other similar services is allocable to the state or states in which the work is done.

b. The phrase other similar services means any work that has as its purpose the improvement of immovable property belonging to a person other than the taxpayer where a substantial portion of such work is performed at the location of such property.

i. It is not necessary that the services rendered actually result in the improvement of the immovable property.

ii. Mineral Properties. For the purpose of this Section, mineral properties, whether under lease or not, constitute immovable properties. Thus, the drilling of a well on a mineral lease is considered to have as its purpose the improvement of such property notwithstanding the fact that the well may have been dry.

c. Examples of other similar services include, but are not limited to:

i. landscaping services;

ii. the painting of houses;

iii. the removal of stumps from farmland; and

iv. the demolition of buildings.

B. Deduction of Expenses, Losses and Other Deductions. From the total gross allocable income from all sources and from the gross allocable income allocated to Louisiana there shall be deducted all expenses, losses, and other deductions, except federal income taxes, allowable under the Louisiana income tax law that are directly attributable to such income plus a ratable portion of the allowable deductions, except federal income taxes, that are not directly attributable to any item or class of gross income.

1. Interest Expense

a. The method of allocation and apportionment for interest set forth in these regulations is based on the approach that money is fungible and that interest expense is attributable to all activities and property regardless of any specific purpose for incurring an obligation on which interest is paid. Exceptions to the fungibility method are set forth in LAC 61:I.1130.B.1.b. The fungibility approach recognizes that all activities and property require funds and that management has a great deal of flexibility as to the source and use of funds and that the creditors of the taxpayer look to its general credit for repayment and thereby subject the money loaned to the risk of all of the taxpayer's activities. When money is borrowed for a specific purpose, such borrowing will free other funds for other purposes, and

it is reasonable under this approach to attribute part of the cost of borrowing to such other purposes. Consistent with the principles of fungibility, except as otherwise provided, the aggregate of deductions for interest in all cases shall be considered related to all income producing activities and assets of the taxpayer and, thus, allocable to all the gross income that the assets of the taxpayer generate, have generated, or could reasonably have been expected to generate.

b. Exceptions to the fungibility method are allowed in the same circumstances that exceptions are allowed by IRC §861 and the regulations promulgated thereunder. These exceptions include:

i. the direct allocation of interest expense to the income generated by certain assets that are subject to qualified nonrecourse indebtedness;

ii. the direct allocation of interest expense to income generated by certain assets that are acquired in integrated financial transactions.

c. Interest Expense Applicable to Louisiana Gross Allocable Income. Interest expense that is applicable to assets that produce or that are held for the production of Louisiana gross allocable income shall be an item of deduction in determining net allocable income or loss from Louisiana.

i. Except as otherwise provided, the amount of interest that is applicable to such assets shall be determined by multiplying the amount of interest expense applicable to total allocable assets, determined without reference to the income limitation in the case of investments in U.S. government bonds and notes held as temporary cash investments, by a ratio, the numerator of which is the average value of assets that produce or that are held for the production of Louisiana allocable income and the denominator of which is the average value of assets that produce or that are held for the production of allocable income within and without Louisiana.

ii. When Louisiana net apportionable income is determined on the separate accounting method, refer to LAC 61:I.1132.C.2 for rules pertaining to the determination of the amount of interest expense applicable to Louisiana allocable income.

d. Interest Expense Applicable to Total Allocable Assets

i. Interest expense applicable to total allocable assets is interest expense that is applicable to assets that produce or that are held for the production of allocable income within and without Louisiana.

ii. When a R.S. 47:287.738(F)(2) election is made, assets that produce or that are held for the production of allocable income will include direct investments in 50 percent or more owned subsidiaries (other than normal trade accounts receivable) whether or not such investments, advances, or loans produce any income.

iii. The amount of interest that is applicable to assets producing or held for the production of allocable income shall be determined by multiplying the total amount of interest expense by a ratio, the numerator of which is the average value of assets that produce or that are held for the production of allocable income, and the denominator of which is the average value of all assets of the taxpayer.

iv. Although income exempt from Louisiana income tax, such as interest, is not taxable and is therefore not included in allocable income, the adjustment for the amount of interest expense applicable to assets producing such income is computed in the same manner as in the case of assets producing allocable income.

(a). For convenience of computation such assets are grouped with assets producing or held for the production of allocable income.

(b). Whenever interest expense applicable to U.S. government bonds and notes that are held as temporary cash investments determined as provided above, exceeds the amount of income derived from such investments, the interest expense that is attributable to such investments shall be limited to the amount of income derived from such investments.

(c). The amount of interest expense applicable to U.S. government bonds and notes that are held as temporary cash investments, determined without reference to the income therefrom, is that portion of the interest expense applicable to assets that produce or that are held for the production of allocable income, that the ratio of the average value of U.S. government bonds and notes held as temporary cash investments bears to the average value of all assets that produce or that are held for the production of allocable income.

e. Investments in Stock of Controlled Corporations. When a corporation holds stock in corporations controlled by direct ownership of 50 percent or more of the voting stock of the latter, the stock shall be included in the numerator of the Louisiana interest expense computation as Louisiana assets based on the following allocation.

i. This stock is to be attributed as Louisiana assets on the basis of the proportion of the respective amounts of income upon which Louisiana income tax has been paid to all income, including exempt income, earned everywhere of the controlled corporation.

ii. Stock held in corporations exempt from Louisiana income tax shall not be included as a Louisiana asset for the purpose of this computation.

f. Loans to Controlled Corporations

i. When a R.S. 47:287.738(F)(2) election is made and the electing corporation loans interest-bearing funds to corporations controlled by direct ownership of 50 percent or more of the voting stock of the controlled corporation, the receivable shall be included in the numerator of the Louisiana interest expense computation as Louisiana assets based on the following allocation.

(a). These receivables are to be attributed as Louisiana assets on the basis of the ratio of the value of the controlled corporation's real and tangible personal property located in Louisiana to the value of such property within and without Louisiana.

(b). For the purpose of the allocation, real and tangible personal property includes all such property of the controlled corporation regardless of whether the property is idle or productive and regardless of the nature of the income that it produces.

ii. Receivables Resulting from Loans of Non-Interest Bearing Funds. When a R.S. 47:287.738(F)(2) election is made:

(a). receivables resulting from loans of non-interest bearing funds to controlled corporations are deemed to be assets producing or held for the production of allocable income for the purpose of determining the amount of interest expense applicable to assets that produce or that are held for the production of allocable income from sources within and without Louisiana;

(b). when receivables resulting from loans of non-interest bearing funds to controlled corporations have a Louisiana business situs, or, in the absence of a business situs, the lending corporation has a Louisiana commercial domicile, such receivables shall not be included in the numerator of the interest expense allocation formula for the purpose of LAC 61:I.1130.B.1.c., unless the secretary, in order to clearly reflect Louisiana apportionable and allocable net income, imputes interest income on such receivables.

g. Average Value

i. Except as otherwise provided in this Section, average value shall mean the value at the beginning of the taxable period plus the value at the end of the taxable period, the sum of which is divided by two.

ii. If the average value as calculated above does not fairly represent the average of the property owned during the year, the average value shall be obtained by dividing the sum of the monthly balances by the number of months in the taxable period.

h. Value of Property to Be Used

i. For purposes of this Subsection, the value of property to be used shall be determined using one of the following methods. The taxpayer will elect which method to use on the first income tax return filed for the taxable period following the taxable period in which these regulations take effect by employing the elected method on the tax return. Once made, the election is irrevocable, without the approval of the secretary upon the showing of good cause:

(a). the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, amortization, depletion, and obsolescence; or

(b). the value of property is cost to the taxpayer, so long as the property continues to be used in the taxpayer's trade or business; or

(c). the value of property is the value reflected on the taxpayer's books, so long as the value is not below zero.

ii. The secretary may require a different method of valuation or adjust reserves if the method elected by the taxpayer does not reflect the fair value of the property.

iii. Intangible assets that produce or that are held for the production of allocable income within and without Louisiana may acquire a business situs in more than one state. The percentage of the value of the asset that is to be attributed to Louisiana is a factual determination required to be made with respect to each asset and will take into consideration such factors as:

(a). the number of locations at which the asset is used;

(b). the number of days during the taxable period the asset is used within and without Louisiana;

(c). the amount of income that the asset generated within and without Louisiana; and

(d). the earning power of the asset at the time the interest expense is generated.

i. Examples. The following examples are applicable for both foreign and domestic corporations.

(a). Example 1. The XYZ Corporation has incurred interest expense in the amount of $150,000.00 during the year 2006 and has not elected to treat interest income from 50 percent or more owned subsidiaries as taxable income. The subsidiary of XYZ Corporation earns no income in Louisiana. During 2006 XYZ Corporation derived total allocable and exempt income and Louisiana allocable income as follows:

	Louisiana	Total
*Interest from 80% owned Subsidiary	$ -0-	$10,000
*Interest (interest bearing checking)	$ -0-	$ 5,000
Dividends	$ -0-	$ 5,000
Net rent income	$10,000	$10,000
Trademark royalty income	$ 4,000	$10,000
Total	$14,000	$40,000

*Exempt but included with allocable income only for convenience in computing the applicable expense.

(i). Its assets, liabilities, and net worth as of January 1, 2006, and December 31, 2006, were as follows:

Assets:	1-1-06	12-31-06
Cash (currency on hand)	$ 10,000	$ 10,000
Cash (non-interest bearing checking)	$ 90,000	$ 140,000
Cash (interest bearing checking)	$ 110,000	$ 220,000
Accounts receivable	$ 780,000	$ 800,000
Inventories	$ 600,000	$1,000,000
Stocks – 80% owned subsidiary	$ 100,000	$ 100,000
Trademark	$ 80,000	$ 80,000

Loan to 80% owned subsidiary		$ 310,000		$ 430,000
Real estate (rental property)	$ 100,000		$ 100,000	
Less depreciation reserve	$ 20,000		$ 25,000	
Net		$ 80,000		$ 75,000
Real estate	$5,000,000		$5,125,000	
Less depreciation reserve	$1,080,000		$1,300,000	
Net		$3,920,000		$3,825,000
Total Assets		$6,080,000		$6,680,000
Liabilities and Net Worth:				
Accounts payable	$ 400,000		$1,000,000	
Bonds	$3,000,000		$3,000,000	
Total Liabilities		$3,400,000		$4,000,000
Capital stock	$2,080,000		$2,080,000	
Earned surplus	$ 600,000		$ 600,000	
Net worth		$2,680,000		$2,680,000
Total Liabilities and Net Worth		$6,080,000		$6,680,000

(ii). The amount of interest that is applicable to the assets that produce or are held for the production of allocable or exempt income within and without Louisiana is $18,633, determined as follows:

	Allocable Investments		Total Assets	
	1-1-06	12-31-06	1-1-06	12-31-06
Loan to 80% owned subsidiary	$310,000	$ 430,000	$ 310,000	$ 430,000
Cash (interest bearing checking)	$110,000	$ 220,000	$ 110,000	$ 220,000
Rental property (net)	$ 80,000	$ 75,000	$ 80,000	$ 75,000
Stock – 80% owned subsidiary	$100,000	$ 100,000	$ 100,000	$ 100,000
Trademark asset	$ 80,000	$ 80,000	$ 80,000	$ 80,000
Other assets	$ 0	$ 0	$5,400,000	$ 5,775,000
Totals	$680,000	$ 905,000	$6,080,000	$ 6,680,000
1-1-06 totals		$ 680,000		$ 6,080,000
Totals		$1,585,000		$12,760,000
Average		$ 792,500		$6,3800,000
Ratio				.12422
Interest expense allocated to total allocable assets (.12422 x $150,000)				$ 18,633

(iii). The amount of interest expense that is applicable to the assets that produce or are held for the production of Louisiana allocable income is $2,668 determined as follows:

Louisiana Allocable Assets	
January 1, 2006—Rental property	$ 80,000
**January 1, 2006—Trademark asset	$ 32,000
December 31, 2006—Rental property	$ 75,000
**December 31, 2006—Trademark Asset	$ 40,000
Total	$227,000
Average Louisiana allocable assets	$113,500
Average total allocable assets	$792,500
Ratio of Louisiana average to total average allocable assets	.14322
Interest expense attributed to total allocable or exempt assets	$18,633
Interest expense allocated to Louisiana allocable assets (.14322 x $18,633)	$ 2,668

**For purposes of this example, it has been assumed that the ratio of trademark royalties for the prior month from Louisiana sources to total trademark royalties for the prior month is representative of the value of the asset attributable to Louisiana at balance sheet date. In December 2005, Louisiana trademark royalties were $480 and total trademark royalties were $1,200. In December 2006, Louisiana trademark royalties were $550 and total trademark royalties were $1,100.

(b). Example 2. Assume the same facts as Example 1 except that XYZ Corporation has elected under R.S.47:287.738(F)(2) to treat interest income from its 50 percent or more owned subsidiary as taxable allocable income. The ratio of the value of real and tangible personal property of the controlled corporation located in Louisiana to the value of such property within and without Louisiana is 10 percent for both the beginning and ending balance sheets. Therefore, 10 percent of the interest from the subsidiary is allocated to Louisiana and 10 percent of the receivable is attributed to Louisiana. In addition, the ratio of the subsidiary's income earned within Louisiana upon which Louisiana income tax has been paid to income earned everywhere of the subsidiary in the prior and current years is 5 percent. Therefore 5 percent of XYZ's investment in the subsidiary is attributed to Louisiana. Example 1 would change as follows.

(i). Total allocable and exempt income and Louisiana allocable income would be:

	Louisiana	Total
*Interest from 80% owned Subsidiary	$ 1,000	$10,000
**Interest (interest bearing checking)	0	$ 5,000
**Dividends	0	$ 5,000
Net rent income	$10,000	$10,000
Trademark royalty income	$ 4,000	$10,000
Total	$15,000	$40,000

(ii). The amount of interest that is applicable to the assets that produce or are held for the production of allocable or exempt income within and without Louisiana remains $18,633, calculated in the same manner. The only difference is that the loan to the subsidiary is now an

allocable asset. The amount of interest expense that is applicable to the assets that produce or are held for the production of Louisiana allocable income or to the portion of the investment in a 50 percent or more owned subsidiary that has produced income that has been taxed by Louisiana is $3,656 determined as follows.

January 1, 2006—Rental property	$ 80,000
January 1, 2006—Trademark asset	$ 32,000
**January 1, 2006—Stock of subsidiary	$ 5,000
January 1, 2006—Loan to subsidiary	$ 31,000
December 31, 2006—Rental property	$ 75,000
December 31, 2006—Trademark Asset	$ 40,000
**December 31, 2006—Stock of subsidiary	$ 5,000
December 31,2006—Loan to subsidiary	$ 43,000
Total	$227,000
Average Louisiana allocable assets	$155,500
Average total allocable assets	$792,500
Ratio of Louisiana average to total average allocable assets	.19621
Interest expense attributed to total allocable or exempt assets	$ 18,633
Interest expense attributed to Louisiana (.19621 x $18,633)	$ 3,656

*Taxpayer has elected to be taxed on certain interest income.

**Exempt but included only for convenience in computing the applicable expense.

2. Overhead Expense

a. Overhead Expense Attributable to Total Gross Allocable Income Derived from Rent of Immovable or Corporeal Movable Property or from Construction, Repair, or Other Similar Services

i. Overhead expense attributable to Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services shall be deducted from such income for the purposes of determining Louisiana net allocable income or loss from such items of income. The amount of overhead expense attributable to such income shall be determined by multiplying overhead expense attributed to total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services by the arithmetical average of two ratios, as follows:

(a). the ratio of the amount of Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total gross allocable income from such sources;

(b). the ratio of the amount of direct cost incurred in the production of Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total direct cost incurred in the production of such income.

ii. Overhead expense attributable to total gross allocable income derived from rent of immovable or corporeal movable property or from construction, repair, or other similar services shall be deducted from such income for the purposes of determining total net allocable income or loss from such items of income. The amount of overhead expense attributable to such income shall be determined by multiplying total overhead expense by the arithmetical average of two ratios, as follows:

(a). the ratio of the amount of total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total gross income derived from all sources;

(b). the ratio of the amount of direct cost incurred in the production of total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total direct cost incurred in the production of gross income from all sources.

iii. If the taxpayer has not maintained documents or records sufficient to compute the ratios required by this Subparagraph, the secretary shall, upon examination, determine the method by which to attribute overhead expense.

b. Overhead Expense Attributable to All Other Items of Gross Allocable Income. Overhead expense attributable to items of gross allocable income derived from sources within and without Louisiana, except gross allocable income from rent of immovable or corporeal movable property or from construction, repair or other similar services, may be determined by any reasonable method that clearly reflects net allocable income from such items of income.

3. Generally, direct and indirect expenses, other than interest expenses, attributed to allocable income from foreign sources for federal purposes are deductible in arriving at total net allocable income. Expenses, other than interest expenses, sourced pursuant to federal law and regulations to allocable income from foreign sources are presumed to be actual expenses attributed to such income.

C. This regulation shall not restrict the authority of the secretary to adjust the allocation of items of income and expense when the secretary determines that such adjustments are necessary in order to clearly reflect the taxpayer's Louisiana income.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.81, R.S. 47:287.92, R.S. 47:287.93, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:101 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:477 (March 2004), amended LR 32:410 (March 2006).

§1132. Computation of Net Apportionable Income from Louisiana Sources

A. General

1. From the total gross apportionable income there shall be deducted all expenses, losses and other deductions except federal income taxes, allowable under this Chapter, which are directly attributable to such income, and there also shall be deducted a ratable portion of allowable deductions,

except federal income taxes, which are not directly attributable to any item or class of gross income. Direct and indirect expenses attributed to total allocable income derived from foreign sources, for federal purposes, are not deductible in arriving at total net apportionable income. Expenses sourced pursuant to federal law and regulations to allocable income from foreign sources are presumed to be attributed to such income.

2. R.S. 47:287.94 provides two methods for computing the amount of net apportionable income from Louisiana sources, viz., the apportionment method and the separate accounting method. The apportionment method must be used unless it produces a manifestly unfair result and the conditions prescribed by R.S. 47:287.94 are met. Where the apportionment method is utilized, the apportionment percentage must be applied to the total apportionable net income without exception. For rules pertaining to the determination of the apportionment percentage refer to §1134.

B. Separate Accounting Method; Permission Obtained from Secretary. Any taxpayer desiring to use the separate accounting method in determining the portion of the total net apportionable income derived from Louisiana sources must first obtain permission from the secretary to use that method. A written request for such permission should be submitted to the secretary not more than 30 days after the close of the taxable year for which the first use of the separate accounting method is to be made if the permission is granted. The secretary will grant such permission if the taxpayer demonstrates to his satisfaction that the apportionment method as applied to the business operations of the taxpayer would produce a manifestly unfair result, that the separate accounting method produces a fair and equitable determination of the amount of net income taxable by Louisiana, and that the other conditions of R.S. 47:287.94 are met. The application of the taxpayer must be accompanied by the following information:

1. a complete description of the nature of the business operations of the taxpayer in Louisiana;

2. a complete description of the nature of the business operations of the taxpayer in other states;

3. a comprehensive statement as to the sources of goods or commodities sold by the taxpayer in Louisiana;

4. a comprehensive statement as to the disposition of goods or commodities produced by the taxpayer in Louisiana;

5. a computation for the preceding taxable year showing the Louisiana net apportionable income on the apportionment basis and on the separate accounting basis;

6. a statement of the particular circumstances in the taxpayer's business operations and the particular factors or elements in the apportionment formula which give rise to the difference between the amounts of Louisiana net apportionable income as computed under the two methods;

7. a statement as to whether the circumstances, factors, and elements mentioned in §1132.B.6 are relatively permanent so that the two methods would reasonably be expected to yield similar differences in results each year, or whether in the ordinary course of the taxpayer's business those circumstances have changed from time-to-time and may be expected to do so in the future; and

8. any other information which the taxpayer may consider pertinent.

C. Separate Accounting of Apportionable Income

1. When the separate accounting method is used, the net apportionable income taxable in Louisiana shall be determined by deducting from the gross apportionable income from sources in Louisiana all costs and expenses directly attributable to such income and a ratable part of overhead expenses and other expenses which are attributable in part to the Louisiana gross apportionable income.

2. When Louisiana net apportionable income is determined on the separate accounting method, interest expense applicable to Louisiana gross apportionable and allocable income shall be deducted from such gross income for the purposes of determining Louisiana net apportionable and allocable income or loss. The amount of interest expense applicable to Louisiana gross apportionable and allocable income shall be determined by multiplying total interest expense by a ratio, the numerator of which is the average value of assets in Louisiana and the denominator of which is the average value of all assets of the taxpayer.

3. For the purposes of this Paragraph, *value to be used* and *average value* mean the same as defined in §1130.B.6 and 7. Special rules as provided in §1130.B.11 also apply to this Section.

4. When Louisiana net apportionable income is determined on the separate accounting method, overhead expense shall be deducted from Louisiana gross apportionable income for the purposes of determining Louisiana net apportionable income or loss. The amount of such overhead expense shall be determined by multiplying total overhead expense attributable to gross apportionable income by a ratio, the numerator of which is the amount of direct cost incurred in the production of Louisiana gross apportionable income determined on a separate accounting method and the denominator of which is total direct cost incurred in the production of gross apportionable income from all sources. For the purpose of this Paragraph, the secretary is authorized to adjust the amount of overhead expense allocated to Louisiana gross apportionable income if he determines that such action is necessary in order to clearly reflect Louisiana apportionable net income. For rules pertaining to the determination of the amount of overhead expense attributable to gross allocable income refer to §1130.B.8, 9 and 10.

5. Income from Natural Resources. If the separate accounting method is used by a taxpayer whose business includes the production of natural resources, such as oil, gas, other liquid hydrocarbons, or sulphur, (a) which are sold by

the taxpayer prior to refining or processing, or (b) which are transported by the taxpayer into or from the state of Louisiana for refining or processing prior to sale and at the time of production or transfer into or from this state have an ascertainable market value, the Louisiana net apportionable income of such taxpayer shall be computed as set forth below.

a. The gross apportionable income of the taxpayer from sources in Louisiana shall be determined by dividing the activities of the taxpayer into three classes:

i. the production of natural resources;

ii. the marketing of refined or manufactured products; and

iii. all other activities.

b. The Louisiana gross apportionable income from the production of natural resources shall include:

i. sales of natural resources produced in Louisiana and sold in this state;

ii. the market value, at the time of transfer, of all natural resources produced in this state and transferred by the taxpayer to another state for sale, refining, or processing, provided that if the natural resources are sold by means of an "arm's length" transaction prior to refining or processing, the market value prescribed herein shall not exceed the selling price; and

iii. the market value, at the time of transfer, of all natural resources produced by the taxpayer in Louisiana and transferred to a refinery or processing plant of the taxpayer located in Louisiana.

c. The Louisiana gross apportionable income from the marketing of refined or manufactured products shall be the amount of gross sales of such products in this state. From such gross sales there shall be deducted, in lieu of the usual deduction for cost of goods sold, the market value of the products sold as of the time of transfer into this state. In determining the market value, the customary prices for the quantities transferred shall be applied.

d. The Louisiana gross apportionable income from all activities in this state other than the production of natural resources and the marketing of refined or manufactured products shall include all sales and other apportionable revenues derived in this state from such other activities.

e. The net income of the taxpayer from each of the three classes of income set forth in §1132.C.5.b, c, and d shall be determined by deducting from each such class of gross income all allowable deductions directly attributable to the production of such income and a ratable part of all allowable deductions which are attributable in part to the production of such class of income.

6. For the purpose of this Section, a natural resource shall be deemed to be sold in Louisiana if it is located in this state at the time title thereto passes to the purchaser.

7. In the absence of specific proof of the value of natural resources at the time of transfer from or into this state, the value of the natural resources at the time of production, to be determined in accordance with the methods prescribed for the determination of "gross income from the property" for purposes of percentage depletion under R.S. 47:287.745(B), shall be deemed to be the market value at the time of transfer.

D. Change from Separate Accounting to Apportionment Method. A taxpayer who has obtained permission to use the separate accounting method, or who has been required by the secretary to use that method, shall continue to use that method for succeeding taxable years until a change occurs in the nature of the taxpayer's operations which would warrant a change in accounting method. When such a change occurs, the taxpayer shall report the facts to the secretary not later than 30 days after the close of the taxable year in which the change occurred. If the secretary finds, on the basis of the facts reported by the taxpayer or otherwise obtained by the secretary, that the apportionment method should be used, the taxpayer will be notified to use that method for the year in which the change in operations occurred. The apportionment method shall then be used until a change is made pursuant to R.S. 47:287.94.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.94.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:104 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:480 (March 2004).

§1134. Determination of Louisiana Apportionment Percent

A. General. R.S. 47:287.95 provides for an apportionment percent that is to be applied to the taxpayer's total net apportionable income in determining the Louisiana net apportionable income. Specific formulas are prescribed for air, pipeline, other transportation businesses, and certain service enterprises. A general formula is prescribed for manufacturing, merchandising and any other business for which a formula is not specifically prescribed. The statute contemplates that only one specific formula be used in determining the apportionment percent, that being the formula prescribed for the taxpayer's primary business. As a general rule, where a taxpayer is engaged in more than one business, the taxpayer's primary business shall be that which is the primary source of the taxpayer's net apportionable income. When the numerator and denominator are zero in any one or more ratios in the apportionment formula, such ratio shall be dropped from the apportionment formula and the arithmetical average determined from the total remaining ratios.

B. Property Ratio

1. The value of immovable and corporeal movable property owned by the taxpayer and used in the production of net apportionable income is included in each formula except those provided for certain service businesses and those using the single sales ratio under the general formula. Where only a part of the property is used in the production of apportionable income, only the value of that portion so

used shall be included in the property ratio. However, where the entire property is used in the production of both allocable and apportionable income the value of the entire property shall be included in the property ratio. Idle property and property under construction, during such construction and prior to being placed in service, shall not be included in the property ratio. Property held as reserve or standby facilities, or property held as a reserve source of materials shall be considered used. For example, a taxpayer who purchases a lignite deposit that is held as a reserve source of fuel should include the value of such deposits in the property ratio. Non-productive mineral leases are considered to be held for such use and should be included in the property ratio. The value of inventories of merchandise in transit shall be allocated to the state in which their delivery destination is located in the absence of conclusive evidence to the contrary. R.S. 47:287.95(A)(1) provides that aircraft owned by a taxpayer whose net apportionable income is derived primarily from air transportation should not be included in the property ratio.

2. Proration of Rolling Stock and Other Mobile Equipment. The average value of rolling stock and other mobile equipment owned by the taxpayer shall be prorated within and without Louisiana as set forth below.

a. The value of diesel locomotives shall be allocated to Louisiana on the basis of the ratio of diesel locomotive miles in Louisiana to total diesel locomotive miles.

b. The value of other locomotives shall be allocated to Louisiana on the basis of the ratio of other locomotive miles in Louisiana to total other locomotive miles.

c. The value of freight train cars shall be allocated to Louisiana on the basis of the ratio of freight car miles in Louisiana to total freight car miles.

d. The value of passenger cars shall be allocated to Louisiana on the basis of the ratio of passenger car miles in Louisiana to total passenger car miles.

e. The value of passenger buses shall be allocated to Louisiana on the basis of the ratio of bus miles in Louisiana to total bus miles.

f. The value of diesel trucks shall be allocated to Louisiana on the basis of the ratio of diesel truck miles in Louisiana to total diesel truck miles.

g. The value of other trucks shall be allocated to Louisiana on the basis of the ratio of other truck miles in Louisiana to total other truck miles.

h. The value of trailers shall be allocated to Louisiana on the basis of the ratio of trailer miles in Louisiana to total trailer miles.

i. The value of towboats shall be allocated to Louisiana on the basis of the ratio of towboat miles in Louisiana to total towboat miles. In the determination of Louisiana towboat miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

j. The value of tugs shall be allocated to Louisiana on the basis of the ratio of tug miles in Louisiana to total tug miles. In the determination of Louisiana tug miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

k. The value of barges shall be allocated to Louisiana on the basis of the ratio of barge miles in Louisiana to total barge miles. In the determination of Louisiana barge miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

l. The value of work and miscellaneous equipment shall be allocated to Louisiana on the basis of the ratio of track miles in Louisiana to total track miles in the case of a railroad, on the basis of the ratio of bank miles operated in Louisiana to total bank miles operated in the case of inland waterway transportation and on the basis of the ratio of route miles operated in Louisiana to total route miles operated in the case of truck and bus transportation. In the determination of bank miles, one half of the bank mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana bank miles.

m. The value of other floating equipment shall be allocated to Louisiana on the basis of the ratio of operating equipment miles within Louisiana to the total operating equipment miles, for the particular equipment to be allocated. In the determination of Louisiana operating equipment miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana operating equipment miles.

3. Insufficient Records. In any case where the information necessary to determine the ratios listed above is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the allocation of such equipment by any method deemed reasonable by him.

C. Wage Ratio. Salaries, wages and other compensation for personal services as used in R.S. 47:287.95 includes only compensation paid to employees or to a deferred plan for the benefit of employees of the taxpayer for services rendered in connection with the production of net apportionable income.

D. Revenue Ratio. This ratio is generally composed of sales, charges for service, and other gross apportionable income. Neither allocable income nor income excluded from gross income, such as interest and dividends, is included in the ratio. For all formulas except that provided by R.S. 47:287.95(F), the revenue ratio consists of the ratio of the gross apportionable income of the taxpayer from Louisiana sources to the total gross apportionable income of the taxpayer. For the formula provided by R.S. 47:287.95(F), the revenue ratio consists of the ratio of net sales made in the regular course of business and other gross apportionable income attributable to this state to the total net sales made in the regular course of business and other gross apportionable income of the taxpayer. Sales not made in the regular course

of business are not included in the formula provided by R.S. 47:287.95(F).

1. Revenue from Transportation other than Air Travel. Gross apportionable income attributable to Louisiana from transportation other than air includes all such revenue derived entirely from sources within Louisiana plus a portion of revenue from transportation performed partly within and partly without Louisiana, based upon the ratio of the number of units of transportation service performed in Louisiana to the total of such units. Revenue from transportation exclusively without Louisiana shall not be included in gross apportionable income attributed to Louisiana. Gross apportionable income attributable to Louisiana shall be computed separately for each of the four classes enumerated below.

a. A unit of transportation shall consist of the following:

i. in the case of the transportation of passengers, the transportation of one passenger a distance of 1 mile;

ii. in the case of the transportation of liquid commodities, including petroleum or related products, the transportation of one barrel of the commodities a distance of 1 mile;

iii. in the case of the transportation of property other than liquids, the transportation of 1 ton of the property a distance of 1 mile;

iv. in the case of the transportation of natural gas, the transportation of one MCF or one MBTU a distance of 1 mile.

b. In any case where another method would more clearly reflect the gross apportionable income attributable to Louisiana, or where the above information is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the use of any method deemed reasonable by him.

c. Example: ABC Corporation is in the business of transporting natural gas as a common carrier. During the year 2005, ABC entered into five transactions. In the first transaction 1 million MMCF was transported from Texas, through Louisiana, to Mississippi. The total distance transported was 500 miles, of which 200 miles was in Louisiana. The charge for the transportation was $250,000. In the second transaction 1 million MMCF was transported from one point in Louisiana to another point in Louisiana, a distance of 150 miles, for a charge of $150,000. In the third transaction 1 million MMCF was transported from one point in Texas to another point in Texas, a distance of 500 miles, for a charge of $250,000. In the fourth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of $500,000. The total distance transported was 1,000 miles, of which 100 miles were in Louisiana. In the fifth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of $250,000. The distance transported was 500 miles, of which 100 was in Louisiana. The portion of the gross apportionable income attributed to Louisiana would be computed as follows.

	Louisiana Amount
First Transaction—200/500 x $250,000 =	$100,000
Second Transaction—entirely from Louisiana =	150,000
Third Transaction—neither entirely nor partially in Louisiana	-0-
Fourth Transaction—100/1,000 x $500,000 =	50,000
Fifth Transaction—100/500 x $250,000 =	50,000
Louisiana Income From Transportation of Natural Gas	$350,000

2. Revenue from Telephone, Telecommunications, and Other Similar Services

a. Gross apportionable income attributable to Louisiana from providing telephone, telecommunications, and similar services shall include, but is not limited to:

i. revenue derived from charges for providing telephone "access" from a location in this state. "Access" means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

ii. revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

iii. revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

iv. revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

v. revenue from mobile telecommunications service:

(a). revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(b). if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(c). revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana.

b. Definitions. For the purposes of this paragraph, the following terms have the following meanings unless the context clearly indicates otherwise.

i. *Call*—a specific telecommunications transmission.

ii. *Customer*—any person or entity that contracts with a home service provider or the end user of the mobile

telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

iii. *Home Service Provider*—the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

iv. *Place of Primary Use of Mobile Telecommunications Service*—the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI).

v. *Service Address*—the address where the telephone equipment is located and to which the telephone number is assigned.

vi. *Telecommunications*—the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic wires, light waves or any combination of those or similar media now in existence or that might be devised, but telecommunications does not include the information content of any such transmission.

vii. *Telecommunications Service*—providing telecommunications, including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service.

3. Attribution of Sales Made in the Regular Course of Business

a. Sales made in the regular course of business attributable to Louisiana under R.S. 47:287.95 are those sales where the goods, merchandise or property are received in Louisiana by the purchaser. Similarly, where the goods, merchandise or property are received in some other state, the sale is attributable to that state. Sales made in the regular course of business include all sales of goods, merchandise or product of the business or businesses of the taxpayer. They do not include the sale of property acquired for use in the production of income. Where a taxpayer under a contract performs essentially a management or supervision function and receives a reimbursement of his costs plus a stipulated amount, the amounts received as reimbursed costs are not sales although the contract so designates them. The stipulated amount constitutes other gross apportionable income and shall be attributed to the state where the contract was performed. Where goods are delivered into Louisiana by a public 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. The transportation in question is the initial transportation relating to the sale by the taxpayer, and not the transportation relating to a sale or subsequent use by the purchaser.

b. Where the goods are delivered by the seller in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point, and whether the carrier be a pipeline, trucking line, railroad, airline or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation by the carrier has ended is deemed to be the place where the goods are received by the purchaser.

c. Where the transportation involved is transportation by the purchaser, in determining whether or not the transportation relates to the sale by the taxpayer, consideration must be given to the following principles.

i. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent circumstances.

ii. The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

iii. In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the taxpayer or by the carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B., Houston, to a purchaser in Baton Rouge, by common carrier, and a case where all facts are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

d. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. However, because of the nature and character of the property, the type of carrier, and customs of the trade, the natural resources in the pipeline may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In solving such problems consideration must be given to the following principles.

i. Where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by pipeline carrier, the sale will be attributed to the state where the crude

oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality rather than any specific oil.

ii. In situations involving several deliveries in several different states to one or more purchasers, the general rules should be applied with logic and common sense.

e. In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the transportation after storage relates to the sale by the taxpayer. Generally, the rules and principles set forth above will control where the storage is of temporary nature, such as that necessitated by lack of transportation, by change from one means of transportation to another, or by natural conditions. In cases where the storage is permanent or semi-permanent, delivery to the place of storage concludes the initial transportation, and the sale is attributed to the place of storage.

4. Attribution of Gains from Sales Not Made in the Regular Course of Business

a. The net profit from sales not made in the regular course of business shall be included in the ratios provided by R.S. 47:287.95(C) and (D).

b. The net profit from the sale of a mineral lease, royalty interest, oil payment, or other mineral interest shall be attributed to the state or states in which the property subject to such mineral interest is located.

c. The net profit from the sale of other intangibles shall be attributed to the state or states in which the intangible has acquired a business situs if the intangible has been so used in connection with a business as to acquire a business situs, or, in the absence of such a business situs, shall be at the commercial domicile of the taxpayer.

d. The net profit from the sale of the tangibles shall be attributed to the state or states in which the tangible is located at the time of sale.

5. Exchanges. In transactions in which raw materials, products, or merchandise are transferred to another party at one location in exchange for raw materials, products, or merchandise at another location in agreements requiring the subsequent replacement with similar property on a routine, continuing, or repeated basis, all such transactions shall be carefully analyzed in order to determine whether they constitute sales that should be included in the sales ratio or whether they constitute exchanges which are not sales and should be excluded from the sales ratio.

6. Recoveries and Reductions of Expense. Transactions that are actually recoveries of expenses or transactions that are part of a sequence of transactions for the purpose of managing risk, preventing loss, securing product, securing market or protecting profit shall not be considered gross apportionable income for purposes of determining the Louisiana apportionment percent. Examples of such transactions include, but are not limited to:

a. Corporation A rents retail space in a shopping mall. The glass in the front door of the shop has broken and Corporation A is unable to immediately contact the building owner. Corporation A has the glass replaced and is later reimbursed by the building owner. The reimbursement is not gross apportionable income for purposes of determining the Louisiana apportionment percent;

b. Corporation B buys and sells wheat. As part of securing a supply of wheat at the best possible price Corporation B will, when it believes prices will be rising in the future, purchase options to buy a fixed quantity of wheat at a fixed price on a fixed date in the future. At times market conditions will change subsequent to the purchase of an option and, believing that prices will fall and the wheat can be bought even cheaper than the option price in the future, the option will be sold. The amount received from the sale of the option is not gross apportionable income for purposes of determining the Louisiana apportionment percent. The amount received relates to the ultimate cost of goods sold;

c. Corporation C grows and sells wheat. It knows that at harvest it will have at least a certain amount of wheat that must be sold. To ensure a market for its wheat at harvest Corporation B buys options to sell fixed quantities of wheat at fixed prices at harvest time. At times market conditions will change subsequent to the purchase of an option and, believing that there will be sufficient buyers willing to pay a sufficient price at harvest time, the option will be sold. The amount received from the sale of the option is not gross apportionable income for purposes of determining the Louisiana apportionment percent. The amount received relates to marketing expenses;

d. Corporation D grows, buys and sells wheat. To manage market risk in its business Corporation D engages in complex, sophisticated transactions involving options, futures contracts and various derivative contracts. Any amounts received in the course of these risk management transactions are not gross apportionable income for the purposes of determining the Louisiana apportionment percent. The amounts received relate to insurance expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.95, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:105 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:482 (March 2004), amended LR 31:694 (March 2005), LR 32:421 (March 2005).

§1135. Sourcing of Sales other than Sales of Tangible Personal Property

A. General. R.S. 47:287.95(L) provides for the inclusion in the numerator of the sales factor of sales other than sales of tangible personal property.

B. Market-Based Sourcing. Sales other than sales of tangible personal property are sourced to Louisiana if and to the extent that the taxpayer's market for the sales is in Louisiana. In general, the provisions in this section establish rules for:

1. determining whether and to what extent the market for a sale other than the sale of tangible personal property is in Louisiana,

2. reasonably approximating the state or states of assignment where the state or states cannot be determined,

3. excluding certain sales of intangible property from the numerator and denominator of the receipts factor pursuant to R.S. 47:287.95(L)(1)(e), and

4. excluding sales from the numerator and denominator of the sales factor, pursuant to R.S. 47:287.95(M), where the state or states of assignment cannot be determined or reasonably approximated, or where the taxpayer is not taxable in the state to which the sales are assigned.

C. Taxable in another State. A taxpayer is taxable within another state if it meets either one of two tests:

1. by reason of business activity in another state, the taxpayer is subject to one of the following types of taxes: A net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

2. by reason of such business activity, another state has jurisdiction to subject the taxpayer to a net income tax, regardless of whether or not the state imposes such a tax on the taxpayer.

D. State. For purposes of this regulation, *state* means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

E. General Principles of Application; Contemporaneous Records. In order to satisfy the requirements of this regulation, a taxpayer's assignment of sales other than sales of tangible personal property must be consistent with the following principles:

1. A taxpayer shall apply the rules set forth in this regulation based on objective criteria and shall consider all sources of information reasonably available to the taxpayer at the time of its tax filing, including, without limitation, the taxpayer's books and records kept in the normal course of business. A taxpayer shall determine its method of assigning sales in good faith, and apply it consistently with respect to similar transactions and year to year. A taxpayer shall retain contemporaneous records that explain the determination and application of its method of assigning its sales, including its underlying assumptions, and shall provide those records to the Secretary of the Louisiana Department of Revenue upon request.

2. This regulation provides various assignment rules that apply sequentially in a hierarchy. For each sale to which a hierarchical rule applies, a taxpayer must make a reasonable effort to apply the primary rule applicable to the sale before seeking to apply the next rule in the hierarchy (and must continue to do so with each succeeding rule in the hierarchy, where applicable). For example, in some cases, the applicable rule first requires a taxpayer to determine the state or states of assignment, and if the taxpayer cannot do so, the rule requires the taxpayer to reasonably approximate the state or states. In these cases, the taxpayer must attempt to determine the state or states of assignment (i.e., apply the primary rule in the hierarchy) in good faith and with reasonable effort before it may reasonably approximate the state or states.

3. A taxpayer's method of assigning its sales, including the use of a method of approximation, where applicable, must reflect an attempt to obtain the most accurate assignment of sales consistent with these regulatory standards rather than an attempt to lower the taxpayer's tax liability. A method of assignment that is reasonable for one taxpayer may not necessarily be reasonable for another taxpayer, depending upon the applicable facts.

F. Rules of Reasonable Approximation

1. In General. In general, this regulation establishes uniform rules for determining whether and to what extent the market for a sale other than the sale of tangible personal property is in Louisiana. This regulation also sets forth rules of reasonable approximation, which apply if the state or states of assignment cannot be determined. In some instances, the reasonable approximation must be made in accordance with specific rules of approximation as prescribed in this regulation. In other cases, the applicable rule in this regulation permits a taxpayer to reasonably approximate the state or states of assignment, using a method that reflects an effort to approximate the results that would be obtained under the applicable rules or standards set forth in this regulation.

2. Approximation Based Upon Known Sales. In an instance where, applying the applicable rules set forth for sale of a service, a taxpayer can ascertain the state or states of assignment of a substantial portion of its sales from sales of substantially similar services ("assigned sales"), but not all of those sales, and the taxpayer reasonably believes, based on all available information, that the geographic distribution of some or all of the remainder of those sales generally tracks that of the assigned sales, it shall include those sales which it believes tracks the geographic distribution of the assigned sales in its sales factor in the same proportion as its assigned sales.

3. Related-Party Transactions; Information Imputed from Customer to Taxpayer. Where a taxpayer has sales subject to this regulation from transactions with a related-party customer, information that the customer has that is relevant to the sourcing of receipts from these transactions is imputed to the taxpayer.

G. Rules with Respect to Exclusion of Receipts from the Receipts Factor

1. The sales factor only includes those amounts defined as sales under applicable statutes and regulations.

2. Certain sales arising from the sale of intangibles are excluded from the numerator and denominator of the sales factor pursuant to R.S. 47:287.95 (L)(1)(e).

3. In a case in which a taxpayer cannot ascertain the state or states to which sales are to be assigned pursuant to the applicable rules set forth in this regulation, (including through the use of a method of reasonable approximation, where relevant) using a reasonable amount of effort undertaken in good faith, the receipts must be excluded from the numerator and denominator of the taxpayer's sales factor pursuant to R.S. 47:287.95 (M).

4. In a case in which a taxpayer can ascertain the state or states to which sales are to be assigned pursuant to this regulation, but the taxpayer is not taxable in one or more of those states, the sales that would otherwise be assigned to those states where the taxpayer is not taxable must be excluded from the numerator and denominator of the taxpayer's sales factor pursuant to R.S. 47:287.95(M).

H. Sale of a Service

1. General Rule

a. The sale of a service is sourced to Louisiana if and to the extent that the service is delivered to a location in Louisiana. In general, the term "delivered to a location" refers to the location of the taxpayer's market for the service, which may not be the location of the taxpayer's employees or property. The rules to determine the location of the delivery of a service in the context of several specific types of service transactions are set forth below.

2. Direct Personal Services Received by a Natural Person

a. In General

i.(a). Except as otherwise provided in this regulation, direct personal services are services that are physically provided in person by the taxpayer, where the customer or the customer's tangible property upon which the services are performed is in the same location as the service provider at the time the services are performed. This rule includes situations where the services are provided on behalf of the taxpayer by a third-party contractor. Examples of direct personal services include, without limitation: cleaning services; pest control; medical and dental services, including medical testing, x-rays and mental health care and treatment; child care; hair cutting and salon services; live entertainment and athletic performances; and in-person training or lessons. Direct personal services include services within the description above that are performed at:

[i]. a location that is owned or operated by the service provider or

[ii]. a location of the customer, including the location of the customer's tangible property.

(b). Various professional services, including legal, accounting, financial and consulting services, and other similar services, although they may involve some amount of direct person contact, are not treated as direct personal services within the meaning of this regulation.

b. Assignment of Sales

i. Rule of Determination. Except as otherwise provided in this regulation, if the service provided by the taxpayer is a direct personal service, the service is delivered to the location where the service is received. Therefore, the sale is in Louisiana if and to the extent the customer receives the direct personal service in Louisiana. In assigning its sales from direct personal services, a taxpayer must first attempt to determine the location where a service is received, as follows:

(a). If the service is performed with respect to the body of an individual customer in Louisiana (e.g. hair cutting or x-ray services) or in the physical presence of the customer in Louisiana (e.g. live entertainment or athletic performances), the service is received in Louisiana.

(b). If the service is performed with respect to the customer's immovable property in Louisiana or if the service is performed with respect to the customer's tangible personal property at the customer's residence in Louisiana or in the customer's possession in Louisiana, the service is received in Louisiana.

(c). If the service is performed with respect to the customer's tangible personal property and the tangible personal property is to be received by the customer at the taxpayer's location in Louisiana, the service is received in Louisiana.

(d). If the service is performed with respect to the customer's tangible personal property and the tangible personal property is to be shipped or delivered to the customer, whether the service is performed within or outside Louisiana, the service is received in Louisiana if the property is shipped or delivered to the customer in Louisiana.

c. Rule of Reasonable Approximation. In an instance in which the state or states where a service is actually received cannot be determined, but the taxpayer has sufficient information regarding the place of sale from which it can reasonably approximate the state or states where the service is received, the taxpayer shall reasonably approximate such state or states. If the state to which the sales are to be assigned can be determined or reasonably approximated, but the taxpayer is not taxable in that state, the receipts that would otherwise be assigned to the state are excluded from the numerator and denominator of the taxpayer's sales factor pursuant to R.S. 47:287.95(M).

3. Non Direct Personal Services Received by a Natural Person. Non direct personal services delivered to a natural person shall be sourced to the customer's billing address.

a. Non direct personal services include, without limitation, management services, bank and financial services, financial custodial services, investment and brokerage services, fiduciary services, tax preparation, payroll and accounting services, lending services, credit card services (including credit card processing services), data processing services, legal services, consulting services, video production services, graphic and other design services, engineering services, and architectural services.

b. *Billing address* means the location indicated in the books and records of the taxpayer as the primary mailing address relating to a customer's account as of the time of the transaction as kept in good faith in the normal course of business and not for tax avoidance purposes.

4. Services Delivered to an Unrelated Business Entity

a. Services with a Substantial Connection to a Specific Geographic Location

i. Services provided to an unrelated business entity that have a substantial connection to a specific geographic location shall be sourced to the state of the specific geographic location. If the services have a substantial connection to specific geographic locations in more than one state, the services shall be reasonably sourced between those states.

ii. Examples

(a). Cleaning Company, Inc. (taxpayer) has a contract to provide cleaning services to Company A, an unrelated business entity. The contract specifies that cleaning services are to be provided to company A's locations in Louisiana and other states. Cleaning Company, Inc. should source a portion of the total service receipts to Louisiana based on the amount of services performed at company A's locations in Louisiana compared to the total amount of services performed at all of company A's locations.

(b). Training Company, Inc. (taxpayer) contracts with company B, an unrelated business entity, to provide on-site training services to company B's employees at company B's business offices located in Louisiana and three other states. The services are related to specific geographic locations; therefore they should be sourced to the state where company B's employees received the training. Training Company, Inc. should source the receipts from its contract with company B by reasonably assigning those receipts between Louisiana and the three other states using a formula based on the number of training hours provided to company B locations in Louisiana to the total number of training hours provided to all company B locations.

(c). Engineering Company, Inc. (taxpayer) contracts with company C, an unrelated business entity, to provide engineering services related to the construction of an office complex in Louisiana. Engineering Company, Inc. performs some of their service in Louisiana at the building site and additional service in state B at their headquarters. The engineering services are related to a specific geographic location; i.e. the building site in Louisiana; therefore all of the services should be sourced to Louisiana.

b. Services without a Substantial Connection to a Specific Geographic Location

i. Services provided to an unrelated business entity that do not have a substantial connection to a specific geographic location shall be sourced to the state of the taxpayer's commercial domicile.

ii. *Commercial domicile* is the principal place from which the business is directed or managed.

c. Alternative Methods. In the case where the methods contained in Subparagraphs H.4.a and H.4.b of this section fail to clearly reflect the taxpayer's market in Louisiana, the taxpayer may utilize, or the department may require, the use of alternative methods, including but not limited to the following:

i. By assigning the sales to the state where the contract of sale is principally managed by the customer:

(a). state where a contract of sale is principally managed by the customer" means the primary location at which an employee or other representative of a customer serves as the primary contact person for the taxpayer with respect to the day-to-day execution and performance of a contract entered into by the taxpayer with the customer.

ii. by assigning the sales to the customer's place of order;

iii. by assigning the sales to the customer's billing address; provided, however, in any instance in which the taxpayer derives more than 5 percent of its receipts from sales of all services from a customer, the taxpayer is required to identify the state in which the contract of sale is principally managed by the customer.

5. Services Delivered to a Related Business Entity. In any instance in which the service is sold to a related entity, the state or states to which the service is assigned is the place of receipt by the related entity as reasonably approximated using the following hierarchy:

a. if the service primarily relates to specific operations or activities of a related entity conducted in one or more locations, then to the state or states in which those operations or activities are conducted in proportion to the related entity's payroll at the locations to which the service relates in the state or states; or

b. if the service does not relate primarily to operations or activities of a related entity conducted in particular locations, but instead relates to the operations of the related entity generally, then to the state or states in which the related entity has employees, in proportion to the related entity's payroll in those states.

I. Sale, Rental, Lease, or License of Immovable Property. In the case of the sale, rental, lease, or license of immovable property, the receipts are sourced to Louisiana if and to the extent that the immovable property is located in Louisiana.

J. Rental, Lease, or License of Tangible Personal Property. In the case of the rental, lease, or license of

tangible personal property, the receipts are sourced to Louisiana if and to the extent that the tangible personal property is located in Louisiana.

K. Lease or License of Intangible Property. In the case of the lease or license of intangible property, the receipts are sourced to Louisiana if and to the extent that the intangible property is used in Louisiana.

L. Sale of Intangible Property

1. Assignment of Sales. The assignment of sales to a state or states in the instance of a sale or exchange of intangible property depends upon the nature of the intangible property sold.

2. Sale Where Receipts are Contingent on Productivity, Use or Disposition of the Intangible Property

a. In the case of a sale or exchange of intangible property where the receipts from the sale or exchange are contingent on the productivity, use or disposition of the property, the receipts from the sale are assigned as follows:

i. the receipts are in Louisiana if and to the extent the intangible is used in Louisiana. In general, the term *use* is construed to refer to the location of the market for the use of the intangible property that is being sold and is not to be construed to refer to the location of the property or payroll of the owner.

3. Contract Right or Government License that Authorizes Business Activity in Specific Geographic Area

a. In the case of a sale or exchange of intangible property where the property sold or exchanged is a contract right, government license or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area, the sale is assigned to a state if and to the extent that the intangible property is used or is authorized to be used within the state. If the intangible property is used or may be used only in this state, the taxpayer shall assign the sale to Louisiana. If the intangible property is used or is authorized to be used in Louisiana and one or more other states, the taxpayer shall assign the sale to Louisiana to the extent that the intangible property is used in or authorized for use in Louisiana through the means of a reasonable approximation.

4. Excluded Sales

a. Sales of intangible property not described by Paragraphs 2 and 3 of this Subsection shall be excluded from the numerator and the denominator of the sales factor. Excluded sales include, but are not limited to, the sale of a partnership interest, the sale of business "goodwill," the sale of an agreement not to compete, and sales of similar intangible property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:287.95.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 44:2218 (December 2018).

§1136. Exclusion of Certain Sales of Tangible Personal Property from the Sales Factor

A. General sourcing rule for sales of tangible personal property. Generally, for purposes of determining a taxpayer's Louisiana Apportionment Percent, sales of tangible personal property are sourced to the location where the tangible personal property is ultimately received by the purchaser.

B. Exclusion. Pursuant to R.S. 47:287.95(M), sales, including sales of tangible personal property, shall be excluded from both the numerator and the denominator of the sales factor if either of the following conditions apply:

1. the taxpayer is not taxable in a state to which a sale is assigned; or

2. the state of assignment cannot be determined or reasonably approximated pursuant to R.S. 47:287.95 and the regulations thereunder.

C. Taxable in Another State. A taxpayer is taxable within another state if it meets either one of two tests:

1. by reason of business activity in another state, the taxpayer is subject to one of the following types of taxes: A net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

2. by reason of such business activity, another state has jurisdiction to subject the taxpayer to a net income tax, regardless of whether or not the state imposes such a tax on the taxpayer.

D. State. For purposes of this regulation, *state* means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

E. Reasonable Approximation, Generally. In a case in which a taxpayer cannot ascertain the state or states to which sales are to be assigned pursuant to the applicable rules set forth in this regulation, (including through the use of a method of reasonable approximation, where relevant) using a reasonable amount of effort undertaken in good faith, the receipts must be excluded from the numerator and denominator of the taxpayer's sales factor pursuant to R.S. 47:287.95(M).

F. Rules of Reasonable Approximation

1. Approximation Based Upon Known Sales. In an instance where, applying the applicable rules set forth for sales of tangible personal property, a taxpayer can ascertain the state or states of assignment of a substantial portion of its sales from sales of substantially similar tangible personal property, (assigned sales), but not all of those sales, and the taxpayer reasonably believes, based on all available information, that the geographic distribution of some or all of the remainder of those sales generally tracks that of the assigned sales, it shall include those sales which it believes tracks the geographic distribution of the assigned sales in its sales factor in the same proportion as its assigned sales.

2. Related-Party Transactions—Information Imputed from Customer to Taxpayer. Where a taxpayer has sales subject to this regulation from transactions with a related-party customer, information that the customer has that is relevant to the sourcing of receipts from these transactions is imputed to the taxpayer.

3. Approximation Based on Place of Sale. In an instance in which the state or states where tangible personal property is actually received cannot be determined, but the taxpayer has sufficient information regarding the place of sale from which it can reasonably approximate the state or states where the tangible personal property is received, the taxpayer shall reasonably approximate such state or states as the place of sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:287.95.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 44:2221 (December 2018).

§1137. Exceptions to Taxable Year of Inclusion; Taxable Year Deductions Taken

A. Improperly Reported Item of Income. R.S. 47:287.442(A) does not relieve a taxpayer of the responsibility of filing a true and correct return and immediately correcting any errors which are discovered after the return is filed. If an error is discovered, it is the obligation of the taxpayer to file promptly an amended return reflecting the correct tax liability. The purpose of R.S. 47:287.442(A), so far as it deals with improperly reported items of income, is to preclude a taxpayer's being required to pay again on an item of income which has borne tax in full previously, even though for a period in which it was not properly reportable. An item of income will be deemed to have previously borne tax in full if the item, when multiplied by the lowest tax rate applicable to the taxpayer, results in a tax not less than the amount of tax actually paid on the return. If the item has not previously borne tax in full, R.S. 47:287.442(A) is not applicable to that portion of the item which has not previously borne tax. That portion, which shall be the difference between the item of income and the taxable balance of net income, shall be reported as income during the year it was properly reportable.

B. Example: The ABC Corporation, by mistake, reported on its 1982 income tax return an item of accrued interest in the amount of $5,000 which was properly reportable in 1983. It paid the Louisiana income tax shown to be due on the return. The company never discovered its error. In 1987, the secretary discovers the error. The return for 1982 shows the following.

Accrued interest	$	5,000
Income from operations		20,000
Total income	$	25,000
Less total authorized deductions	$	21,000
Taxable income	$	4,000
Tax per return	$	160
Computation to determine if item has borne tax in full:		
Amount improperly reported	$	5,000
Tax at lowest rate of taxpayer	$	200
Tax paid		160
Amount of tax unpaid	$	40
Computation of portion of item to be reported in 1983:		
Improperly reported item	$	5,000
Taxable balance of net income in 1982		4,000
Portion of item to be reported	$	1,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.442.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:484 (March 2004).

§1140. Exemption from Tax on Corporations

A. Generally, organizations meeting the qualifications included under I.R.C. Sections 501 and 401(a) are exempt from federal and Louisiana income tax liability.

B. However, organizations meeting the qualifications under I.R.C. Sections 501 and 401(a) are not exempt from taxation on unrelated business taxable income or income not included under I.R.C. Sections 501 and 401(a) for federal income tax purposes. Since unrelated business taxable income is not exempt from federal income tax, it is not exempt from Louisiana income tax. The Department of Revenue will begin enforcing this requirement of R.S. 47:287.501 for all taxable periods beginning on and after January 1, 2008.

C. Exceptions

1. Mutual savings banks, national banking corporations, building and loan associations, and savings and loan associations are wholly exempt from the tax imposed by this Chapter regardless of where they are organized.

2. Banking corporations, regardless of where they are organized, which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock are also wholly exempt. Banking corporations, other than those described above, are not exempt from the corporation income tax.

D. An organization claiming a total or partial exemption under R.S. 47:287.501(A) as an organization described in I.R.C. Sections 501 or 401(a) is required to file an income tax return in the same manner as any other corporation. To claim a partial exemption, the organization must submit a copy of the Internal Revenue Service ruling establishing its exempt status under I.R.C. Sections 501 or 401(a) with its return, report any income subject to federal income tax on its Louisiana return, and include with the return a statement that all income not reported on the Louisiana return is exempt from federal income tax under I.R.C. Sections 501 or 401(a). To claim a total exemption the organization must submit a copy of the Internal Revenue Service ruling establishing its exempt status under I.R.C. Sections 501 or 401(a) with its return and include with its return a statement that none of its income was subject to federal income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.501.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy

Services Division, LR 30:485 (March 2004), amended LR 33:860 (May 2007).

§1147. Notice of Regulation, Requiring Records, Statements and Special Returns

A. Every corporation subject to the provisions of Part II.A of Chapter 1 shall, for the purpose of enabling the secretary to determine the correct amount of income subject to tax, keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income and the deductions, credits, and other information required to be shown in any return. Such books or records required by this Section shall be available at all times for inspection by the secretary, and shall be retained so long as the contents thereof may be material in the administration of the income tax law. The secretary may at any time require the taxpayer to submit statements of net worth as of the beginning and end of the taxable year.

AUTHORITY NOTE: Promulgated in accordance with R.S.47:287.601.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:485 (March 2004).

§1148. Corporation Returns

A. General Rules. Every corporation deriving income from Louisiana sources shall file a return on forms secured from the secretary or by electronically filing a return, unless expressly exempt from the tax. The first return and the last return of a corporation are returns for a full year and not for a fractional part of a year. A corporation does not go out of existence by virtue of being managed by a receiver or trustee who continues to operate it.

B. Liquidation. Upon liquidation or dissolution of a corporation there shall be attached to the final return a statement showing:

1. an outline of the plan under which the corporation was dissolved;

2. the date the dissolution was formally commenced;

3. the date the dissolution was completed;

4. the name and address of each shareholder at dissolution and the number and par value of the shares of stock held by each;

5. a description of assets conveyed to each shareholder, creditor, or other person, showing book value, fair market value, and location, as well as the name and address of each such person;

6. the consideration paid by each person for the assets received; and

7. whether the plan is intended to qualify under one of the sections of the *Internal Revenue Code* relating to nonrecognition in whole or in part of gain by a shareholder, and, if so, the section involved.

C. Receivers. Receivers, trustees in dissolution, trustees in bankruptcy, and assignees, operating the property or business of corporations, must file returns for such corporations. If a receiver has full custody of and control over the business or property of a corporation, he shall be deemed to be operating such business or property within the meaning of R.S. 47:287.612 whether he is engaged in carrying on the business for which the corporation was organized or only in marshaling, selling, and disposing of its assets for purposes of liquidation. However, a receiver in charge of only part of the property of a corporation, as, for example, a receiver in mortgage foreclosure proceedings involving merely a small portion of its property, need not file a return.

D. Change in Ownership

1. Except as otherwise provided herein, when a change in ownership results in no change to the accounting period but results in the income of the taxpayer being reported on two separate federal returns, the taxpayer may either file one return for the entire accounting period or file two short period returns. If two short period returns are filed the due date of both returns is the due date of the accounting period year-end return.

2. Except as otherwise provided herein, when a change in ownership results in a change to the accounting period, the filing of two short period returns is required. The due date of the first short period return is the fifteenth day of the fourth month following the last day of the calendar month in which the change in ownership occurred. If information concerning the federal income deduction is not available, an amended return will be required for this period once the information is known. The due date of the last short period return is the due date of the new accounting period year-end return.

3. When a one-day return is required under federal law, that one-day is a separate accounting period for Louisiana reporting purposes. A separate return is required for that one day. This will usually result in the filing of three short period returns. The due date of the first short period return is the fifteenth day of the fourth month following the last day of the calendar month in which the change in ownership occurred. The due date of the one-day return is the fifteenth day of the fourth month following the last day of the calendar month in which the one day falls. The due date of the last short period return is the due date of the new accounting period year-end return.

4. All short period tax is computed under the provisions of R.S. 47:287.444.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.441, R.S. 47:287.444, R.S.47:287.601, R.S. 47:287.612, R.S. 47:287.614, R.S. 47:287.623, R.S. 47:287.651, R.S. 47:287.732, R.S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:485 (March 2004), amended LR 30:2860 (December 2004).

§1168. Notice of Fiduciary Relationship

A. Notice. As soon as the secretary receives notice that a person is acting in a fiduciary capacity, such fiduciary must, except as otherwise specifically provided, assume the powers, rights, duties, and privileges of the taxpayer with respect to the income tax imposed by Part II.A of Chapter 1. If the person is acting as a fiduciary for a transferee or other person subject to the liability specified in R.S. 47:287.682, such fiduciary is required to assume the powers, rights, duties, and privileges of the transferee or other person under that section. The amount of the tax or liability is ordinarily not collectible from the personal estate of the fiduciary, but is collectible from the estate of the taxpayer or from the estate of the transferee or other person subject to the liability specified in R.S. 47:287.682. (See however R.S. 47:1673). The "notice to the secretary" provided for in R.S. 47:287.683 shall be a written notice signed by the fiduciary and filed with the secretary. The notice must state the name and address of the person for whom the fiduciary is acting, and the nature of the liability of such person; that is, whether it is a liability for tax, and if so, the year or years involved, or a liability at law or in equity of a transferee of property of a taxpayer, or a liability of a fiduciary in respect of the payment of any tax from the estate of the taxpayer. Any such written notice which has previously been filed with the secretary shall be considered as sufficient notice. Unless there is already on file with the secretary satisfactory evidence of the authority of the fiduciary to act for such person in a fiduciary capacity, such evidence must be filed with and made a part of the notice. If the fiduciary capacity exists by order of court, a certified copy of the order may be regarded as such satisfactory evidence. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the secretary written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. The notice of termination should state the name and address of the person, if any, who has been substituted as fiduciary.

B. Effect of Failure to Give Notice. If the notice of the fiduciary capacity described in Subsection A above is not filed with the secretary before the sending of notice of assessment by registered mail to the last known address of the taxpayer, or the last known address of the transferee or other person subject to liability, no notice of the deficiency will be sent to the fiduciary. In such a case the sending of the notice to the last known address of the taxpayer, transferee, or other person, as the case may be, will be a sufficient compliance with the requirements of the income tax law, even though such taxpayer, transferee, or other person is deceased, or is under a legal disability, or in the case of a corporation, has terminated its existence. Under such circumstances if no petition is filed with the Board of Tax Appeals within 60 days after the mailing of the notice to the taxpayer, transferee, or other person, the assessment becomes final upon the expiration of such 60-day period and demand for payment will be made.

C. Definition. The term *fiduciary* means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

D. Limitation. This regulation shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of the income tax law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.683.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:109 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:486 (March 2004).

§1175. Definition of Separate Corporation Basis

A. Louisiana Revised Statute 47:287.733 provides that corporations that are included with affiliates in a consolidated federal income tax return must file their Louisiana corporation income tax on a separate corporation basis. For Louisiana income tax purposes, filing a return on a separate corporation basis means filing a return as if the affiliate either elects not to be part of the consolidated group or is not included in a federal consolidated return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.733, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:260 (February 2006).

§1189. Situs of Stock Canceled or Redeemed in Liquidation

A. General Rule. R.S. 47:287.747 provides that the situs of stock canceled or redeemed in the liquidation of a corporation, whether domestic or foreign, shall be in Louisiana in the same ratio that property located in Louisiana, and received by a shareholder, bears to the total property received in the liquidation. *Property* as used in R.S. 47:287.747 means all the assets of the liquidating corporation without regard to liabilities. For the purpose of determining the situs of the stock canceled or redeemed in liquidation, the fair market value of the property distributed in liquidation shall be used. The location of the property of the corporation shall be determined in accordance with the provisions of R.S. 47:287.93.

B. Example: X, shareholder, owns 10 percent of the shares of ABC, Inc., a foreign corporation. The basis of X's shares is $1,000. On July 1, 1986, ABC Inc., liquidates and exchanges the following property for its outstanding stock, which it cancels.

	Total Assets (Fair Market Value)	Louisiana Assets (Fair Market Value)
Cash	$ 10,000	$ 2,000
Accounts receivable	50,000	8,000
Buildings	60,000	30,000
Land	60,000	10,000
Stocks	20,000	0
	$ 200,000	$ 50,000

1. Since 1/4 of the assets distributed in liquidation are located in Louisiana, 1/4 of X's stock has its situs in Louisiana.

2. Gain is computed as follows.

Fair market value of property received	$ 20,000
Basis of property received	1,000
Gain	$ 19,000
Louisiana taxable gain (1/4 of $19,000)	$ 4,750

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.747.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:109 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:486 (March 2004).

§1195. Health Insurance Credit for Contractors of Public Works

A. Louisiana Revised Statutes 47:287.759 allows for a tax credit against corporation income tax to contractors and subcontractors constructing a public work who offer health insurance to their employees and their dependents.

1. The amount of the credit is 2 percent of the total amount of the contract for the public work less any amounts paid to a subcontractor for a portion of the work performed by the subcontractor.

2. The total tax credit for all taxpayers is limited to $3 million per calendar year.

3. At least 85 percent of the full-time employees must be offered health insurance. Contractors and subcontractors must pay 75 percent of the total premium for the health insurance of employees who choose to participate and at least 50 percent for each participating dependent of such employees.

4. Employees do not include independent contractors.

B. Definitions

Dependents—spouse and those persons who would qualify as dependents on the employee's federal income tax return.

Earnings—gross wages of the employee not including fringe benefits.

Health Insurance—coverage for basic hospital care, and coverage for physician care, as well as coverage for health care.

Public Work—a building, physical improvement, or other fixed construction owned by the state or a political subdivision of the state.

C. Procedure for Allocation of the Health Insurance Credit

1. The department will determine if the $3 million cap on the health insurance credit has been exceeded after all possible extensions to file have passed for all taxpayers.

2. If the $3 million cap on the health insurance credit is not exceeded and all applicable extensions to file returns have expired, contractors and subcontractors who earn the health insurance credit will be allowed the full amount of the credit properly claimed on their tax return with appropriate interest.

3. However, if more than $3 million is claimed statewide, the department will allocate the credit on a pro rata basis in proportion to the amount of health insurance credit properly claimed on each employer's timely filed tax return. The allocation will be made after the filing deadline inclusive of all applicable extension periods.

a. Contractors and subcontractors claiming the health insurance credit and an overall refund of overpayment for the taxable year should file their return with the department.

i. The department will reduce the taxpayer's total refund of overpayment by the amount of the health insurance credit claimed on the tax return.

ii. An initial refund of overpayment, the amount of which is exclusive of the health insurance credit amount, will be sent to the taxpayer with a letter stating that the taxpayer's claimed health insurance credit will be held in abeyance until after the extended filing deadline and subsequently will be refunded with appropriate interest.

iii. The health insurance credit will be processed and refunded proportionately after the last extension for filing deadline.

iv. If the health insurance credit is reduced as provided by §1195.C.3 and the taxpayer owes additional money to the department, an assessment will be sent exclusive of penalties and interest if paid within 60 days.

(a). If the additional amount owed is paid within the 60-day period, the interest will be abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

(b). If the amount owed is not paid within the 60-day period, interest and penalties will be computed from the original due date of the return regardless of any extensions.

b. Contractors and subcontractors who claim the health insurance credit and still owe additional taxes for the taxable year, should file their return with the department and remit payment with the return.

i. If the taxpayer's health insurance credit is reduced as provided by §1195.C.3, the taxpayer will receive an assessment for the difference without being subject to penalties and interest if paid within 60 days.

ii. If the additional amount owed is paid within the 60-day period, the interest will be abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

iii. If the amount owed is not paid within the 60-day period, interest and penalties will be computed from

the original due date of the return regardless of any extensions.

c. Contractors and subcontractors who claim the health insurance credit that reduce their tax liability to zero for a taxable year should file their return with the department.

i. If the taxpayer's health insurance credit is reduced as provided by §1195.C.3 such that the taxpayer owes additional tax, the taxpayer will receive an assessment for the taxes owed exclusive of interest and penalties if paid within 60 days.

ii. If the additional amount owed is paid within the 60-day period, the interest is abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

iii. If the amount owed is not paid within the 60-day period, interest and penalties will be computed from the original due date of the return regardless of any extensions.

D. Information that must be submitted with the return in order to properly claim the credit:

1. statement that health insurance has been offered to at least 85 percent of the employees;

2. copy of the health insurance coverage plan from the insurance company;

3. number of full-time employees working for the contractor or subcontractor; and

4. amount of the contract for public work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.759, R. S. 47:1601, R.S. 47:1603, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:864 (May 2006).

Chapter 13. Income: Individual

§1301. Requirements for Submitting Claims for Offset of Individual Income Tax Refunds against Debts Owed Certain State Agencies

A. The responsible official for each claimant agency will provide to the secretary of revenue and taxation a certified listing of all offset claims. The listing of offset claims must be made in writing or on magnetic tapes in a format specified by the secretary of revenue and taxation which will permit a written listing to be generated.

B. The responsible official must also furnish certification in writing that the debts for which the offset claims are made are legally collectible, liquidated sums due and owing the claimant agency or due and owing a person and collectible by the claimant agency. The certification must include the name and address of the claimant agency and the manner in which each offset claim arose.

C. For each offset claim, the agency must include the following information:

1. the name of the individual;

2. the amount of offset claimed;

3. the Social Security number of the debtor;

4. the most current address available to the claimant;

5. any additional information requested by the secretary which will facilitate identification and processing of the offset claim.

D. Prior to participation in the program and each year thereafter, each claimant agency participating in the garnishment program must furnish to the Department of Revenue and Taxation by October 1:

1. a statement that the agency intends to submit offset claims for the next year;

2. the anticipated number of offset claims to be certified to the department;

3. the estimated total amount of claims due;

4. any additional information requested by the Secretary of Revenue and Taxation to facilitate the economical and efficient administration of this program.

E. The Secretary of Revenue and Taxation may establish a minimum number of offset claims which will be accepted from each claimant agency.

F. The Secretary of Revenue and Taxation will determine the date each agency will be required to furnish the listing of offset claims.

G. The Secretary of Revenue and Taxation will determine the frequency and method of making remittances to the claimant agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:299.4.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, LR 10:804 (October 1984).

§1302. Nonresident Net Operating Losses

A. Nonresident individuals may carry back or carry over Louisiana net operating losses. Louisiana net operating losses may be carried and used in the same manner that would be allowed for federal purposes if the nonresident individual's federal returns consisted of only the Louisiana items of income and loss.

B. Application

1. The years to which Louisiana net operating losses may be carried are the same as they are for federal personal income tax purposes.

2. Net operating loss carrybacks and carryovers are considered an adjustment to Louisiana income and must be applied against total Louisiana income before applying any deductions.

3. When a net operating loss carryback or carryover is used a schedule must be attached to the return in which it is used for each carryback or carryover showing:

a. the taxable year in which each loss that is being carried back or carried over occurred; and

b. the amount of each loss applied to each taxable year to which it was carried over or carried back.

4. A separate schedule showing how each Louisiana net operating loss was determined may also be required.

C. Limitations

1. A Louisiana net operating loss carryback or carryover cannot include any amount that has already been deducted for Louisiana purposes.

2. Nothing in this Section authorizes a federal income tax deduction for income that did not bear Louisiana personal income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:101 (January 2002).

§1303. Application of the Louisiana Individual Income Tax to Native Americans

A. The income of an enrolled member of a federally recognized Indian tribe residing on that tribe' reservation that is derived from sources on that reservation shall be exempted from Louisiana individual income tax. The determination of the sources of gross allocable income shall be consistent with R.S. 47:243.

B. The income of an enrolled member of a federally recognized Indian tribe residing on that tribe's reservation that is derived from sources outside of that reservation is taxable for Louisiana individual income tax purposes. This includes income derived from sources outside of the state.

C. The income of an enrolled member of a federally recognized Indian tribe residing in Louisiana off of that tribe's reservation is taxable for Louisiana individual income tax purposes regardless of source.

D. If an enrolled member of a federally recognized Indian tribe resides on that tribe's reservation for a portion of the year and resides off of that tribe's reservation for a portion of the year such enrolled member shall be taxed based upon where such enrolled member resided when the income in question was earned.

E Compensation from military sources paid to an enrolled member of a federally recognized Indian tribe shall be exempted from Louisiana individual income tax if:

1. such enrolled member was residing on that tribe's reservation at the time of entering the armed forces of the United States; and

2. such enrolled member has not elected to abandon his or her residence on that tribe's reservation.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:293(6)(a)(iii) and R.S. 47:295.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 27:2261 (December 2001).

§1304. Nonresident Apportionment of Compensation from Personal Services Rendered in Louisiana

A. For purposes of this Section, nonresident means any individual not domiciled, residing in, or having a permanent place of abode in Louisiana.

B. Nonresidents are taxed on all income from sources within Louisiana. Income from sources within Louisiana includes compensation for personal services rendered within Louisiana.

C. The purpose of this rule is to apportion to Louisiana, in a fair and equitable manner, a nonresident's total compensation for personal services performed in the state. It is presumed that application of the provisions of this rule will result in a fair and equitable apportionment of that compensation.

1. When the department demonstrates that the method provided under this rule does not fairly and equitably apportion that compensation, the department may require the nonresident service provider to apportion that compensation under an alternative method the department prescribes, as long as the prescribed method results in a fair and equitable apportionment.

2. If a nonresident service provider demonstrates that the method provided under this rule does not fairly and equitably apportion compensation, the nonresident may submit a proposal for an alternative method to apportion compensation. If approved, the proposed method must be fully documented and explained in the nonresident service provider's nonresident personal income tax return for the state.

3. Nonresident service providers shall keep adequate records to substantiate their determination or to permit a determination by the department of the part of their adjusted gross income that was derived from or connected with sources in this state.

D. Compensation of Salaried Employees with a Constant Rate of Pay. The Louisiana income from personal services is the proportion of total compensation from services rendered, which the total number of working days in the state bears to the total number of working days both within and without the state.

1. The total number of working days is determined by subtracting all nonworking days from the total number of days in the year or contract period, if the contract period is less than a year.

2. Nonworking days include, but are not limited to, Saturdays and Sundays not worked, holidays, days off for religious observance, days of absence due to illness or personal injury, vacation days, days of leave without pay, days off for any personal reason, and sabbatical days.

3. Days spent in travel, if the travel is at the direction of the employer, are considered working days even if the

travel is on a day that would usually be considered a nonworking day.

E. Compensation Based on Volume of Business. The Louisiana income from commissions earned by a nonresident traveling salesman, agent or other employee for services performed or sales made, whose compensation depends directly on the volume of business transacted by him, includes that proportion of the compensation received which the volume of business transacted by such employee within Louisiana bears to the total volume of business transacted by him within and without the state.

F. Compensation from Continuous Employment in Louisiana for Part of the Year. If a nonresident employee (including officers of corporations, but excluding employees, mentioned in Subsection D above) is employed continuously in this state for a definite portion of any taxable year, that employee's Louisiana income includes the total compensation for the period employed in this state.

G. Compensation from Transportation Services. If a nonresident employee is employed in this state at intervals throughout the year, as would be the case if employed in operating trains, boats, planes, motor buses, trucks, etc., between this state and other states and foreign countries, and is paid on an hourly, daily, weekly or monthly basis, that employee's Louisiana income includes that portion of the total compensation for personal services which the total number of working days, as defined in Subsection C above, employed within the state bears to the total number of working days both within and without the state. If the employee is paid on a mileage basis, that employee's Louisiana income includes that portion of the total compensation for personal services which the number of miles traversed in Louisiana bears to the total number of miles traversed within and without the state. If the employee is paid on some other basis, the total compensation for personal services must be apportioned between this state and other states and foreign countries in such a manner as to allocate to Louisiana that portion of the total compensation which is reasonably attributable to personal services performed in this state. This Subsection is not intended to attribute to Louisiana any income that is exempted from state taxation by federal law.

H. Compensation of Nonresident Entertainers and Athletes Who Are Not Members of a Professional Athletic Team. Compensation earned by a nonresident entertainer is considered earned where the services are performed, regardless of where the nonresident entertainer lives, enters into the contract, or receives payment. Entertainers include, but are not limited to, actors, singers, musicians, performers, and professional athletes who are not members of a professional athletic team.

1. Entertainers must include the gross amount received for performances in this state in their Louisiana income.

2. Ordinary and necessary business expenses directly attributable to the income earned in Louisiana and a pro-rata share of indirect business expenses not directly attributable to income from any particular source are "adjustments to income." These "adjustments to income" are subtracted from Louisiana income to arrive at "total Louisiana income."

I. Nonresident Athletes Who Are Members of a Professional Athletic Team

1. The Louisiana income of a nonresident individual who is a member of a professional athletic team includes that portion of the individual's total compensation for services rendered as a member of a professional athletic team during the taxable year which, the number of duty days spent within the state rendering services for the team in any manner during the taxable year, bears to the total number of duty days spent both within and without the state during the taxable year.

2. Definitions. These terms are defined as follows. Unless otherwise indicated, these definitions apply only to this Subsection.

Duty Days—all days during the taxable year from the beginning of the professional athletic team's official preseason training period through the last game in which the team competes or is scheduled to compete.

i. Duty days shall also include days on which a member of a professional athletic team renders a service for a team on a date that does not fall within the period described in the general definition of *duty days* above, for example, participation in instructional leagues, the Pro Bowl, or other promotional caravans. Rendering a service includes conducting training and rehabilitation activities, but only if conducted at the facilities of the team.

ii. Included within duty days shall be game days, practice days, days spent at team meetings, promotional caravans, and preseason training camps, and days served with the team through all postseason games in which the team competes or is scheduled to compete.

iii. Duty days for any person who joins a team during the season shall begin on the day that person joins the team, and for a person who leaves a team shall end on the day that person leaves the team. If a person switches teams during a taxable year, a separate duty day calculation shall be made for the period that person was with each team.

iv. Days for which a member of a professional athletic team is not compensated and is not rendering services for the team in any manner, including days when the member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

v. Days for which a member of a professional athletic team is on the disabled list shall be presumed not to be duty days spent in the state. They shall, however, be included in total duty days spent within and without the state.

vi. Travel days that do not involve either a game, practice, team meeting, promotional caravan or other similar team event are not considered duty days spent in the state,

but shall be considered duty days spent within and without the state.

Member of a Professional Athletic Team—shall include those employees who are active players, players on the disabled list, and any other persons required to travel and who do travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

Professional Athletic Team—includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

Total Compensation—includes salaries, wages, bonuses, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in that year.

i. *Total compensation* shall not include strike benefits, severance pay, termination pay, contract or option-year buyout payments, expansion or relocation payments, or any other payments not related to services rendered to the team.

ii. For purposes of this rule, "bonuses" subject to the allocation procedures described in this Subsection, are:

(a). bonuses earned as a result of play during the season, including performance bonuses, bonuses paid for championship, playoff or bowl games played by a team, or for selection to all-star league or other honorary positions; and

(b). bonuses paid for signing a contract, unless all of the following conditions are met:

(i). the payment of the signing bonus is not conditional upon the signee playing any games for the team, or performing any subsequent services for the team, or even making the team;

(ii). the signing bonus is payable separately from the salary and any other compensation; and

(iii). the signing bonus is nonrefundable.

Total Compensation for Services Rendered as a Member of a Professional Athletic Team—the total compensation received during the taxable year for services rendered:

i. from the beginning of the official preseason training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

ii. during the taxable year on a date that does not fall within the period in Clause i. above, for example, participation in instructional leagues, the Pro Bowl, or promotional caravans.

J. Nothing in this regulation shall restrict the secretary's authority to otherwise provide for efficient administration of the individual income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:290, R.S. 47:293, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Service Division LR 28:99 (January 2002), amended LR 48:507 (March 2022).

§1305. Income Tax Schedule Requirement for Certain Nonresident Professional Athletes and Professional Sports Franchises

A. If the Louisiana income tax of a nonresident professional athlete or professional sports franchise is attributable to the Sports Facility Assistance Fund, created by R.S. 39:100.1, the following schedule must be attached to any income tax return filed, including individual, corporate, fiduciary, or trust income tax returns. Each nonresident professional athlete and professional sports franchise with Louisiana source income must attach a schedule to the required Louisiana income tax return—that includes the following information:

1. the name of each facility, course, stadium, or arena at which they earned income in Louisiana;

2. the location of each facility, course, stadium, or arena at which they earned income in Louisiana; and

3. the number of duty days, as defined in LAC 61:I.1304.I, spent at each facility, course, stadium, or arena at which they earned income in Louisiana.

B. For purposes of this Section only, these terms are defined as follows.

Professional Athlete—an athlete that either plays for a professional sports franchise or who is a member of a professional sports association or league.

Professional Sports Association or League—any of the following:

a. Professional Golfers Association of America;

b. National Football League;

c. National Basketball Association;

d. National Hockey League;

e. East Coast Hockey League;

f. Pacific Coast League.

Professional Sports Franchise—a member team of a professional sports association or league.

C. Effective for tax years beginning on or after January 1, 2021, nonresident professional athletes, if required to file an individual income tax return, must utilize the Louisiana Nonresident Return, Form IT-540B and attach Schedules NRPA-1 and NRPA-2.

D. Penalty for Failure to Timely Remit Returns, Schedules and Payments

1. The following penalties based on R.S. 47:1602.1 will be imposed for failure to timely remit these returns, schedules, and payments.

a. In the case of failure to timely make and file any return or schedule required by the secretary to administer the provisions of the Sports Facility Assistance Fund, the penalty shall be $500 for the first such failure, $1,000 for the second such failure within the three-year period beginning on the due date of the first delinquent return or schedule, and $2,500 for each subsequent failure within the three-year period beginning on the due date of the first delinquent return or schedule.

b. In the case of failure to timely remit any payment required by the secretary to administer the provisions of the Sports Facility Assistance Fund, the penalty shall be 5 percent of the total payment due if the delinquency is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which the delinquency continues, not to exceed 50 percent of the amount due.

E. Based on R.S. 47:1604.1, any taxpayer who fails to comply with the tax laws of this state or understates tax liability by ten percent or more, under circumstances indicating a careless or reckless disregard of rules and regulations, but with no voluntary intent to defraud, may cause a penalty to be imposed, in addition to any other penalties provided, of 20 percent of the tax or deficiency found to be due.

1. The penalty provided for pursuant to this Paragraph shall not be applicable if a taxpayer's understatement was due to reasonable cause where the taxpayer acted in good faith.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:100.1, R.S. 47:101(A)(3), R.S. 47:295, R.S. 47:1511, R.S. 47:1602.1, and R.S. 47:1604.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:98 (January 2002), amended LR 34:446 (March 2008), amended LR 48:507 (March 2022).

§1306. Offset of Individual Income Tax Refunds against Debts Owed Certain Persons

A. The claimant must submit a written offset claim with a certified copy of the judgment that makes past-due payments under a child-support award executory. The claim must be submitted before participation in the program and by December 1 each year thereafter. After the first year of participation, a copy of the claim and judgment can be submitted if the information requested in Subsection B has not changed.

B. For each offset claim, the claimant must provide the following information:

1. the name of the debtor;

2. the amount of offset claimed;

3. the Social Security number of the debtor;

4. the most current address of the debtor available to the claimant; and

5. any additional information requested that will facilitate identification of the debtor and processing of the offset claim.

C. Remittances will be made to the claimant within three months after the debtor has waived the right to contest the offset or final disposition by the claimant or by a court.

D. A fee for processing the claim will be withheld from each refund issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:299.34.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:42 (January 2003).

§1310. Income Tax Tables

A. Residents. The tax due for resident individuals shall be determined using one of the following tables depending on your filing status.

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
0	4,500	0	0	0	0	0	0	0	0
4,500	4,750	2	0	0	0	0	0	0	0
4,750	5,000	7	0	0	0	0	0	0	0
5,000	5,250	12	0	0	0	0	0	0	0
5,250	5,500	16	0	0	0	0	0	0	0
5,500	5,750	21	2	0	0	0	0	0	0
5,750	6,000	25	7	0	0	0	0	0	0
6,000	6,250	30	12	0	0	0	0	0	0
6,250	6,500	35	16	0	0	0	0	0	0
6,500	6,750	39	21	2	0	0	0	0	0
6,750	7,000	44	25	7	0	0	0	0	0
7,000	7,250	49	30	12	0	0	0	0	0
7,250	7,500	53	35	16	0	0	0	0	0
7,500	7,750	58	39	21	2	0	0	0	0
7,750	8,000	62	44	25	7	0	0	0	0
8,000	8,250	67	49	30	12	0	0	0	0
8,250	8,500	72	53	35	16	0	0	0	0
8,500	8,750	76	58	39	21	2	0	0	0

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
8,750	9,000	81	62	44	25	7	0	0	0
9,000	9,250	86	67	49	30	12	0	0	0
9,250	9,500	90	72	53	35	16	0	0	0
9,500	9,750	95	76	58	39	21	2	0	0
9,750	10,000	99	81	62	44	25	7	0	0
10,000	10,250	104	86	67	49	30	12	0	0
10,250	10,500	109	90	72	53	35	16	0	0
10,500	10,750	113	95	76	58	39	21	2	0
10,750	11,000	118	99	81	62	44	25	7	0
11,000	11,250	123	104	86	67	49	30	12	0
11,250	11,500	127	109	90	72	53	35	16	0
11,500	11,750	132	113	95	76	58	39	21	2
11,750	12,000	136	118	99	81	62	44	25	7
12,000	12,250	141	123	104	86	67	49	30	12
12,250	12,500	146	127	109	90	72	53	35	16
12,500	12,750	152	134	115	97	78	60	41	23
12,750	13,000	161	143	124	106	87	69	50	32
13,000	13,250	170	151	133	114	96	77	59	40
13,250	13,500	179	160	142	123	105	86	68	49
13,500	13,750	187	169	150	132	113	95	76	58
13,750	14,000	196	178	159	141	122	104	85	67
14,000	14,250	205	186	168	149	131	112	94	75
14,250	14,500	214	195	177	158	140	121	103	84
14,500	14,750	222	204	185	167	148	130	111	93
14,750	15,000	231	213	194	176	157	139	120	102
15,000	15,250	240	221	203	184	166	147	129	110
15,250	15,500	249	230	212	193	175	156	138	119
15,500	15,750	257	239	220	202	183	165	146	128
15,750	16,000	266	248	229	211	192	174	155	137
16,000	16,250	275	256	238	219	201	182	164	145
16,250	16,500	284	265	247	228	210	191	173	154
16,500	16,750	292	274	255	237	218	200	181	163
16,750	17,000	301	283	264	246	227	209	190	172
17,000	17,250	310	291	273	254	236	217	199	180
17,250	17,500	319	300	282	263	245	226	208	189
17,500	17,750	327	309	290	272	253	235	216	198
17,750	18,000	336	318	299	281	262	244	225	207
18,000	18,250	345	326	308	289	271	252	234	215
18,250	18,500	354	335	317	298	280	261	243	224
18,500	18,750	362	344	325	307	288	270	251	233
18,750	19,000	371	353	334	316	297	279	260	242
19,000	19,250	380	361	343	324	306	287	269	250
19,250	19,500	389	370	352	333	315	296	278	259
19,500	19,750	397	379	360	342	323	305	286	268
19,750	20,000	406	388	369	351	332	314	295	277
20,000	20,250	415	396	378	359	341	322	304	285
20,250	20,500	424	405	387	368	350	331	313	294
20,500	20,750	432	414	395	377	358	340	321	303
20,750	21,000	441	423	404	386	367	349	330	312
21,000	21,250	450	431	413	394	376	357	339	320
21,250	21,500	459	440	422	403	385	366	348	329
21,500	21,750	467	449	430	412	393	375	356	338
21,750	22,000	476	458	439	421	402	384	365	347
22,000	22,250	485	466	448	429	411	392	374	355
22,250	22,500	494	475	457	438	420	401	383	364
22,500	22,750	502	484	465	447	428	410	391	373
22,750	23,000	511	493	474	456	437	419	400	382
23,000	23,250	520	501	483	464	446	427	409	390
23,250	23,500	529	510	492	473	455	436	418	399
23,500	23,750	537	519	500	482	463	445	426	408
23,750	24,000	546	528	509	491	472	454	435	417
24,000	24,250	555	536	518	499	481	462	444	425
24,250	24,500	564	545	527	508	490	471	453	434
24,500	24,750	572	554	535	517	498	480	461	443
24,750	25,000	581	563	544	526	507	489	470	452
25,000	25,250	590	571	553	534	516	497	479	460
25,250	25,500	599	580	562	543	525	506	488	469

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
25,500	25,750	607	589	570	552	533	515	496	478
25,750	26,000	616	598	579	561	542	524	505	487
26,000	26,250	625	606	588	569	551	532	514	495
26,250	26,500	634	615	597	578	560	541	523	504
26,500	26,750	642	624	605	587	568	550	531	513
26,750	27,000	651	633	614	596	577	559	540	522
27,000	27,250	660	641	623	604	586	567	549	530
27,250	27,500	669	650	632	613	595	576	558	539
27,500	27,750	677	659	640	622	603	585	566	548
27,750	28,000	686	668	649	631	612	594	575	557
28,000	28,250	695	676	658	639	621	602	584	565
28,250	28,500	704	685	667	648	630	611	593	574
28,500	28,750	712	694	675	657	638	620	601	583
28,750	29,000	721	703	684	666	647	629	610	592
29,000	29,250	730	711	693	674	656	637	619	600
29,250	29,500	739	720	702	683	665	646	628	609
29,500	29,750	747	729	710	692	673	655	636	618
29,750	30,000	756	738	719	701	682	664	645	627
30,000	30,250	765	746	728	709	691	672	654	635
30,250	30,500	774	755	737	718	700	681	663	644
30,500	30,750	782	764	745	727	708	690	671	653
30,750	31,000	791	773	754	736	717	699	680	662
31,000	31,250	800	781	763	744	726	707	689	670
31,250	31,500	809	790	772	753	735	716	698	679
31,500	31,750	817	799	780	762	743	725	706	688
31,750	32,000	826	808	789	771	752	734	715	697
32,000	32,250	835	816	798	779	761	742	724	705
32,250	32,500	844	825	807	788	770	751	733	714
32,500	32,750	852	834	815	797	778	760	741	723
32,750	33,000	861	843	824	806	787	769	750	732
33,000	33,250	870	851	833	814	796	777	759	740
33,250	33,500	879	860	842	823	805	786	768	749
33,500	33,750	887	869	850	832	813	795	776	758
33,750	34,000	896	878	859	841	822	804	785	767
34,000	34,250	905	886	868	849	831	812	794	775
34,250	34,500	914	895	877	858	840	821	803	784
34,500	34,750	922	904	885	867	848	830	811	793
34,750	35,000	931	913	894	876	857	839	820	802
35,000	35,250	940	921	903	884	866	847	829	810
35,250	35,500	949	930	912	893	875	856	838	819
35,500	35,750	957	939	920	902	883	865	846	828
35,750	36,000	966	948	929	911	892	874	855	837
36,000	36,250	975	956	938	919	901	882	864	845
36,250	36,500	984	965	947	928	910	891	873	854
36,500	36,750	992	974	955	937	918	900	881	863
36,750	37,000	1,001	983	964	946	927	909	890	872
37,000	37,250	1,010	991	973	954	936	917	899	880
37,250	37,500	1,019	1,000	982	963	945	926	908	889
37,500	37,750	1,027	1,009	990	972	953	935	916	898
37,750	38,000	1,036	1,018	999	981	962	944	925	907
38,000	38,250	1,045	1,026	1,008	989	971	952	934	915
38,250	38,500	1,054	1,035	1,017	998	980	961	943	924
38,500	38,750	1,062	1,044	1,025	1,007	988	970	951	933
38,750	39,000	1,071	1,053	1,034	1,016	997	979	960	942
39,000	39,250	1,080	1,061	1,043	1,024	1,006	987	969	950
39,250	39,500	1,089	1,070	1,052	1,033	1,015	996	978	959
39,500	39,750	1,097	1,079	1,060	1,042	1,023	1,005	986	968
39,750	40,000	1,106	1,088	1,069	1,051	1,032	1,014	995	977
40,000	40,250	1,115	1,096	1,078	1,059	1,041	1,022	1,004	985
40,250	40,500	1,124	1,105	1,087	1,068	1,050	1,031	1,013	994
40,500	40,750	1,132	1,114	1,095	1,077	1,058	1,040	1,021	1,003
40,750	41,000	1,141	1,123	1,104	1,086	1,067	1,049	1,030	1,012
41,000	41,250	1,150	1,131	1,113	1,094	1,076	1,057	1,039	1,020
41,250	41,500	1,159	1,140	1,122	1,103	1,085	1,066	1,048	1,029
41,500	41,750	1,167	1,149	1,130	1,112	1,093	1,075	1,056	1,038
41,750	42,000	1,176	1,158	1,139	1,121	1,102	1,084	1,065	1,047
42,000	42,250	1,185	1,166	1,148	1,129	1,111	1,092	1,074	1,055

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
42,250	42,500	1,194	1,175	1,157	1,138	1,120	1,101	1,083	1,064
42,500	42,750	1,202	1,184	1,165	1,147	1,128	1,110	1,091	1,073
42,750	43,000	1,211	1,193	1,174	1,156	1,137	1,119	1,100	1,082
43,000	43,250	1,220	1,201	1,183	1,164	1,146	1,127	1,109	1,090
43,250	43,500	1,229	1,210	1,192	1,173	1,155	1,136	1,118	1,099
43,500	43,750	1,237	1,219	1,200	1,182	1,163	1,145	1,126	1,108
43,750	44,000	1,246	1,228	1,209	1,191	1,172	1,154	1,135	1,117
44,000	44,250	1,255	1,236	1,218	1,199	1,181	1,162	1,144	1,125
44,250	44,500	1,264	1,245	1,227	1,208	1,190	1,171	1,153	1,134
44,500	44,750	1,272	1,254	1,235	1,217	1,198	1,180	1,161	1,143
44,750	45,000	1,281	1,263	1,244	1,226	1,207	1,189	1,170	1,152
45,000	45,250	1,290	1,271	1,253	1,234	1,216	1,197	1,179	1,160
45,250	45,500	1,299	1,280	1,262	1,243	1,225	1,206	1,188	1,169
45,500	45,750	1,307	1,289	1,270	1,252	1,233	1,215	1,196	1,178
45,750	46,000	1,316	1,298	1,279	1,261	1,242	1,224	1,205	1,187
46,000	46,250	1,325	1,306	1,288	1,269	1,251	1,232	1,214	1,195
46,250	46,500	1,334	1,315	1,297	1,278	1,260	1,241	1,223	1,204
46,500	46,750	1,342	1,324	1,305	1,287	1,268	1,250	1,231	1,213
46,750	47,000	1,351	1,333	1,314	1,296	1,277	1,259	1,240	1,222
47,000	47,250	1,360	1,341	1,323	1,304	1,286	1,267	1,249	1,230
47,250	47,500	1,369	1,350	1,332	1,313	1,295	1,276	1,258	1,239
47,500	47,750	1,377	1,359	1,340	1,322	1,303	1,285	1,266	1,248
47,750	48,000	1,386	1,368	1,349	1,331	1,312	1,294	1,275	1,257
48,000	48,250	1,395	1,376	1,358	1,339	1,321	1,302	1,284	1,265
48,250	48,500	1,404	1,385	1,367	1,348	1,330	1,311	1,293	1,274
48,500	48,750	1,412	1,394	1,375	1,357	1,338	1,320	1,301	1,283
48,750	49,000	1,421	1,403	1,384	1,366	1,347	1,329	1,310	1,292
49,000	49,250	1,430	1,411	1,393	1,374	1,356	1,337	1,319	1,300
49,250	49,500	1,439	1,420	1,402	1,383	1,365	1,346	1,328	1,309
49,500	49,750	1,447	1,429	1,410	1,392	1,373	1,355	1,336	1,318
49,750	50,000	1,456	1,438	1,419	1,401	1,382	1,364	1,345	1,327
50,000	50,250	1,466	1,447	1,429	1,410	1,392	1,373	1,355	1,336
50,250	50,500	1,476	1,458	1,439	1,421	1,402	1,384	1,365	1,347
50,500	50,750	1,487	1,469	1,450	1,432	1,413	1,395	1,376	1,358
50,750	51,000	1,498	1,479	1,461	1,442	1,424	1,405	1,387	1,368
		Plus 4.25% of tax table income in excess of $51,000							

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
0	9,000	0	0	0	0	0	0	0
9,000	9,250	2	0	0	0	0	0	0
9,250	9,500	7	0	0	0	0	0	0
9,500	9,750	12	0	0	0	0	0	0
9,750	10,000	16	0	0	0	0	0	0
10,000	10,250	21	2	0	0	0	0	0
10,250	10,500	25	7	0	0	0	0	0
10,500	10,750	30	12	0	0	0	0	0
10,750	11,000	35	16	0	0	0	0	0
11,000	11,250	39	21	2	0	0	0	0
11,250	11,500	44	25	7	0	0	0	0
11,500	11,750	49	30	12	0	0	0	0
11,750	12,000	53	35	16	0	0	0	0
12,000	12,250	58	39	21	2	0	0	0
12,250	12,500	62	44	25	7	0	0	0
12,500	12,750	67	49	30	12	0	0	0
12,750	13,000	72	53	35	16	0	0	0
13,000	13,250	76	58	39	21	2	0	0
13,250	13,500	81	62	44	25	7	0	0
13,500	13,750	86	67	49	30	12	0	0
13,750	14,000	90	72	53	35	16	0	0
14,000	14,250	95	76	58	39	21	2	0
14,250	14,500	99	81	62	44	25	7	0
14,500	14,750	104	86	67	49	30	12	0
14,750	15,000	109	90	72	53	35	16	0

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
15,000	15,250	113	95	76	58	39	21	2
15,250	15,500	118	99	81	62	44	25	7
15,500	15,750	123	104	86	67	49	30	12
15,750	16,000	127	109	90	72	53	35	16
16,000	16,250	132	113	95	76	58	39	21
16,250	16,500	136	118	99	81	62	44	25
16,500	16,750	141	123	104	86	67	49	30
16,750	17,000	146	127	109	90	72	53	35
17,000	17,250	150	132	113	95	76	58	39
17,250	17,500	155	136	118	99	81	62	44
17,500	17,750	160	141	123	104	86	67	49
17,750	18,000	164	146	127	109	90	72	53
18,000	18,250	169	150	132	113	95	76	58
18,250	18,500	173	155	136	118	99	81	62
18,500	18,750	178	160	141	123	104	86	67
18,750	19,000	183	164	146	127	109	90	72
19,000	19,250	187	169	150	132	113	95	76
19,250	19,500	192	173	155	136	118	99	81
19,500	19,750	197	178	160	141	123	104	86
19,750	20,000	201	183	164	146	127	109	90
20,000	20,250	206	187	169	150	132	113	95
20,250	20,500	210	192	173	155	136	118	99
20,500	20,750	215	197	178	160	141	123	104
20,750	21,000	220	201	183	164	146	127	109
21,000	21,250	224	206	187	169	150	132	113
21,250	21,500	229	210	192	173	155	136	118
21,500	21,750	234	215	197	178	160	141	123
21,750	22,000	238	220	201	183	164	146	127
22,000	22,250	243	224	206	187	169	150	132
22,250	22,500	247	229	210	192	173	155	136
22,500	22,750	252	234	215	197	178	160	141
22,750	23,000	257	238	220	201	183	164	146
23,000	23,250	261	243	224	206	187	169	150
23,250	23,500	266	247	229	210	192	173	155
23,500	23,750	271	252	234	215	197	178	160
23,750	24,000	275	257	238	220	201	183	164
24,000	24,250	280	261	243	224	206	187	169
24,250	24,500	284	266	247	229	210	192	173
24,500	24,750	289	271	252	234	215	197	178
24,750	25,000	294	275	257	238	220	201	183
25,000	25,250	300	282	263	245	226	208	189
25,250	25,500	309	291	272	254	235	217	198
25,500	25,750	318	299	281	262	244	225	207
25,750	26,000	327	308	290	271	253	234	216
26,000	26,250	335	317	298	280	261	243	224
26,250	26,500	344	326	307	289	270	252	233
26,500	26,750	353	334	316	297	279	260	242
26,750	27,000	362	343	325	306	288	269	251
27,000	27,250	370	352	333	315	296	278	259
27,250	27,500	379	361	342	324	305	287	268
27,500	27,750	388	369	351	332	314	295	277
27,750	28,000	397	378	360	341	323	304	286
28,000	28,250	405	387	368	350	331	313	294
28,250	28,500	414	396	377	359	340	322	303
28,500	28,750	423	404	386	367	349	330	312
28,750	29,000	432	413	395	376	358	339	321
29,000	29,250	440	422	403	385	366	348	329
29,250	29,500	449	431	412	394	375	357	338
29,500	29,750	458	439	421	402	384	365	347
29,750	30,000	467	448	430	411	393	374	356
30,000	30,250	475	457	438	420	401	383	364
30,250	30,500	484	466	447	429	410	392	373
30,500	30,750	493	474	456	437	419	400	382
30,750	31,000	502	483	465	446	428	409	391
31,000	31,250	510	492	473	455	436	418	399
31,250	31,500	519	501	482	464	445	427	408
31,500	31,750	528	509	491	472	454	435	417

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
31,750	32,000	537	518	500	481	463	444	426
32,000	32,250	545	527	508	490	471	453	434
32,250	32,500	554	536	517	499	480	462	443
32,500	32,750	563	544	526	507	489	470	452
32,750	33,000	572	553	535	516	498	479	461
33,000	33,250	580	562	543	525	506	488	469
33,250	33,500	589	571	552	534	515	497	478
33,500	33,750	598	579	561	542	524	505	487
33,750	34,000	607	588	570	551	533	514	496
34,000	34,250	615	597	578	560	541	523	504
34,250	34,500	624	606	587	569	550	532	513
34,500	34,750	633	614	596	577	559	540	522
34,750	35,000	642	623	605	586	568	549	531
35,000	35,250	650	632	613	595	576	558	539
35,250	35,500	659	641	622	604	585	567	548
35,500	35,750	668	649	631	612	594	575	557
35,750	36,000	677	658	640	621	603	584	566
36,000	36,250	685	667	648	630	611	593	574
36,250	36,500	694	676	657	639	620	602	583
36,500	36,750	703	684	666	647	629	610	592
36,750	37,000	712	693	675	656	638	619	601
37,000	37,250	720	702	683	665	646	628	609
37,250	37,500	729	711	692	674	655	637	618
37,500	37,750	738	719	701	682	664	645	627
37,750	38,000	747	728	710	691	673	654	636
38,000	38,250	755	737	718	700	681	663	644
38,250	38,500	764	746	727	709	690	672	653
38,500	38,750	773	754	736	717	699	680	662
38,750	39,000	782	763	745	726	708	689	671
39,000	39,250	790	772	753	735	716	698	679
39,250	39,500	799	781	762	744	725	707	688
39,500	39,750	808	789	771	752	734	715	697
39,750	40,000	817	798	780	761	743	724	706
40,000	40,250	825	807	788	770	751	733	714
40,250	40,500	834	816	797	779	760	742	723
40,500	40,750	843	824	806	787	769	750	732
40,750	41,000	852	833	815	796	778	759	741
41,000	41,250	860	842	823	805	786	768	749
41,250	41,500	869	851	832	814	795	777	758
41,500	41,750	878	859	841	822	804	785	767
41,750	42,000	887	868	850	831	813	794	776
42,000	42,250	895	877	858	840	821	803	784
42,250	42,500	904	886	867	849	830	812	793
42,500	42,750	913	894	876	857	839	820	802
42,750	43,000	922	903	885	866	848	829	811
43,000	43,250	930	912	893	875	856	838	819
43,250	43,500	939	921	902	884	865	847	828
43,500	43,750	948	929	911	892	874	855	837
43,750	44,000	957	938	920	901	883	864	846
44,000	44,250	965	947	928	910	891	873	854
44,250	44,500	974	956	937	919	900	882	863
44,500	44,750	983	964	946	927	909	890	872
44,750	45,000	992	973	955	936	918	899	881
45,000	45,250	1,000	982	963	945	926	908	889
45,250	45,500	1,009	991	972	954	935	917	898
45,500	45,750	1,018	999	981	962	944	925	907
45,750	46,000	1,027	1,008	990	971	953	934	916
46,000	46,250	1,035	1,017	998	980	961	943	924
46,250	46,500	1,044	1,026	1,007	989	970	952	933
46,500	46,750	1,053	1,034	1,016	997	979	960	942
46,750	47,000	1,062	1,043	1,025	1,006	988	969	951
47,000	47,250	1,070	1,052	1,033	1,015	996	978	959
47,250	47,500	1,079	1,061	1,042	1,024	1,005	987	968
47,500	47,750	1,088	1,069	1,051	1,032	1,014	995	977
47,750	48,000	1,097	1,078	1,060	1,041	1,023	1,004	986
48,000	48,250	1,105	1,087	1,068	1,050	1,031	1,013	994
48,250	48,500	1,114	1,096	1,077	1,059	1,040	1,022	1,003

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
48,500	48,750	1,123	1,104	1,086	1,067	1,049	1,030	1,012
48,750	49,000	1,132	1,113	1,095	1,076	1,058	1,039	1,021
49,000	49,250	1,140	1,122	1,103	1,085	1,066	1,048	1,029
49,250	49,500	1,149	1,131	1,112	1,094	1,075	1,057	1,038
49,500	49,750	1,158	1,139	1,121	1,102	1,084	1,065	1,047
49,750	50,000	1,167	1,148	1,130	1,111	1,093	1,074	1,056
50,000	50,250	1,175	1,157	1,138	1,120	1,101	1,083	1,064
50,250	50,500	1,184	1,166	1,147	1,129	1,110	1,092	1,073
50,500	50,750	1,193	1,174	1,156	1,137	1,119	1,100	1,082
50,750	51,000	1,202	1,183	1,165	1,146	1,128	1,109	1,091
51,000	51,250	1,210	1,192	1,173	1,155	1,136	1,118	1,099
51,250	51,500	1,219	1,201	1,182	1,164	1,145	1,127	1,108
51,500	51,750	1,228	1,209	1,191	1,172	1,154	1,135	1,117
51,750	52,000	1,237	1,218	1,200	1,181	1,163	1,144	1,126
52,000	52,250	1,245	1,227	1,208	1,190	1,171	1,153	1,134
52,250	52,500	1,254	1,236	1,217	1,199	1,180	1,162	1,143
52,500	52,750	1,263	1,244	1,226	1,207	1,189	1,170	1,152
52,750	53,000	1,272	1,253	1,235	1,216	1,198	1,179	1,161
53,000	53,250	1,280	1,262	1,243	1,225	1,206	1,188	1,169
53,250	53,500	1,289	1,271	1,252	1,234	1,215	1,197	1,178
53,500	53,750	1,298	1,279	1,261	1,242	1,224	1,205	1,187
53,750	54,000	1,307	1,288	1,270	1,251	1,233	1,214	1,196
54,000	54,250	1,315	1,297	1,278	1,260	1,241	1,223	1,204
54,250	54,500	1,324	1,306	1,287	1,269	1,250	1,232	1,213
54,500	54,750	1,333	1,314	1,296	1,277	1,259	1,240	1,222
54,750	55,000	1,342	1,323	1,305	1,286	1,268	1,249	1,231
55,000	55,250	1,350	1,332	1,313	1,295	1,276	1,258	1,239
55,250	55,500	1,359	1,341	1,322	1,304	1,285	1,267	1,248
55,500	55,750	1,368	1,349	1,331	1,312	1,294	1,275	1,257
55,750	56,000	1,377	1,358	1,340	1,321	1,303	1,284	1,266
56,000	56,250	1,385	1,367	1,348	1,330	1,311	1,293	1,274
56,250	56,500	1,394	1,376	1,357	1,339	1,320	1,302	1,283
56,500	56,750	1,403	1,384	1,366	1,347	1,329	1,310	1,292
56,750	57,000	1,412	1,393	1,375	1,356	1,338	1,319	1,301
57,000	57,250	1,420	1,402	1,383	1,365	1,346	1,328	1,309
57,250	57,500	1,429	1,411	1,392	1,374	1,355	1,337	1,318
57,500	57,750	1,438	1,419	1,401	1,382	1,364	1,345	1,327
57,750	58,000	1,447	1,428	1,410	1,391	1,373	1,354	1,336
58,000	58,250	1,455	1,437	1,418	1,400	1,381	1,363	1,344
58,250	58,500	1,464	1,446	1,427	1,409	1,390	1,372	1,353
58,500	58,750	1,473	1,454	1,436	1,417	1,399	1,380	1,362
58,750	59,000	1,482	1,463	1,445	1,426	1,408	1,389	1,371
59,000	59,250	1,490	1,472	1,453	1,435	1,416	1,398	1,379
59,250	59,500	1,499	1,481	1,462	1,444	1,425	1,407	1,388
59,500	59,750	1,508	1,489	1,471	1,452	1,434	1,415	1,397
59,750	60,000	1,517	1,498	1,480	1,461	1,443	1,424	1,406
60,000	60,250	1,525	1,507	1,488	1,470	1,451	1,433	1,414
60,250	60,500	1,534	1,516	1,497	1,479	1,460	1,442	1,423
60,500	60,750	1,543	1,524	1,506	1,487	1,469	1,450	1,432
60,750	61,000	1,552	1,533	1,515	1,496	1,478	1,459	1,441
61,000	61,250	1,560	1,542	1,523	1,505	1,486	1,468	1,449
61,250	61,500	1,569	1,551	1,532	1,514	1,495	1,477	1,458
61,500	61,750	1,578	1,559	1,541	1,522	1,504	1,485	1,467
61,750	62,000	1,587	1,568	1,550	1,531	1,513	1,494	1,476
62,000	62,250	1,595	1,577	1,558	1,540	1,521	1,503	1,484
62,250	62,500	1,604	1,586	1,567	1,549	1,530	1,512	1,493
62,500	62,750	1,613	1,594	1,576	1,557	1,539	1,520	1,502
62,750	63,000	1,622	1,603	1,585	1,566	1,548	1,529	1,511
63,000	63,250	1,630	1,612	1,593	1,575	1,556	1,538	1,519
63,250	63,500	1,639	1,621	1,602	1,584	1,565	1,547	1,528
63,500	63,750	1,648	1,629	1,611	1,592	1,574	1,555	1,537
63,750	64,000	1,657	1,638	1,620	1,601	1,583	1,564	1,546
64,000	64,250	1,665	1,647	1,628	1,610	1,591	1,573	1,554
64,250	64,500	1,674	1,656	1,637	1,619	1,600	1,582	1,563
64,500	64,750	1,683	1,664	1,646	1,627	1,609	1,590	1,572
64,750	65,000	1,692	1,673	1,655	1,636	1,618	1,599	1,581
65,000	65,250	1,700	1,682	1,663	1,645	1,626	1,608	1,589

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
65,250	65,500	1,709	1,691	1,672	1,654	1,635	1,617	1,598
65,500	65,750	1,718	1,699	1,681	1,662	1,644	1,625	1,607
65,750	66,000	1,727	1,708	1,690	1,671	1,653	1,634	1,616
66,000	66,250	1,735	1,717	1,698	1,680	1,661	1,643	1,624
66,250	66,500	1,744	1,726	1,707	1,689	1,670	1,652	1,633
66,500	66,750	1,753	1,734	1,716	1,697	1,679	1,660	1,642
66,750	67,000	1,762	1,743	1,725	1,706	1,688	1,669	1,651
67,000	67,250	1,770	1,752	1,733	1,715	1,696	1,678	1,659
67,250	67,500	1,779	1,761	1,742	1,724	1,705	1,687	1,668
67,500	67,750	1,788	1,769	1,751	1,732	1,714	1,695	1,677
67,750	68,000	1,797	1,778	1,760	1,741	1,723	1,704	1,686
68,000	68,250	1,805	1,787	1,768	1,750	1,731	1,713	1,694
68,250	68,500	1,814	1,796	1,777	1,759	1,740	1,722	1,703
68,500	68,750	1,823	1,804	1,786	1,767	1,749	1,730	1,712
68,750	69,000	1,832	1,813	1,795	1,776	1,758	1,739	1,721
69,000	69,250	1,840	1,822	1,803	1,785	1,766	1,748	1,729
69,250	69,500	1,849	1,831	1,812	1,794	1,775	1,757	1,738
69,500	69,750	1,858	1,839	1,821	1,802	1,784	1,765	1,747
69,750	70,000	1,867	1,848	1,830	1,811	1,793	1,774	1,756
70,000	70,250	1,875	1,857	1,838	1,820	1,801	1,783	1,764
70,250	70,500	1,884	1,866	1,847	1,829	1,810	1,792	1,773
70,500	70,750	1,893	1,874	1,856	1,837	1,819	1,800	1,782
70,750	71,000	1,902	1,883	1,865	1,846	1,828	1,809	1,791
71,000	71,250	1,910	1,892	1,873	1,855	1,836	1,818	1,799
71,250	71,500	1,919	1,901	1,882	1,864	1,845	1,827	1,808
71,500	71,750	1,928	1,909	1,891	1,872	1,854	1,835	1,817
71,750	72,000	1,937	1,918	1,900	1,881	1,863	1,844	1,826
72,000	72,250	1,945	1,927	1,908	1,890	1,871	1,853	1,834
72,250	72,500	1,954	1,936	1,917	1,899	1,880	1,862	1,843
72,500	72,750	1,963	1,944	1,926	1,907	1,889	1,870	1,852
72,750	73,000	1,972	1,953	1,935	1,916	1,898	1,879	1,861
73,000	73,250	1,980	1,962	1,943	1,925	1,906	1,888	1,869
73,250	73,500	1,989	1,971	1,952	1,934	1,915	1,897	1,878
73,500	73,750	1,998	1,979	1,961	1,942	1,924	1,905	1,887
73,750	74,000	2,007	1,988	1,970	1,951	1,933	1,914	1,896
74,000	74,250	2,015	1,997	1,978	1,960	1,941	1,923	1,904
74,250	74,500	2,024	2,006	1,987	1,969	1,950	1,932	1,913
74,500	74,750	2,033	2,014	1,996	1,977	1,959	1,940	1,922
74,750	75,000	2,042	2,023	2,005	1,986	1,968	1,949	1,931
75,000	75,250	2,050	2,032	2,013	1,995	1,976	1,958	1,939
75,250	75,500	2,059	2,041	2,022	2,004	1,985	1,967	1,948
75,500	75,750	2,068	2,049	2,031	2,012	1,994	1,975	1,957
75,750	76,000	2,077	2,058	2,040	2,021	2,003	1,984	1,966
76,000	76,250	2,085	2,067	2,048	2,030	2,011	1,993	1,974
76,250	76,500	2,094	2,076	2,057	2,039	2,020	2,002	1,983
76,500	76,750	2,103	2,084	2,066	2,047	2,029	2,010	1,992
76,750	77,000	2,112	2,093	2,075	2,056	2,038	2,019	2,001
77,000	77,250	2,120	2,102	2,083	2,065	2,046	2,028	2,009
77,250	77,500	2,129	2,111	2,092	2,074	2,055	2,037	2,018
77,500	77,750	2,138	2,119	2,101	2,082	2,064	2,045	2,027
77,750	78,000	2,147	2,128	2,110	2,091	2,073	2,054	2,036
78,000	78,250	2,155	2,137	2,118	2,100	2,081	2,063	2,044
78,250	78,500	2,164	2,146	2,127	2,109	2,090	2,072	2,053
78,500	78,750	2,173	2,154	2,136	2,117	2,099	2,080	2,062
78,750	79,000	2,182	2,163	2,145	2,126	2,108	2,089	2,071
79,000	79,250	2,190	2,172	2,153	2,135	2,116	2,098	2,079
79,250	79,500	2,199	2,181	2,162	2,144	2,125	2,107	2,088
79,500	79,750	2,208	2,189	2,171	2,152	2,134	2,115	2,097
79,750	80,000	2,217	2,198	2,180	2,161	2,143	2,124	2,106
80,000	80,250	2,225	2,207	2,188	2,170	2,151	2,133	2,114
80,250	80,500	2,234	2,216	2,197	2,179	2,160	2,142	2,123
80,500	80,750	2,243	2,224	2,206	2,187	2,169	2,150	2,132
80,750	81,000	2,252	2,233	2,215	2,196	2,178	2,159	2,141
81,000	81,250	2,260	2,242	2,223	2,205	2,186	2,168	2,149
81,250	81,500	2,269	2,251	2,232	2,214	2,195	2,177	2,158
81,500	81,750	2,278	2,259	2,241	2,222	2,204	2,185	2,167
81,750	82,000	2,287	2,268	2,250	2,231	2,213	2,194	2,176

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
82,000	82,250	2,295	2,277	2,258	2,240	2,221	2,203	2,184
82,250	82,500	2,304	2,286	2,267	2,249	2,230	2,212	2,193
82,500	82,750	2,313	2,294	2,276	2,257	2,239	2,220	2,202
82,750	83,000	2,322	2,303	2,285	2,266	2,248	2,229	2,211
83,000	83,250	2,330	2,312	2,293	2,275	2,256	2,238	2,219
83,250	83,500	2,339	2,321	2,302	2,284	2,265	2,247	2,228
83,500	83,750	2,348	2,329	2,311	2,292	2,274	2,255	2,237
83,750	84,000	2,357	2,338	2,320	2,301	2,283	2,264	2,246
84,000	84,250	2,365	2,347	2,328	2,310	2,291	2,273	2,254
84,250	84,500	2,374	2,356	2,337	2,319	2,300	2,282	2,263
84,500	84,750	2,383	2,364	2,346	2,327	2,309	2,290	2,272
84,750	85,000	2,392	2,373	2,355	2,336	2,318	2,299	2,281
85,000	85,250	2,400	2,382	2,363	2,345	2,326	2,308	2,289
85,250	85,500	2,409	2,391	2,372	2,354	2,335	2,317	2,298
85,500	85,750	2,418	2,399	2,381	2,362	2,344	2,325	2,307
85,750	86,000	2,427	2,408	2,390	2,371	2,353	2,334	2,316
86,000	86,250	2,435	2,417	2,398	2,380	2,361	2,343	2,324
86,250	86,500	2,444	2,426	2,407	2,389	2,370	2,352	2,333
86,500	86,750	2,453	2,434	2,416	2,397	2,379	2,360	2,342
86,750	87,000	2,462	2,443	2,425	2,406	2,388	2,369	2,351
87,000	87,250	2,470	2,452	2,433	2,415	2,396	2,378	2,359
87,250	87,500	2,479	2,461	2,442	2,424	2,405	2,387	2,368
87,500	87,750	2,488	2,469	2,451	2,432	2,414	2,395	2,377
87,750	88,000	2,497	2,478	2,460	2,441	2,423	2,404	2,386
88,000	88,250	2,505	2,487	2,468	2,450	2,431	2,413	2,394
88,250	88,500	2,514	2,496	2,477	2,459	2,440	2,422	2,403
88,500	88,750	2,523	2,504	2,486	2,467	2,449	2,430	2,412
88,750	89,000	2,532	2,513	2,495	2,476	2,458	2,439	2,421
89,000	89,250	2,540	2,522	2,503	2,485	2,466	2,448	2,429
89,250	89,500	2,549	2,531	2,512	2,494	2,475	2,457	2,438
89,500	89,750	2,558	2,539	2,521	2,502	2,484	2,465	2,447
89,750	90,000	2,567	2,548	2,530	2,511	2,493	2,474	2,456
90,000	90,250	2,575	2,557	2,538	2,520	2,501	2,483	2,464
90,250	90,500	2,584	2,566	2,547	2,529	2,510	2,492	2,473
90,500	90,750	2,593	2,574	2,556	2,537	2,519	2,500	2,482
90,750	91,000	2,602	2,583	2,565	2,546	2,528	2,509	2,491
91,000	91,250	2,610	2,592	2,573	2,555	2,536	2,518	2,499
91,250	91,500	2,619	2,601	2,582	2,564	2,545	2,527	2,508
91,500	91,750	2,628	2,609	2,591	2,572	2,554	2,535	2,517
91,750	92,000	2,637	2,618	2,600	2,581	2,563	2,544	2,526
92,000	92,250	2,645	2,627	2,608	2,590	2,571	2,553	2,534
92,250	92,500	2,654	2,636	2,617	2,599	2,580	2,562	2,543
92,500	92,750	2,663	2,644	2,626	2,607	2,589	2,570	2,552
92,750	93,000	2,672	2,653	2,635	2,616	2,598	2,579	2,561
93,000	93,250	2,680	2,662	2,643	2,625	2,606	2,588	2,569
93,250	93,500	2,689	2,671	2,652	2,634	2,615	2,597	2,578
93,500	93,750	2,698	2,679	2,661	2,642	2,624	2,605	2,587
93,750	94,000	2,707	2,688	2,670	2,651	2,633	2,614	2,596
94,000	94,250	2,715	2,697	2,678	2,660	2,641	2,623	2,604
94,250	94,500	2,724	2,706	2,687	2,669	2,650	2,632	2,613
94,500	94,750	2,733	2,714	2,696	2,677	2,659	2,640	2,622
94,750	95,000	2,742	2,723	2,705	2,686	2,668	2,649	2,631
95,000	95,250	2,750	2,732	2,713	2,695	2,676	2,658	2,639
95,250	95,500	2,759	2,741	2,722	2,704	2,685	2,667	2,648
95,500	95,750	2,768	2,749	2,731	2,712	2,694	2,675	2,657
95,750	96,000	2,777	2,758	2,740	2,721	2,703	2,684	2,666
96,000	96,250	2,785	2,767	2,748	2,730	2,711	2,693	2,674
96,250	96,500	2,794	2,776	2,757	2,739	2,720	2,702	2,683
96,500	96,750	2,803	2,784	2,766	2,747	2,729	2,710	2,692
96,750	97,000	2,812	2,793	2,775	2,756	2,738	2,719	2,701
97,000	97,250	2,820	2,802	2,783	2,765	2,746	2,728	2,709
97,250	97,500	2,829	2,811	2,792	2,774	2,755	2,737	2,718
97,500	97,750	2,838	2,819	2,801	2,782	2,764	2,745	2,727
97,750	98,000	2,847	2,828	2,810	2,791	2,773	2,754	2,736
98,000	98,250	2,855	2,837	2,818	2,800	2,781	2,763	2,744
98,250	98,500	2,864	2,846	2,827	2,809	2,790	2,772	2,753
98,500	98,750	2,873	2,854	2,836	2,817	2,799	2,780	2,762

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
98,750	99,000	2,882	2,863	2,845	2,826	2,808	2,789	2,771
99,000	99,250	2,890	2,872	2,853	2,835	2,816	2,798	2,779
99,250	99,500	2,899	2,881	2,862	2,844	2,825	2,807	2,788
99,500	99,750	2,908	2,889	2,871	2,852	2,834	2,815	2,797
99,750	100,000	2,917	2,898	2,880	2,861	2,843	2,824	2,806
100,000	100,250	2,926	2,908	2,889	2,871	2,852	2,834	2,815
100,250	100,500	2,937	2,918	2,900	2,881	2,863	2,844	2,826
100,500	100,750	2,948	2,929	2,911	2,892	2,874	2,855	2,837
100,750	101,000	2,958	2,940	2,921	2,903	2,884	2,866	2,847
		Plus 4.25% of tax table income in excess of $101,000						

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
0	9,000	0	0	0	0	0	0	0	0
9,000	9,250	2	0	0	0	0	0	0	0
9,250	9,500	7	0	0	0	0	0	0	0
9,500	9,750	12	0	0	0	0	0	0	0
9,750	10,000	16	0	0	0	0	0	0	0
10,000	10,250	21	2	0	0	0	0	0	0
10,250	10,500	25	7	0	0	0	0	0	0
10,500	10,750	30	12	0	0	0	0	0	0
10,750	11,000	35	16	0	0	0	0	0	0
11,000	11,250	39	21	2	0	0	0	0	0
11,250	11,500	44	25	7	0	0	0	0	0
11,500	11,750	49	30	12	0	0	0	0	0
11,750	12,000	53	35	16	0	0	0	0	0
12,000	12,250	58	39	21	2	0	0	0	0
12,250	12,500	62	44	25	7	0	0	0	0
12,500	12,750	69	51	32	14	0	0	0	0
12,750	13,000	78	59	41	22	0	0	0	0
13,000	13,250	87	68	50	31	4	0	0	0
13,250	13,500	95	77	58	40	13	0	0	0
13,500	13,750	104	86	67	49	22	0	0	0
13,750	14,000	113	94	76	57	31	0	0	0
14,000	14,250	122	103	85	66	39	4	0	0
14,250	14,500	130	112	93	75	48	13	0	0
14,500	14,750	139	121	102	84	57	22	0	0
14,750	15,000	148	129	111	92	66	31	0	0
15,000	15,250	157	138	120	101	74	39	4	0
15,250	15,500	165	147	128	110	83	48	13	0
15,500	15,750	174	156	137	119	92	57	22	0
15,750	16,000	183	164	146	127	101	66	31	0
16,000	16,250	192	173	155	136	109	74	39	4
16,250	16,500	200	182	163	145	118	83	48	13
16,500	16,750	209	191	172	154	127	92	57	22
16,750	17,000	218	199	181	162	136	101	66	31
17,000	17,250	227	208	190	171	144	109	74	39
17,250	17,500	235	217	198	180	153	118	83	48
17,500	17,750	244	226	207	189	162	127	92	57
17,750	18,000	253	234	216	197	171	136	101	66
18,000	18,250	262	243	225	206	179	144	109	74
18,250	18,500	270	252	233	215	188	153	118	83
18,500	18,750	279	261	242	224	197	162	127	92
18,750	19,000	288	269	251	232	206	171	136	101
19,000	19,250	297	278	260	241	214	179	144	109
19,250	19,500	305	287	268	250	223	188	153	118
19,500	19,750	314	296	277	259	232	197	162	127
19,750	20,000	323	304	286	267	241	206	171	136
20,000	20,250	332	313	295	276	249	214	179	144
20,250	20,500	340	322	303	285	258	223	188	153
20,500	20,750	349	331	312	294	267	232	197	162
20,750	21,000	358	339	321	302	276	241	206	171
21,000	21,250	367	348	330	311	284	249	214	179
21,250	21,500	375	357	338	320	293	258	223	188

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
21,500	21,750	384	366	347	329	302	267	232	197
21,750	22,000	393	374	356	337	311	276	241	206
22,000	22,250	402	383	365	346	319	284	249	214
22,250	22,500	410	392	373	355	328	293	258	223
22,500	22,750	419	401	382	364	337	302	267	232
22,750	23,000	428	409	391	372	346	311	276	241
23,000	23,250	437	418	400	381	354	319	284	249
23,250	23,500	445	427	408	390	363	328	293	258
23,500	23,750	454	436	417	399	372	337	302	267
23,750	24,000	463	444	426	407	381	346	311	276
24,000	24,250	472	453	435	416	389	354	319	284
24,250	24,500	480	462	443	425	398	363	328	293
24,500	24,750	489	471	452	434	407	372	337	302
24,750	25,000	498	479	461	442	416	381	346	311
25,000	25,250	507	488	470	451	424	389	354	319
25,250	25,500	515	497	478	460	433	398	363	328
25,500	25,750	524	506	487	469	442	407	372	337
25,750	26,000	533	514	496	477	451	416	381	346
26,000	26,250	542	523	505	486	459	424	389	354
26,250	26,500	550	532	513	495	468	433	398	363
26,500	26,750	559	541	522	504	477	442	407	372
26,750	27,000	568	549	531	512	486	451	416	381
27,000	27,250	577	558	540	521	494	459	424	389
27,250	27,500	585	567	548	530	503	468	433	398
27,500	27,750	594	576	557	539	512	477	442	407
27,750	28,000	603	584	566	547	521	486	451	416
28,000	28,250	612	593	575	556	529	494	459	424
28,250	28,500	620	602	583	565	538	503	468	433
28,500	28,750	629	611	592	574	547	512	477	442
28,750	29,000	638	619	601	582	556	521	486	451
29,000	29,250	647	628	610	591	564	529	494	459
29,250	29,500	655	637	618	600	573	538	503	468
29,500	29,750	664	646	627	609	582	547	512	477
29,750	30,000	673	654	636	617	591	556	521	486
30,000	30,250	682	663	645	626	599	564	529	494
30,250	30,500	690	672	653	635	608	573	538	503
30,500	30,750	699	681	662	644	617	582	547	512
30,750	31,000	708	689	671	652	626	591	556	521
31,000	31,250	717	698	680	661	634	599	564	529
31,250	31,500	725	707	688	670	643	608	573	538
31,500	31,750	734	716	697	679	652	617	582	547
31,750	32,000	743	724	706	687	661	626	591	556
32,000	32,250	752	733	715	696	669	634	599	564
32,250	32,500	760	742	723	705	678	643	608	573
32,500	32,750	769	751	732	714	687	652	617	582
32,750	33,000	778	759	741	722	696	661	626	591
33,000	33,250	787	768	750	731	704	669	634	599
33,250	33,500	795	777	758	740	713	678	643	608
33,500	33,750	804	786	767	749	722	687	652	617
33,750	34,000	813	794	776	757	731	696	661	626
34,000	34,250	822	803	785	766	739	704	669	634
34,250	34,500	830	812	793	775	748	713	678	643
34,500	34,750	839	821	802	784	757	722	687	652
34,750	35,000	848	829	811	792	766	731	696	661
35,000	35,250	857	838	820	801	774	739	704	669
35,250	35,500	865	847	828	810	783	748	713	678
35,500	35,750	874	856	837	819	792	757	722	687
35,750	36,000	883	864	846	827	801	766	731	696
36,000	36,250	892	873	855	836	809	774	739	704
36,250	36,500	900	882	863	845	818	783	748	713
36,500	36,750	909	891	872	854	827	792	757	722
36,750	37,000	918	899	881	862	836	801	766	731
37,000	37,250	927	908	890	871	844	809	774	739
37,250	37,500	935	917	898	880	853	818	783	748
37,500	37,750	944	926	907	889	862	827	792	757
37,750	38,000	953	934	916	897	871	836	801	766
38,000	38,250	962	943	925	906	879	844	809	774

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
38,250	38,500	970	952	933	915	888	853	818	783
38,500	38,750	979	961	942	924	897	862	827	792
38,750	39,000	988	969	951	932	906	871	836	801
39,000	39,250	997	978	960	941	914	879	844	809
39,250	39,500	1,005	987	968	950	923	888	853	818
39,500	39,750	1,014	996	977	959	932	897	862	827
39,750	40,000	1,023	1,004	986	967	941	906	871	836
40,000	40,250	1,032	1,013	995	976	949	914	879	844
40,250	40,500	1,040	1,022	1,003	985	958	923	888	853
40,500	40,750	1,049	1,031	1,012	994	967	932	897	862
40,750	41,000	1,058	1,039	1,021	1,002	976	941	906	871
41,000	41,250	1,067	1,048	1,030	1,011	984	949	914	879
41,250	41,500	1,075	1,057	1,038	1,020	993	958	923	888
41,500	41,750	1,084	1,066	1,047	1,029	1,002	967	932	897
41,750	42,000	1,093	1,074	1,056	1,037	1,011	976	941	906
42,000	42,250	1,102	1,083	1,065	1,046	1,019	984	949	914
42,250	42,500	1,110	1,092	1,073	1,055	1,028	993	958	923
42,500	42,750	1,119	1,101	1,082	1,064	1,037	1,002	967	932
42,750	43,000	1,128	1,109	1,091	1,072	1,046	1,011	976	941
43,000	43,250	1,137	1,118	1,100	1,081	1,054	1,019	984	949
43,250	43,500	1,145	1,127	1,108	1,090	1,063	1,028	993	958
43,500	43,750	1,154	1,136	1,117	1,099	1,072	1,037	1,002	967
43,750	44,000	1,163	1,144	1,126	1,107	1,081	1,046	1,011	976
44,000	44,250	1,172	1,153	1,135	1,116	1,089	1,054	1,019	984
44,250	44,500	1,180	1,162	1,143	1,125	1,098	1,063	1,028	993
44,500	44,750	1,189	1,171	1,152	1,134	1,107	1,072	1,037	1,002
44,750	45,000	1,198	1,179	1,161	1,142	1,116	1,081	1,046	1,011
45,000	45,250	1,207	1,188	1,170	1,151	1,124	1,089	1,054	1,019
45,250	45,500	1,215	1,197	1,178	1,160	1,133	1,098	1,063	1,028
45,500	45,750	1,224	1,206	1,187	1,169	1,142	1,107	1,072	1,037
45,750	46,000	1,233	1,214	1,196	1,177	1,151	1,116	1,081	1,046
46,000	46,250	1,242	1,223	1,205	1,186	1,159	1,124	1,089	1,054
46,250	46,500	1,250	1,232	1,213	1,195	1,168	1,133	1,098	1,063
46,500	46,750	1,259	1,241	1,222	1,204	1,177	1,142	1,107	1,072
46,750	47,000	1,268	1,249	1,231	1,212	1,186	1,151	1,116	1,081
47,000	47,250	1,277	1,258	1,240	1,221	1,194	1,159	1,124	1,089
47,250	47,500	1,285	1,267	1,248	1,230	1,203	1,168	1,133	1,098
47,500	47,750	1,294	1,276	1,257	1,239	1,212	1,177	1,142	1,107
47,750	48,000	1,303	1,284	1,266	1,247	1,221	1,186	1,151	1,116
48,000	48,250	1,312	1,293	1,275	1,256	1,229	1,194	1,159	1,124
48,250	48,500	1,320	1,302	1,283	1,265	1,238	1,203	1,168	1,133
48,500	48,750	1,329	1,311	1,292	1,274	1,247	1,212	1,177	1,142
48,750	49,000	1,338	1,319	1,301	1,282	1,256	1,221	1,186	1,151
49,000	49,250	1,347	1,328	1,310	1,291	1,264	1,229	1,194	1,159
49,250	49,500	1,355	1,337	1,318	1,300	1,273	1,238	1,203	1,168
49,500	49,750	1,364	1,346	1,327	1,309	1,282	1,247	1,212	1,177
49,750	50,000	1,373	1,354	1,336	1,317	1,291	1,256	1,221	1,186
50,000	50,250	1,383	1,364	1,346	1,327	1,300	1,265	1,230	1,195
50,250	50,500	1,393	1,375	1,356	1,338	1,311	1,276	1,241	1,206
50,500	50,750	1,404	1,385	1,367	1,348	1,322	1,287	1,252	1,217
50,750	51,000	1,414	1,396	1,377	1,359	1,332	1,297	1,262	1,227
		Plus 4.25% of tax table income in excess of $51,000							

B. Nonresidents and Part-Year Residents. Compute tax table income as defined in R.S. 47:293(10). Reduce the tax table income by the total amount of personal exemptions and deductions allowed for in R.S. 47:294, and increase the tax table income by the proportionate share of those personal exemptions and deductions as provided by R.S. 47:293(10). The resulting amount is considered taxable income. The tax due for nonresidents and part-year residents shall be determined using one of the following tables depending on your filing status:

1. Married Individuals Filing Joint Returns and Qualified Surviving Spouses

If taxable income is:	*The tax is:*
Not over $25,000	1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $25,000	
but not over $100,000	$463 plus 3.5% of the excess over $25,000. This amount is to be reduced by 1.85% of the first $25,000 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $25,000.
Over $100,000	$3,088 plus 4.25% of the excess over $100,000. This amount is to be reduced by 1.85% of the first $25,000 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $25,000 but not over $100,000 and 4.25% of the proportionate share of personal exemptions and deductions over $100,000.

2. Single Individuals and Married Individuals Filing Separate Returns

If taxable income is:	*The tax is:*
Not over $12,500	1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $12,500	
but not over $50,000	$231 plus 3.5% of the excess over $12,500. This amount is to be reduced by 1.85% of the first $12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $12,500.
Over $50,000	$1,544 plus 4.25% of the excess over $50,000. This amount is to be reduced by 1.85% of the first $12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $12,500 but not over $50,000 and 4.25% of the proportionate share of personal exemptions and deductions over $50,000.

3. Head of Households

If taxable income is:	*The tax is:*
Not over $12,500	1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $12,500	
but not over $50,000	$231 plus 3.5% of the excess over $12,500. This amount is to be reduced by 1.85% of the first $12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $12,500.
Over $50,000	$1,544 plus 4.25% of the excess over $50,000. This amount is to be reduced by 1.85% of the first $12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over $12,500 but not over $50,000 and 4.25% of the proportionate share of personal exemptions and deductions over $50,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 29:1502 (August 2003), amended LR 35:2821 (December 2009), LR 48:2161 (August 2022).

§1311. Annual Retirement Income Exemption for Individuals 65 or Older

A. Louisiana Revised Statutes 47:44.1 provides an exemption of up to $6,000 for annual retirement income received by an individual who is 65 years of age or older. Only the individual who actually received the annual retirement income is entitled to the exemption.

Annual Retirement Income—pension and annuity income which is included in tax table income.

Tax Table Income—as defined in R. S. 47:293.

B. For purposes of determining the total annual retirement income exemption that can be claimed on a Louisiana individual income tax return, an individual receives annual retirement income as follows.

1. Receipt of Benefits Paid from a Pension Plan. Except as otherwise provided herein, only the plan participant receives annual retirement income from the pension plan, the non-participant spouse does not receive annual retirement income from the plan.

2. Receipt of Annuity Income. Only the named payee or named annuitant receives annual retirement income from an annuity.

3. Receipt of Income from an Individual Retirement Account. Only the named payee or distribute receives annual retirement income from an individual retirement account.

4. Exceptions

a. If there is a qualified domestic relations order, as defined in *Internal Revenue Code* Section 414(p), payments received by the alternate payee will be considered annual retirement benefits received by an individual.

b. Survivor benefits paid from a pension plan to the plan participant's surviving spouse will be considered annual retirement benefits received by an individual.

C. Examples

1. Mary and John are a married couple. Mary worked for X Corporation for 35 years from 1964 until she retired in 1999. While working for X Corporation, Mary participated in the corporation's pension plan. In 2005, Mary received a total of $30,000 in distributions from the X Corporation pension plan. John's only source of retirement income is federal Social Security, which is not included in the couple's tax table income because it is already exempt under R.S. 47:44.2. Mary and John's filing status for federal and state income tax is married filing joint and they are both over 65. Because only Mary receives annual retirement income, Mary and John may only exempt $6,000 of Mary's retirement income from their 2005 income taxes under this exemption. Because John is not the plan participant, he has not received any annual retirement income for purposes of the exemption.

2. Scott and Ellen are a married couple. Their filing status for federal and state income tax is married filing joint and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to $6,000 of the annual retirement income each of them receive. Scott worked for ABC Corporation for 35 years from 1964 until he retired in 1999 at the age of 65. While working for ABC Corporation, Scott participated in the corporation's pension plan. In 2005, Scott received a total of $30,000 in distributions from the ABC Corporation pension plan. Ellen has two sources of retirement income; federal Social Security that is already exempt under R.S. 47:44.2 and an annuity paid to her as the named annuitant in the amount of $4,000 annually. Scott may exempt $6,000 of his ABC Corporation pension income and Ellen may exempt all of her $4,000 annuity income for a combined exemption of $10,000.

3. Alan and Leslie are a married couple who do not live apart. Their filing status for federal and state income tax is married filing separate and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to $6,000 of the annual retirement income each of them receive on their married filing separate returns. Alan is the named annuitant of an annuity from which he receives annual retirement income of $10,000. Leslie is not yet retired and receives a salary, but no annual retirement income. Alan's annuity income and Leslie's salary are community property. Because Louisiana is a community property state and the couple has chosen not to file a joint return, Leslie must report one half of Alan's annuity income, or $5,000, on her married filing separate federal and state income tax returns. Because Leslie is not the named annuitant, she has not received annual retirement income for purposes of the exemption and cannot claim any exemption amount on her return. Because Alan is only reporting $5,000 of his annuity income on his federal and state income tax returns, he is only entitled to an exemption of $5,000.

4. Assume the same facts as in Example 3 except that Alan and Leslie have a separation of property agreement. Each spouse will therefore report his or her own items of income and loss on his or her own married filing separate return. Alan will report the entire amount of his annuity income and will be entitled to exempt $6,000 of the $10,000 of annual retirement income he receives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:44.1, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:259 (February 2006).

§1351. Suspension, Revocation, and Denial of Hunting and Fishing Licenses

A. An individual's hunting and fishing licenses will be suspended, revoked, or denied if the Department of Revenue has a final and nonappealable individual income tax assessment or judgment against the individual in excess of $500 exclusive of penalty, interest, costs, and other charges.

B. Exceptions

1. If the taxpayer has filed for bankruptcy, then the provisions of this regulation will not apply.

2. An assessment or judgment will not be considered final and nonappealable for purposes of this regulation if, for the applicable tax period:

a. the taxpayer is in litigation with the department;

b. the taxpayer is being audited by the department; or

c. correspondence is pending.

C. Responsibilities

1. The Department of Revenue is responsible for the following:

a. properly identifying the affected taxpayer;

b. accurately notifying the Department of Wildlife and Fisheries of the taxpayer's identity; and

c. timely notifying the Department of Wildlife and Fisheries if the taxpayer pays the assessment or judgment and regains eligibility for a hunting or fishing license.

2. The Department of Wildlife and Fisheries is responsible for the following:

a. suspending, revoking or denying hunting and fishing licenses once notified of a taxpayer's identity by the Department of Revenue; and

b. issuing or re-issuing hunting and fishing licenses to taxpayers who have paid their tax debts once notified of this fact by the Department of Revenue.

D. Taxpayer Notification

1. Before the notice of hunting and fishing licenses suspension, revocation, or denial is sent to the Department of Wildlife and Fisheries, the taxpayer will be mailed written notice.

2. The notice will inform the taxpayer that his hunting and fishing licenses will be suspended, revoked, or issuance denied until full payment of the final and nonappealable assessment or judgment is made or until the taxpayer enters into an installment agreement with the Department of Revenue.

3. The notice will be mailed to the address on record and it will be presumed that the taxpayer has received the notice if it is not returned as "Undeliverable."

4. If a taxpayer defaults on a department authorized installment payment plan, no further notice of suspension, revocation, or denial of the issuance of the taxpayer's hunting and fishing licenses will be required.

E. Notification to the Department of Wildlife and Fisheries

1. The Department of Revenue will notify the Department of Wildlife and Fisheries of the name, Social Security number, and address of the taxpayer for whom the hunting and fishing licenses are required to be suspended, revoked, or issuance denied.

2. The suspension and revocation will remain in effect until the Department of Wildlife and Fisheries is notified otherwise by the Department of Revenue.

3. The Department of Revenue will notify the Department of Wildlife and Fisheries of the name, Social Security number, and address of the taxpayer for whom the hunting and fishing licenses are to be issued or re-issued.

4. Notifications may be by secured electronic transmission or by magnetic tapes, cartridges, or other electronic media.

5. Notifications will be made weekly unless circumstances warrant a more frequent time schedule, such as the circumstances described in Subsection E.

F. If the taxpayer pays the assessment or judgment in person, notice will be given to the Department of Wildlife and Fisheries to remove the suspension, revocation, or denial of the taxpayer's hunting and fishing licenses from their records. Notice to the Department of Wildlife and Fisheries will be effected as follows:

1. Department of Revenue personnel may fax a clearance to the Department of Wildlife and Fisheries indicating that the assessment or judgment has been paid; or

2. a letter from the secretary or the secretary's designee indicating that the assessment or judgment has been paid may be issued to the taxpayer for presentation to the Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:296.3 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:1045 (May 2004).

§1355. Suspension and Denial of Renewal of Drivers' Licenses

A. An individual's driver's license will be suspended and the renewal denied if the Department of Revenue has a final and nonappealable individual income tax assessment or judgment against the individual in excess of $1,000 exclusive of penalty, interest, costs, and other charges.

B. Exceptions

1. If the taxpayer has filed for bankruptcy, then the provisions of this regulation will not apply.

2. An assessment or judgment will not be considered final and nonappealable for purposes of this regulation if, for the applicable tax period:

a. the taxpayer is in litigation with the department;

b. the taxpayer is being audited by the department; or

c. correspondence is pending.

C. Responsibilities

1. The Department of Revenue is responsible for the following:

a. properly identifying the affected taxpayer;

b. accurately notifying the Department of Public Safety and Corrections, Office of Motor Vehicles, of the taxpayer's identity; and

c. timely notifying the Department of Public Safety and Corrections, Office of Motor Vehicles, if the taxpayer pays the assessment or judgment and regains eligibility for a driver's license.

2. The Department of Public Safety and Corrections, Office of Motor Vehicles, is responsible for the following:

a. suspending or denying the renewal of a driver's license once notified of a taxpayer's identity by the Department of Revenue; and

b. issuing or renewing drivers' licenses to taxpayers who have paid their tax debts once notified of this fact by the Department of Revenue.

D. Taxpayer Notification

1. The Department of Revenue must notify the taxpayer before the notice of driver's license suspension or denial is sent to the Department of Public Safety and Corrections, Office of Motor Vehicles.

a. The notice will inform the taxpayer that their driver's license will be suspended or renewal denied until full payment of the final and nonappealable assessment or judgment is made or until the taxpayer enters into an installment agreement with the Department of Revenue.

b. The notice will be mailed to the address on record.

2. If, after notification, a taxpayer enters into an installment agreement with the Department of Revenue and later defaults on the agreement, no further notice to the taxpayer by the Department of Revenue will be required and the notice of driver's license suspension or denial will be sent to the Department of Public Safety and Corrections, Office of Motor Vehicles.

E. Notification to the Department of Public Safety and Corrections, Office of Motor Vehicles

1. The Department of Revenue will notify the Department of Public Safety and Corrections, Office of Motor Vehicles, of the name, driver's license number, and date of birth of the taxpayer for whom the driver's license is required to be suspended or renewal denied.

2. The suspension and denial will remain in effect until the Department of Public Safety and Corrections, Office of Motor Vehicles, is notified otherwise by the Department of Revenue.

3. The Department of Revenue will notify the Department of Public Safety and Corrections, Office of Motor Vehicles, of the name, driver's license number, and date of birth of the taxpayer for whom the driver's license is to be issued or renewed.

4. Notifications may be by secured electronic transmission or by magnetic tapes, cartridges, or other electronic media.

5. Notifications will be made weekly unless circumstances warrant a more frequent time schedule, such as the circumstances described in Subsection F.

F. If the taxpayer pays the assessment or judgment in person, notice will be given to the Department of Public Safety and Corrections, Office of Motor Vehicles, to remove the suspension or denial of the renewal of the taxpayer's driver's license from their records. Notice to the Department of Public Safety and Corrections, Office of Motor Vehicles, will be effected by the presentation of a letter from the secretary or the secretary's designee to the Office of Motor Vehicles indicating that the assessment or judgment has been paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:296.2 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:2330 (October 2004).

Chapter 14. Income: Partnerships

§1401. Partnership Composite Return Requirement, Composite Payment Requirement, Exceptions

A. Definitions. For the purpose of this rule, the following terms are defined.

Corporation—an entity that is treated as a corporation for state income tax purposes as set forth in R.S. 47:287.11(A).

Engaging in Activities in this State—having payroll, sales, or tangible property in this state, or intangible property with a Louisiana business situs.

Individual Return—a Louisiana personal income tax return or a Louisiana fiduciary income tax return.

Nonresident—any person not domiciled, residing in, or having a permanent place of abode in Louisiana.

Partner—a member or *partner* of an association that is treated as a partnership for state income tax purposes, including but not limited to, a member in a limited liability company or a *partner* in a general partnership, a partnership in commendam, or a registered limited liability partnership. A *partner* is the ultimate owner of a partnership interest; therefore someone holding or managing a partnership interest on behalf of another, such as a broker, is not a *partner* for purposes of this rule.

Partnership—any association that is treated as a *partnership* for state income tax purposes including, but not limited to, a general *partnership*, partnership in commendam, a registered limited liability *partnership*, or a limited liability company. Because of R.S. 47:287.11(A), the above listed business associations that do not elect to be taxed as corporations for federal income tax purposes are treated as *partnerships* for Louisiana income tax purposes.

B. Persons to be included in a Composite Return

1. Partnerships engaging in activities in this state that have nonresident partners are required to file a composite partnership return unless:

a. all nonresident partners are corporations, partnerships or tax exempt trusts; or

b. all nonresident partners, other than corporations, partnerships and tax exempt trusts, have a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. Unless otherwise provided herein, corporate partners and partners, who are themselves partnerships, cannot be included in composite returns filed by a partnership. These partners must file all applicable Louisiana tax returns, and must report all Louisiana source income, including income from the partnership in those returns.

3. If credits earned by the partnership are being claimed on the composite return, all nonresident partners must be included on the composite return.

C. Composite Return Requirements

1. All nonresident partners, other than partners that are corporations, partnerships or tax-exempts trusts, who were partners at any time during the taxable year and who do not have a valid agreement on file with the Department of Revenue must be included in the composite partnership return.

2. The due date of the composite return is the due date set forth for all income tax returns other than corporate returns.

3. A schedule must be attached to the composite return that included the following information for every nonresident partner in the partnership:

a. the name of the partner;

b. the address of the partner;

c. the taxpayer identification number of the partner;

d. the partner's distributive share; and

e. whether or not that partner has an agreement on file with the Department of Revenue to file an individual return on his or her own behalf.

4. The filing of a true, correct, and complete partnership composite return will relieve any nonresident partner properly included in the composite return from the duty to file an individual return, provided that the nonresident partner does not have any income from Louisiana sources other than that income reported in the composite return.

5. Filing requirement the first year the partnership is subject to the composite return rules and issuance of special identification number. Every partnership that engages in activities in this state and that has nonresident partners will make an initial filing with the department.

a. Each partnership that is required to file a composite return must register for an account number with the Department of Revenue prior to the filing of its first composite return and prior to making its first composite payment. Upon registration, the partnership will be issued an identification number. This identification number shall be used on all partnership correspondence with the department, including the filing of composite returns by the partnership, which will be in electronic form, as determined by the Department of Revenue.

b. Each partnership that is not required to file a composite return because all its partners have filed agreements to file on their own behalf, must make an initial filing in which it files all agreements with the Department of Revenue by the composite return due date. Each partnership must register for an account number with the Department of Revenue prior to making an initial filing. Upon registration the partnership will be issued an identification number. This identification number shall be used when making the initial filing, as well as on all partnership correspondence with the department, including the filing of additional agreements, which will be in electronic form, as determined by the Department of Revenue.

6. If credits earned by the partnership are being claimed on the composite return, a schedule must be attached to the composite return that includes the following information for each partner in the partnership:

a. the name of the partner;

b. the address of the partner;

c. the taxpayer's identification number of the partner;

d. the partner's distributive share; and

e. the partner's share of each credit.

D. Composite Payment Requirement

1. All partnerships engaging in activities in this state that have nonresident partners that are not corporations, partnerships or tax-exempt trusts shall make composite payments on behalf of all of their nonresident partners, other than corporate partners and partners, who are themselves partnerships, who do not file an agreement to file an individual return and pay Louisiana income tax.

2. The composite payment is due on the earlier of the date of filing of the composite return or the due date of the composite return, without regard to extensions of time to file. An extension of time to file the composite return does not extend the time to pay the composite payment.

3. Each partner's share of the composite payment is the maximum tax rate for individuals multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. The composite payment to be made by the partnership is the sum of each partner's share of the composite payment for all partners included in the composite return.

a. If credits earned by the partnership are being claimed on the composite return, the composite payment to be made by the partnership will be the amount of tax after the application of nonrefundable credits.

5. For a nonresident partner whose only Louisiana income is from the partnership, amounts paid by the partnership on that partner's behalf will be treated as a payment of that partner's Louisiana individual income tax liability.

6. If a partner has any Louisiana source income in addition to the income from the partnership, amounts paid by the partnership on that partner's behalf will be treated as an advance payment of the tax liability shown on that partner's individually filed return. The amount claimed will be the amount of tax after the application of nonrefundable credits.

E. Nonresident Partner's Agreement to File an Individual Return

1. No composite return or composite payment is required from a partnership on behalf of a partner who has a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. The partner will execute the agreement and transmit the agreement to the partnership, on or before the last day of the month following the close of the partnership's taxable year.

3. The partnership will file the original agreement with the composite return filed for that taxable year. The partnership must keep a copy of the agreement on file.

4. The agreement must be in writing, in the form of an affidavit and must include all of the following:

a. a statement that the taxpayer is a nonresident partner or member;

b. the partner's name;

c. the partner's address;

d. the partner's Social Security number or taxpayer identification number;

e. the name of the partnership;

f. the address of the partnership;

g. the partnership's federal taxpayer identification number;

h. a statement that the taxpayer agrees to timely file a Louisiana individual income tax return and make payment of Louisiana individual income tax;

i. a statement that the taxpayer understands that the Louisiana Department of Revenue is not bound by the agreement if the taxpayer fails to abide by the terms of the agreement;

j. the statement that "under penalties of perjury, I declare that I have examined this affidavit and agreement and to the best of my knowledge, and belief, it is true correct and complete;" and

k. the signature of the partner.

5. Once an agreement is signed by the partner, transmitted to the partnership, and the partnership has filed the agreement with the Department of Revenue, the agreement will continue in effect until the partner or the Department of Revenue revokes the agreement, or the partner is no longer a partner in the partnership.

6. The agreement may be revoked by either the partner or the Department of Revenue as follows.

a. The partner may revoke the agreement at will. However, this revocation does not become effective until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The partner must send written notice of the revocation to the partnership. The partnership will forward the notice to the Department of Revenue. The partnership may execute a new agreement, in the manner set forth in this Subsection, at any time.

b. The Department of Revenue may revoke the agreement only if the partner fails to comply with the terms of the agreement. This revocation is prospective only with respect to the partnership, and does not become effective until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The Department of Revenue must send written notice of the revocation to the partner and the partnership. The notice will be mailed to the partnership at the address given in the last return or report filed by the partnership. The notice will be mailed to the partner at the address provided in the agreement. If the Department of Revenue revokes an agreement, the department may refuse to accept a subsequent agreement by that partner, unless the partner can show that the revocation was in error.

F. A partnership making a composite return and payment must furnish the following information to all partners included in the composite return:

1. the identification number that was issued to the partnership by the department under Subparagraph C.6.b above;

2. the amount of the payment made on the partner's behalf;

3. a statement that the amount paid on the partner's behalf can be used as an advance payment of that partner's Louisiana individual income tax liability for the same tax period;

4. the mailing address of the Louisiana Department of Revenue; and

5. the world wide web address of the Louisiana Department of Revenue, www.rev.state.la.us.

G. Additional Provisions for Publicly Traded Partnerships

1. A publicly traded partnership that is not treated as a corporation for federal income tax purposes may elect, with the prior approval of the secretary:

a. not to accept agreements filed by partners under the provisions of Paragraph B.4 or Subsection E above; and

b. to include all partners in its composite return and composite payment required by this Section, including corporations and tax-exempt trusts.

2. This election must be applied for in writing and approved in writing by the secretary. Once approval is granted, the election will remain in effect until revoked by the partnership.

3. The composite payment to be made by the publicly traded partnership is the sum of each partner's share of the composite payment for all partners. Each partner's share of the composite payment is the maximum individual income tax rate multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. Inclusion in a partnership composite return filed by a publicly traded partnership shall not relieve resident partners, corporate partners, or nonresident partners who have other Louisiana source income of the obligation to file all applicable Louisiana tax returns, and report all Louisiana source income, including income from the partnership.

H. Nothing in this regulation shall restrict the secretary's authority to otherwise provide for efficient administration of the composite return and composite payment requirements of R.S. 47:201.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:164 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:868 (April 2002), amended LR 33:861 (May 2007), LR 40:91 (January 2014).

Chapter 15. Income: Withholding Tax

§1501. Income Tax Withholding Tables

A. Employers required to deduct and withhold taxes pursuant to R.S. 47:112 shall deduct and withhold tax in an amount determined in accordance with the tables provided in Subsection C, the formulas provided in Subsection D, or a formula that produces equivalent amounts.

B. Wage Bracket Tables and Instructions

1. Select the set of tables that corresponds to the payroll period of the employee.

2. With the use of the information obtained from Form R-1300(L-4), *Employee's Withholding Exemption Certificate*, determine which column of the tables to use.

a. If your employee claims neither himself, his spouse, nor any dependency credits, use the first column in the table designated 0 exemptions, 0 dependents.

b. If your employee claims only himself, whether he is married or not, use Column 1. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

c. If your employee claims himself and his spouse, use Column 2. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

C. Withholding Tax Tables

1. For the purposes of the withholding tax tables:

a. exemptions are for a husband, wife, or single filer;

b. dependency credits include children, stepchildren, etc., as described in section 152 of the Internal Revenue Code.

2. Adjustments to Wage Bracket Tables

a. Each table provides for the appropriate withholding amount for single or married personal exemptions with up to six dependency credits. There is no provision for withholding based on head-of-household status and these taxpayers may claim only a single withholding personal exemption.

b. When an employee has more than six dependents, the amount may be determined by reducing the tax shown in the column for six dependents by the amount shown below for the applicable payroll period multiplied by the number of dependents over six.

Payroll Period	Amount of Reduction
Daily	$0.07
Weekly	$0.36
Biweekly	$0.71
Semimonthly	$0.77
Monthly	$1.55

c. When the employee claims only credit for dependents and no withholding personal exemption, the amount to be deducted and withheld should be determined by reducing the amount selected under the column for employees claiming no exemption or credits by the amount in Subparagraph b above multiplied by the number of dependents claimed.

3. Withholding Tables

a. Effective on or after January 1, 2022

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
0.00	10.00	(1.85% of gross pay for $10 and less with 0 Exemptions and 0 Dependents)														
10.01	12.00	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.01	14.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14.01	16.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.01	18.00	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.01	20.00	0.35	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20.01	22.00	0.39	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22.01	24.00	0.43	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.01	26.00	0.46	0.14	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.01	28.00	0.50	0.18	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28.01	30.00	0.54	0.22	0.15	0.08	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30.01	32.00	0.57	0.25	0.18	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32.01	34.00	0.61	0.29	0.22	0.15	0.08	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34.01	36.00	0.65	0.33	0.26	0.19	0.12	0.05	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00
36.01	38.00	0.68	0.36	0.29	0.22	0.15	0.08	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00
38.01	40.00	0.72	0.40	0.33	0.26	0.19	0.12	0.04	0.00	0.08	0.01	0.00	0.00	0.00	0.00	0.00
40.01	42.00	0.76	0.44	0.37	0.30	0.23	0.16	0.08	0.01	0.12	0.05	0.00	0.00	0.00	0.00	0.00
42.01	44.00	0.80	0.48	0.41	0.34	0.27	0.20	0.12	0.05	0.16	0.09	0.02	0.00	0.00	0.00	0.00
44.01	46.00	0.83	0.51	0.44	0.37	0.30	0.23	0.15	0.08	0.19	0.12	0.05	0.00	0.00	0.00	0.00
46.01	48.00	0.87	0.55	0.48	0.41	0.34	0.27	0.19	0.12	0.23	0.16	0.09	0.02	0.00	0.00	0.00
48.01	50.00	0.93	0.61	0.54	0.47	0.40	0.33	0.25	0.18	0.27	0.20	0.13	0.06	0.00	0.00	0.00
50.01	52.00	0.99	0.67	0.60	0.53	0.46	0.39	0.31	0.24	0.30	0.23	0.16	0.09	0.01	0.00	0.00
52.01	54.00	1.06	0.74	0.67	0.60	0.53	0.46	0.38	0.31	0.34	0.27	0.20	0.13	0.05	0.00	0.00
54.01	56.00	1.13	0.81	0.74	0.67	0.60	0.53	0.45	0.38	0.38	0.31	0.24	0.17	0.09	0.02	0.00
56.01	58.00	1.20	0.88	0.81	0.74	0.67	0.60	0.52	0.45	0.41	0.34	0.27	0.20	0.12	0.05	0.00
58.01	60.00	1.27	0.95	0.88	0.81	0.74	0.67	0.59	0.52	0.45	0.38	0.31	0.24	0.16	0.09	0.02
60.01	62.00	1.34	1.02	0.95	0.88	0.81	0.74	0.66	0.59	0.49	0.42	0.35	0.28	0.20	0.13	0.06
62.01	64.00	1.42	1.10	1.03	0.96	0.89	0.82	0.74	0.67	0.53	0.46	0.39	0.32	0.24	0.17	0.10
64.01	66.00	1.48	1.16	1.09	1.02	0.95	0.88	0.80	0.73	0.56	0.49	0.42	0.35	0.27	0.20	0.13
66.01	68.00	1.55	1.23	1.16	1.09	1.02	0.95	0.87	0.80	0.60	0.53	0.46	0.39	0.31	0.24	0.17
68.01	70.00	1.63	1.31	1.24	1.17	1.10	1.03	0.95	0.88	0.64	0.57	0.50	0.43	0.35	0.28	0.21
70.01	72.00	1.69	1.37	1.30	1.23	1.16	1.09	1.01	0.94	0.67	0.60	0.53	0.46	0.38	0.31	0.24
72.01	74.00	1.76	1.44	1.37	1.30	1.23	1.16	1.08	1.01	0.71	0.64	0.57	0.50	0.42	0.35	0.28
74.01	76.00	1.83	1.51	1.44	1.37	1.30	1.23	1.15	1.08	0.75	0.68	0.61	0.54	0.46	0.39	0.32
76.01	78.00	1.90	1.58	1.51	1.44	1.37	1.30	1.22	1.15	0.78	0.71	0.64	0.57	0.49	0.42	0.35
78.01	80.00	1.97	1.65	1.58	1.51	1.44	1.37	1.29	1.22	0.82	0.75	0.68	0.61	0.53	0.46	0.39
80.01	82.00	2.04	1.72	1.65	1.58	1.51	1.44	1.36	1.29	0.86	0.79	0.72	0.65	0.57	0.50	0.43
82.01	84.00	2.12	1.80	1.73	1.66	1.59	1.52	1.44	1.37	0.90	0.83	0.76	0.69	0.61	0.54	0.47
84.01	86.00	2.18	1.86	1.79	1.72	1.65	1.58	1.50	1.43	0.93	0.86	0.79	0.72	0.64	0.57	0.50
86.01	88.00	2.25	1.93	1.86	1.79	1.72	1.65	1.57	1.50	0.97	0.90	0.83	0.76	0.68	0.61	0.54
88.01	90.00	2.33	2.01	1.94	1.87	1.80	1.73	1.65	1.58	1.01	0.94	0.87	0.80	0.72	0.65	0.58
90.01	92.00	2.39	2.07	2.00	1.93	1.86	1.79	1.71	1.64	1.04	0.97	0.90	0.83	0.75	0.68	0.61
92.01	94.00	2.46	2.14	2.07	2.00	1.93	1.86	1.78	1.71	1.08	1.01	0.94	0.87	0.79	0.72	0.65
94.01	96.00	2.53	2.21	2.14	2.07	2.00	1.93	1.85	1.78	1.12	1.05	0.98	0.91	0.83	0.76	0.69
96.01	98.00	2.60	2.28	2.21	2.14	2.07	2.00	1.92	1.85	1.16	1.09	1.02	0.95	0.87	0.80	0.73
98.01	100.00	2.67	2.35	2.28	2.21	2.14	2.07	1.99	1.92	1.24	1.17	1.10	1.03	0.95	0.88	0.81
100.01	102.00	2.74	2.42	2.35	2.28	2.21	2.14	2.06	1.99	1.31	1.24	1.17	1.10	1.02	0.95	0.88
102.01	104.00	2.82	2.50	2.43	2.36	2.29	2.22	2.14	2.07	1.38	1.31	1.24	1.17	1.09	1.02	0.95
104.01	106.00	2.88	2.56	2.49	2.42	2.35	2.28	2.20	2.13	1.45	1.38	1.31	1.24	1.16	1.09	1.02
106.01	108.00	2.95	2.63	2.56	2.49	2.42	2.35	2.27	2.20	1.52	1.45	1.38	1.31	1.23	1.16	1.09
108.01	110.00	3.03	2.71	2.64	2.57	2.50	2.43	2.35	2.28	1.59	1.52	1.45	1.38	1.30	1.23	1.16
110.01	112.00	3.09	2.77	2.70	2.63	2.56	2.49	2.41	2.34	1.65	1.58	1.51	1.44	1.36	1.29	1.22
112.01	114.00	3.16	2.84	2.77	2.70	2.63	2.56	2.48	2.41	1.73	1.66	1.59	1.52	1.44	1.37	1.30
114.01	116.00	3.23	2.91	2.84	2.77	2.70	2.63	2.55	2.48	1.80	1.73	1.66	1.59	1.51	1.44	1.37
116.01	118.00	3.30	2.98	2.91	2.84	2.77	2.70	2.62	2.55	1.86	1.79	1.72	1.65	1.57	1.50	1.43
118.01	120.00	3.37	3.05	2.98	2.91	2.84	2.77	2.69	2.62	1.94	1.87	1.80	1.73	1.65	1.58	1.51
120.01	122.00	3.44	3.12	3.05	2.98	2.91	2.84	2.76	2.69	2.01	1.94	1.87	1.80	1.72	1.65	1.58
122.01	124.00	3.52	3.20	3.13	3.06	2.99	2.92	2.84	2.77	2.08	2.01	1.94	1.87	1.79	1.72	1.65
124.01	126.00	3.58	3.26	3.19	3.12	3.05	2.98	2.90	2.83	2.15	2.08	2.01	1.94	1.86	1.79	1.72
126.01	128.00	3.65	3.33	3.26	3.19	3.12	3.05	2.97	2.90	2.22	2.15	2.08	2.01	1.93	1.86	1.79
128.01	130.00	3.73	3.41	3.34	3.27	3.20	3.13	3.05	2.98	2.29	2.22	2.15	2.08	2.00	1.93	1.86
130.01	132.00	3.79	3.47	3.40	3.33	3.26	3.19	3.11	3.04	2.35	2.28	2.21	2.14	2.06	1.99	1.92

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
132.01	134.00	3.86	3.54	3.47	3.40	3.33	3.26	3.18	3.11	2.43	2.36	2.29	2.22	2.14	2.07	2.00
134.01	136.00	3.93	3.61	3.54	3.47	3.40	3.33	3.25	3.18	2.50	2.43	2.36	2.29	2.21	2.14	2.07
136.01	138.00	4.00	3.68	3.61	3.54	3.47	3.40	3.32	3.25	2.56	2.49	2.42	2.35	2.27	2.20	2.13
138.01	140.00	4.07	3.75	3.68	3.61	3.54	3.47	3.39	3.32	2.64	2.57	2.50	2.43	2.35	2.28	2.21
140.01	142.00	4.14	3.82	3.75	3.68	3.61	3.54	3.46	3.39	2.71	2.64	2.57	2.50	2.42	2.35	2.28
142.01	144.00	4.22	3.90	3.83	3.76	3.69	3.62	3.54	3.47	2.78	2.71	2.64	2.57	2.49	2.42	2.35
144.01	146.00	4.28	3.96	3.89	3.82	3.75	3.68	3.60	3.53	2.85	2.78	2.71	2.64	2.56	2.49	2.42
146.01	148.00	4.35	4.03	3.96	3.89	3.82	3.75	3.67	3.60	2.92	2.85	2.78	2.71	2.63	2.56	2.49
148.01	150.00	4.43	4.11	4.04	3.97	3.90	3.83	3.75	3.68	2.99	2.92	2.85	2.78	2.70	2.63	2.56
150.01	152.00	4.49	4.17	4.10	4.03	3.96	3.89	3.81	3.74	3.05	2.98	2.91	2.84	2.76	2.69	2.62
152.01	154.00	4.56	4.24	4.17	4.10	4.03	3.96	3.88	3.81	3.13	3.06	2.99	2.92	2.84	2.77	2.70
154.01	156.00	4.63	4.31	4.24	4.17	4.10	4.03	3.95	3.88	3.20	3.13	3.06	2.99	2.91	2.84	2.77
156.01	158.00	4.70	4.38	4.31	4.24	4.17	4.10	4.02	3.95	3.26	3.19	3.12	3.05	2.97	2.90	2.83
158.01	160.00	4.77	4.45	4.38	4.31	4.24	4.17	4.09	4.02	3.34	3.27	3.20	3.13	3.05	2.98	2.91
160.01	162.00	4.84	4.52	4.45	4.38	4.31	4.24	4.16	4.09	3.41	3.34	3.27	3.20	3.12	3.05	2.98
162.01	164.00	4.92	4.60	4.53	4.46	4.39	4.32	4.24	4.17	3.48	3.41	3.34	3.27	3.19	3.12	3.05
164.01	166.00	4.98	4.66	4.59	4.52	4.45	4.38	4.30	4.23	3.55	3.48	3.41	3.34	3.26	3.19	3.12
166.01	168.00	5.05	4.73	4.66	4.59	4.52	4.45	4.37	4.30	3.62	3.55	3.48	3.41	3.33	3.26	3.19
168.01	170.00	5.13	4.81	4.74	4.67	4.60	4.53	4.45	4.38	3.69	3.62	3.55	3.48	3.40	3.33	3.26
170.01	172.00	5.19	4.87	4.80	4.73	4.66	4.59	4.51	4.44	3.75	3.68	3.61	3.54	3.46	3.39	3.32
172.01	174.00	5.26	4.94	4.87	4.80	4.73	4.66	4.58	4.51	3.83	3.76	3.69	3.62	3.54	3.47	3.40
174.01	176.00	5.33	5.01	4.94	4.87	4.80	4.73	4.65	4.58	3.90	3.83	3.76	3.69	3.61	3.54	3.47
176.01	178.00	5.40	5.08	5.01	4.94	4.87	4.80	4.72	4.65	3.96	3.89	3.82	3.75	3.67	3.60	3.53
178.01	180.00	5.47	5.15	5.08	5.01	4.94	4.87	4.79	4.72	4.04	3.97	3.90	3.83	3.75	3.68	3.61
180.01	182.00	5.54	5.22	5.15	5.08	5.01	4.94	4.86	4.79	4.11	4.04	3.97	3.90	3.82	3.75	3.68
182.01	184.00	5.62	5.30	5.23	5.16	5.09	5.02	4.94	4.87	4.18	4.11	4.04	3.97	3.89	3.82	3.75
184.01	186.00	5.68	5.36	5.29	5.22	5.15	5.08	5.00	4.93	4.25	4.18	4.11	4.04	3.96	3.89	3.82
186.01	188.00	5.75	5.43	5.36	5.29	5.22	5.15	5.07	5.00	4.32	4.25	4.18	4.11	4.03	3.96	3.89
188.01	190.00	5.83	5.51	5.44	5.37	5.30	5.23	5.15	5.08	4.39	4.32	4.25	4.18	4.10	4.03	3.96
190.01	192.00	5.89	5.57	5.50	5.43	5.36	5.29	5.21	5.14	4.45	4.38	4.31	4.24	4.16	4.09	4.02
192.01	194.00	5.97	5.65	5.58	5.51	5.44	5.37	5.29	5.22	4.53	4.46	4.39	4.32	4.24	4.17	4.10
194.01	196.00	6.05	5.73	5.66	5.59	5.52	5.45	5.37	5.30	4.60	4.53	4.46	4.39	4.31	4.24	4.17
196.01	198.00	6.14	5.82	5.75	5.68	5.61	5.54	5.46	5.39	4.66	4.59	4.52	4.45	4.37	4.30	4.23
198.01	200.00	6.22	5.90	5.83	5.76	5.69	5.62	5.54	5.47	4.74	4.67	4.60	4.53	4.45	4.38	4.31
200.01	202.00	6.31	5.99	5.92	5.85	5.78	5.71	5.63	5.56	4.81	4.74	4.67	4.60	4.52	4.45	4.38
202.01	204.00	6.40	6.08	6.01	5.94	5.87	5.80	5.72	5.65	4.88	4.81	4.74	4.67	4.59	4.52	4.45
204.01	206.00	6.48	6.16	6.09	6.02	5.95	5.88	5.80	5.73	4.95	4.88	4.81	4.74	4.66	4.59	4.52
206.01	208.00	6.56	6.24	6.17	6.10	6.03	5.96	5.88	5.81	5.02	4.95	4.88	4.81	4.73	4.66	4.59
208.01	210.00	6.66	6.34	6.27	6.20	6.13	6.06	5.98	5.91	5.09	5.02	4.95	4.88	4.80	4.73	4.66
210.01	212.00	6.73	6.41	6.34	6.27	6.20	6.13	6.05	5.98	5.15	5.08	5.01	4.94	4.86	4.79	4.72
212.01	214.00	6.82	6.50	6.43	6.36	6.29	6.22	6.14	6.07	5.23	5.16	5.09	5.02	4.94	4.87	4.80
214.01	216.00	6.90	6.58	6.51	6.44	6.37	6.30	6.22	6.15	5.30	5.23	5.16	5.09	5.01	4.94	4.87
216.01	218.00	6.99	6.67	6.60	6.53	6.46	6.39	6.31	6.24	5.36	5.29	5.22	5.15	5.07	5.00	4.93
218.01	220.00	7.07	6.75	6.68	6.61	6.54	6.47	6.39	6.32	5.44	5.37	5.30	5.23	5.15	5.08	5.01
220.01	222.00	7.16	6.84	6.77	6.70	6.63	6.56	6.48	6.41	5.51	5.44	5.37	5.30	5.22	5.15	5.08
222.01	224.00	7.25	6.93	6.86	6.79	6.72	6.65	6.57	6.50	5.58	5.51	5.44	5.37	5.29	5.22	5.15
224.01	226.00	7.33	7.01	6.94	6.87	6.80	6.73	6.65	6.58	5.65	5.58	5.51	5.44	5.36	5.29	5.22
226.01	228.00	7.41	7.09	7.02	6.95	6.88	6.81	6.73	6.66	5.72	5.65	5.58	5.51	5.43	5.36	5.29
228.01	230.00	7.51	7.19	7.12	7.05	6.98	6.91	6.83	6.76	5.79	5.72	5.65	5.58	5.50	5.43	5.36
230.01	232.00	7.58	7.26	7.19	7.12	7.05	6.98	6.90	6.83	5.85	5.78	5.71	5.64	5.56	5.49	5.42
232.01	234.00	7.67	7.35	7.28	7.21	7.14	7.07	6.99	6.92	5.93	5.86	5.79	5.72	5.64	5.57	5.50
234.01	236.00	7.75	7.43	7.36	7.29	7.22	7.15	7.07	7.00	6.00	5.93	5.86	5.79	5.71	5.64	5.57
236.01	238.00	7.84	7.52	7.45	7.38	7.31	7.24	7.16	7.09	6.06	5.99	5.92	5.85	5.77	5.70	5.63
238.01	240.00	7.92	7.60	7.53	7.46	7.39	7.32	7.24	7.17	6.14	6.07	6.00	5.93	5.85	5.78	5.71
240.01	242.00	8.01	7.69	7.62	7.55	7.48	7.41	7.33	7.26	6.21	6.14	6.07	6.00	5.92	5.85	5.78
242.01	244.00	8.10	7.78	7.71	7.64	7.57	7.50	7.42	7.35	6.28	6.21	6.14	6.07	5.99	5.92	5.85
244.01	246.00	8.18	7.86	7.79	7.72	7.65	7.58	7.50	7.43	6.35	6.28	6.21	6.14	6.06	5.99	5.92
246.01	248.00	8.26	7.94	7.87	7.80	7.73	7.66	7.58	7.51	6.42	6.35	6.28	6.21	6.13	6.06	5.99
248.01	250.00	8.36	8.04	7.97	7.90	7.83	7.76	7.68	7.61	6.49	6.42	6.35	6.28	6.20	6.13	6.06
250.01	252.00	8.43	8.11	8.04	7.97	7.90	7.83	7.75	7.68	6.55	6.48	6.41	6.34	6.26	6.19	6.12
252.01	254.00	8.52	8.20	8.13	8.06	7.99	7.92	7.84	7.77	6.63	6.56	6.49	6.42	6.34	6.27	6.20
254.01	256.00	8.60	8.28	8.21	8.14	8.07	8.00	7.92	7.85	6.70	6.63	6.56	6.49	6.41	6.34	6.27
256.01	258.00	8.69	8.37	8.30	8.23	8.16	8.09	8.01	7.94	6.76	6.69	6.62	6.55	6.47	6.40	6.33
258.01	260.00	8.77	8.45	8.38	8.31	8.24	8.17	8.09	8.02	6.84	6.77	6.70	6.63	6.55	6.48	6.41
260.01	262.00	8.86	8.54	8.47	8.40	8.33	8.26	8.18	8.11	6.91	6.84	6.77	6.70	6.62	6.55	6.48
262.01	264.00	8.95	8.63	8.56	8.49	8.42	8.35	8.27	8.20	6.98	6.91	6.84	6.77	6.69	6.62	6.55

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
264.01	266.00	9.03	8.71	8.64	8.57	8.50	8.43	8.35	8.28	7.05	6.98	6.91	6.84	6.76	6.69	6.62
266.01	268.00	9.11	8.79	8.72	8.65	8.58	8.51	8.43	8.36	7.12	7.05	6.98	6.91	6.83	6.76	6.69
268.01	270.00	9.21	8.89	8.82	8.75	8.68	8.61	8.53	8.46	7.19	7.12	7.05	6.98	6.90	6.83	6.76
270.01	272.00	9.28	8.96	8.89	8.82	8.75	8.68	8.60	8.53	7.25	7.18	7.11	7.04	6.96	6.89	6.82
272.01	274.00	9.37	9.05	8.98	8.91	8.84	8.77	8.69	8.62	7.33	7.26	7.19	7.12	7.04	6.97	6.90
274.01	276.00	9.45	9.13	9.06	8.99	8.92	8.85	8.77	8.70	7.40	7.33	7.26	7.19	7.11	7.04	6.97
276.01	278.00	9.54	9.22	9.15	9.08	9.01	8.94	8.86	8.79	7.46	7.39	7.32	7.25	7.17	7.10	7.03
278.01	280.00	9.62	9.30	9.23	9.16	9.09	9.02	8.94	8.87	7.54	7.47	7.40	7.33	7.25	7.18	7.11
280.01	282.00	9.71	9.39	9.32	9.25	9.18	9.11	9.03	8.96	7.61	7.54	7.47	7.40	7.32	7.25	7.18
282.01	284.00	9.80	9.48	9.41	9.34	9.27	9.20	9.12	9.05	7.68	7.61	7.54	7.47	7.39	7.32	7.25
284.01	286.00	9.88	9.56	9.49	9.42	9.35	9.28	9.20	9.13	7.75	7.68	7.61	7.54	7.46	7.39	7.32
286.01	288.00	9.96	9.64	9.57	9.50	9.43	9.36	9.28	9.21	7.82	7.75	7.68	7.61	7.53	7.46	7.39
288.01	290.00	10.06	9.74	9.67	9.60	9.53	9.46	9.38	9.31	7.89	7.82	7.75	7.68	7.60	7.53	7.46
290.01	292.00	10.13	9.81	9.74	9.67	9.60	9.53	9.45	9.38	7.95	7.88	7.81	7.74	7.66	7.59	7.52
292.01	294.00	10.22	9.90	9.83	9.76	9.69	9.62	9.54	9.47	8.03	7.96	7.89	7.82	7.74	7.67	7.60
294.01	296.00	10.30	9.98	9.91	9.84	9.77	9.70	9.62	9.55	8.10	8.03	7.96	7.89	7.81	7.74	7.67
296.01	298.00	10.39	10.07	10.00	9.93	9.86	9.79	9.71	9.64	8.16	8.09	8.02	7.95	7.87	7.80	7.73
298.01	300.00	10.47	10.15	10.08	10.01	9.94	9.87	9.79	9.72	8.24	8.17	8.10	8.03	7.95	7.88	7.81
300.01	302.00	10.56	10.24	10.17	10.10	10.03	9.96	9.88	9.81	8.31	8.24	8.17	8.10	8.02	7.95	7.88
302.01	304.00	10.65	10.33	10.26	10.19	10.12	10.05	9.97	9.90	8.38	8.31	8.24	8.17	8.09	8.02	7.95
304.01	306.00	10.73	10.41	10.34	10.27	10.20	10.13	10.05	9.98	8.45	8.38	8.31	8.24	8.16	8.09	8.02
306.01	308.00	10.81	10.49	10.42	10.35	10.28	10.21	10.13	10.06	8.52	8.45	8.38	8.31	8.23	8.16	8.09
308.01	310.00	10.91	10.59	10.52	10.45	10.38	10.31	10.23	10.16	8.59	8.52	8.45	8.38	8.30	8.23	8.16
310.01	312.00	10.98	10.66	10.59	10.52	10.45	10.38	10.30	10.23	8.65	8.58	8.51	8.44	8.36	8.29	8.22
312.01	314.00	11.07	10.75	10.68	10.61	10.54	10.47	10.39	10.32	8.73	8.66	8.59	8.52	8.44	8.37	8.30
314.01	316.00	11.15	10.83	10.76	10.69	10.62	10.55	10.47	10.40	8.80	8.73	8.66	8.59	8.51	8.44	8.37
316.01	318.00	11.24	10.92	10.85	10.78	10.71	10.64	10.56	10.49	8.86	8.79	8.72	8.65	8.57	8.50	8.43
318.01	320.00	11.32	11.00	10.93	10.86	10.79	10.72	10.64	10.57	8.94	8.87	8.80	8.73	8.65	8.58	8.51
320.01	322.00	11.41	11.09	11.02	10.95	10.88	10.81	10.73	10.66	9.01	8.94	8.87	8.80	8.72	8.65	8.58
322.01	324.00	11.50	11.18	11.11	11.04	10.97	10.90	10.82	10.75	9.08	9.01	8.94	8.87	8.79	8.72	8.65
324.01	326.00	11.58	11.26	11.19	11.12	11.05	10.98	10.90	10.83	9.15	9.08	9.01	8.94	8.86	8.79	8.72
326.01	328.00	11.66	11.34	11.27	11.20	11.13	11.06	10.98	10.91	9.22	9.15	9.08	9.01	8.93	8.86	8.79
328.01	330.00	11.76	11.44	11.37	11.30	11.23	11.16	11.08	11.01	9.29	9.22	9.15	9.08	9.00	8.93	8.86
330.01	332.00	11.83	11.51	11.44	11.37	11.30	11.23	11.15	11.08	9.35	9.28	9.21	9.14	9.06	8.99	8.92
332.01	334.00	11.92	11.60	11.53	11.46	11.39	11.32	11.24	11.17	9.43	9.36	9.29	9.22	9.14	9.07	9.00
334.01	336.00	12.00	11.68	11.61	11.54	11.47	11.40	11.32	11.25	9.50	9.43	9.36	9.29	9.21	9.14	9.07
336.01	338.00	12.09	11.77	11.70	11.63	11.56	11.49	11.41	11.34	9.56	9.49	9.42	9.35	9.27	9.20	9.13
338.01	340.00	12.17	11.85	11.78	11.71	11.64	11.57	11.49	11.42	9.64	9.57	9.50	9.43	9.35	9.28	9.21
340.01	342.00	12.26	11.94	11.87	11.80	11.73	11.66	11.58	11.51	9.71	9.64	9.57	9.50	9.42	9.35	9.28
342.01	344.00	12.35	12.03	11.96	11.89	11.82	11.75	11.67	11.60	9.78	9.71	9.64	9.57	9.49	9.42	9.35
344.01	346.00	12.43	12.11	12.04	11.97	11.90	11.83	11.75	11.68	9.85	9.78	9.71	9.64	9.56	9.49	9.42
346.01	348.00	12.51	12.19	12.12	12.05	11.98	11.91	11.83	11.76	9.92	9.85	9.78	9.71	9.63	9.56	9.49
348.01	350.00	12.61	12.29	12.22	12.15	12.08	12.01	11.93	11.86	9.99	9.92	9.85	9.78	9.70	9.63	9.56
350.01	352.00	12.68	12.36	12.29	12.22	12.15	12.08	12.00	11.93	10.05	9.98	9.91	9.84	9.76	9.69	9.62
352.01	354.00	12.77	12.45	12.38	12.31	12.24	12.17	12.09	12.02	10.13	10.06	9.99	9.92	9.84	9.77	9.70
354.01	356.00	12.85	12.53	12.46	12.39	12.32	12.25	12.17	12.10	10.20	10.13	10.06	9.99	9.91	9.84	9.77
356.01	358.00	12.94	12.62	12.55	12.48	12.41	12.34	12.26	12.19	10.26	10.19	10.12	10.05	9.97	9.90	9.83
358.01	360.00	13.02	12.70	12.63	12.56	12.49	12.42	12.34	12.27	10.34	10.27	10.20	10.13	10.05	9.98	9.91
360.01	362.00	13.11	12.79	12.72	12.65	12.58	12.51	12.43	12.36	10.41	10.34	10.27	10.20	10.12	10.05	9.98
362.01	364.00	13.20	12.88	12.81	12.74	12.67	12.60	12.52	12.45	10.48	10.41	10.34	10.27	10.19	10.12	10.05
364.01	366.00	13.28	12.96	12.89	12.82	12.75	12.68	12.60	12.53	10.55	10.48	10.41	10.34	10.26	10.19	10.12
366.01	368.00	13.36	13.04	12.97	12.90	12.83	12.76	12.68	12.61	10.62	10.55	10.48	10.41	10.33	10.26	10.19
368.01	370.00	13.46	13.14	13.07	13.00	12.93	12.86	12.78	12.71	10.69	10.62	10.55	10.48	10.40	10.33	10.26
370.01	372.00	13.53	13.21	13.14	13.07	13.00	12.93	12.85	12.78	10.75	10.68	10.61	10.54	10.46	10.39	10.32
372.01	374.00	13.62	13.30	13.23	13.16	13.09	13.02	12.94	12.87	10.83	10.76	10.69	10.62	10.54	10.47	10.40
374.01	376.00	13.70	13.38	13.31	13.24	13.17	13.10	13.02	12.95	10.90	10.83	10.76	10.69	10.61	10.54	10.47
376.01	378.00	13.79	13.47	13.40	13.33	13.26	13.19	13.11	13.04	10.96	10.89	10.82	10.75	10.67	10.60	10.53
378.01	380.00	13.87	13.55	13.48	13.41	13.34	13.27	13.19	13.12	11.04	10.97	10.90	10.83	10.75	10.68	10.61
380.01	382.00	13.96	13.64	13.57	13.50	13.43	13.36	13.28	13.21	11.11	11.04	10.97	10.90	10.82	10.75	10.68
382.01	384.00	14.05	13.73	13.66	13.59	13.52	13.45	13.37	13.30	11.18	11.11	11.04	10.97	10.89	10.82	10.75
384.01	386.00	14.13	13.81	13.74	13.67	13.60	13.53	13.45	13.38	11.25	11.18	11.11	11.04	10.96	10.89	10.82
		(Add 4.25% for amounts in excess of $386)							*(Add 4.25% for amounts in excess of $386)*							

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	50.00	*(1.85% of gross pay for $50 and less with 0 Exemptions and 0 Dependents)*														
50.01	70.00	1.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70.01	90.00	1.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.01	110.00	1.85	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
110.01	130.00	2.22	0.62	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
130.01	150.00	2.59	0.99	0.63	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
150.01	170.00	2.96	1.36	1.00	0.65	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
170.01	190.00	3.33	1.73	1.37	1.02	0.66	0.31	0.00	0.00	0.13	0.00	0.00	0.00	0.00	0.00	0.00
190.01	210.00	3.70	2.10	1.74	1.39	1.03	0.68	0.32	0.00	0.50	0.14	0.00	0.00	0.00	0.00	0.00
210.01	230.00	4.07	2.47	2.11	1.76	1.40	1.05	0.69	0.33	0.87	0.51	0.16	0.00	0.00	0.00	0.00
230.01	250.00	4.44	2.84	2.48	2.13	1.77	1.42	1.06	0.70	1.24	0.88	0.53	0.17	0.00	0.00	0.00
250.01	270.00	5.13	3.53	3.17	2.82	2.46	2.11	1.75	1.39	1.61	1.25	0.90	0.54	0.18	0.00	0.00
270.01	290.00	5.83	4.23	3.87	3.52	3.16	2.81	2.45	2.09	1.98	1.62	1.27	0.91	0.55	0.20	0.00
290.01	310.00	6.53	4.93	4.57	4.22	3.86	3.51	3.15	2.79	2.35	1.99	1.64	1.28	0.92	0.57	0.21
310.01	330.00	7.23	5.63	5.27	4.92	4.56	4.21	3.85	3.49	2.72	2.36	2.01	1.65	1.29	0.94	0.58
330.01	350.00	7.93	6.33	5.97	5.62	5.26	4.91	4.55	4.19	3.09	2.73	2.38	2.02	1.66	1.31	0.95
350.01	370.00	8.63	7.03	6.67	6.32	5.96	5.61	5.25	4.89	3.46	3.10	2.75	2.39	2.03	1.68	1.32
370.01	390.00	9.33	7.73	7.37	7.02	6.66	6.31	5.95	5.59	3.83	3.47	3.12	2.76	2.40	2.05	1.69
390.01	410.00	10.03	8.43	8.07	7.72	7.36	7.01	6.65	6.29	4.20	3.84	3.49	3.13	2.77	2.42	2.06
410.01	430.00	10.73	9.13	8.77	8.42	8.06	7.71	7.35	6.99	4.57	4.21	3.86	3.50	3.14	2.79	2.43
430.01	450.00	11.43	9.83	9.47	9.12	8.76	8.41	8.05	7.69	4.94	4.58	4.23	3.87	3.51	3.16	2.80
450.01	470.00	12.13	10.53	10.17	9.82	9.46	9.11	8.75	8.39	5.31	4.95	4.60	4.24	3.88	3.53	3.17
470.01	490.00	12.83	11.23	10.87	10.52	10.16	9.81	9.45	9.09	5.68	5.32	4.97	4.61	4.25	3.90	3.54
490.01	510.00	13.53	11.93	11.57	11.22	10.86	10.51	10.15	9.79	6.37	6.01	5.66	5.30	4.94	4.59	4.23
510.01	530.00	14.23	12.63	12.27	11.92	11.56	11.21	10.85	10.49	7.07	6.71	6.36	6.00	5.64	5.29	4.93
530.01	550.00	14.93	13.33	12.97	12.62	12.26	11.91	11.55	11.19	7.77	7.41	7.06	6.70	6.34	5.99	5.63
550.01	570.00	15.63	14.03	13.67	13.32	12.96	12.61	12.25	11.89	8.47	8.11	7.76	7.40	7.04	6.69	6.33
570.01	590.00	16.33	14.73	14.37	14.02	13.66	13.31	12.95	12.59	9.17	8.81	8.46	8.10	7.74	7.39	7.03
590.01	610.00	17.03	15.43	15.07	14.72	14.36	14.01	13.65	13.29	9.87	9.51	9.16	8.80	8.44	8.09	7.73
610.01	630.00	17.73	16.13	15.77	15.42	15.06	14.71	14.35	13.99	10.57	10.21	9.86	9.50	9.14	8.79	8.43
630.01	650.00	18.43	16.83	16.47	16.12	15.76	15.41	15.05	14.69	11.27	10.91	10.56	10.20	9.84	9.49	9.13
650.01	670.00	19.13	17.53	17.17	16.82	16.46	16.11	15.75	15.39	11.97	11.61	11.26	10.90	10.54	10.19	9.83
670.01	690.00	19.83	18.23	17.87	17.52	17.16	16.81	16.45	16.09	12.67	12.31	11.96	11.60	11.24	10.89	10.53
690.01	710.00	20.53	18.93	18.57	18.22	17.86	17.51	17.15	16.79	13.37	13.01	12.66	12.30	11.94	11.59	11.23
710.01	730.00	21.23	19.63	19.27	18.92	18.56	18.21	17.85	17.49	14.07	13.71	13.36	13.00	12.64	12.29	11.93
730.01	750.00	21.93	20.33	19.97	19.62	19.26	18.91	18.55	18.19	14.77	14.41	14.06	13.70	13.34	12.99	12.63
750.01	770.00	22.63	21.03	20.67	20.32	19.96	19.61	19.25	18.89	15.47	15.11	14.76	14.40	14.04	13.69	13.33
770.01	790.00	23.33	21.73	21.37	21.02	20.66	20.31	19.95	19.59	16.17	15.81	15.46	15.10	14.74	14.39	14.03
790.01	810.00	24.03	22.43	22.07	21.72	21.36	21.01	20.65	20.29	16.87	16.51	16.16	15.80	15.44	15.09	14.73
810.01	830.00	24.73	23.13	22.77	22.42	22.06	21.71	21.35	20.99	17.57	17.21	16.86	16.50	16.14	15.79	15.43
830.01	850.00	25.43	23.83	23.47	23.12	22.76	22.41	22.05	21.69	18.27	17.91	17.56	17.20	16.84	16.49	16.13
850.01	870.00	26.13	24.53	24.17	23.82	23.46	23.11	22.75	22.39	18.97	18.61	18.26	17.90	17.54	17.19	16.83
870.01	890.00	26.83	25.23	24.87	24.52	24.16	23.81	23.45	23.09	19.67	19.31	18.96	18.60	18.24	17.89	17.53
890.01	910.00	27.53	25.93	25.57	25.22	24.86	24.51	24.15	23.79	20.37	20.01	19.66	19.30	18.94	18.59	18.23
910.01	930.00	28.23	26.63	26.27	25.92	25.56	25.21	24.85	24.49	21.07	20.71	20.36	20.00	19.64	19.29	18.93
930.01	950.00	28.93	27.33	26.97	26.62	26.26	25.91	25.55	25.19	21.77	21.41	21.06	20.70	20.34	19.99	19.63
950.01	970.00	29.63	28.03	27.67	27.32	26.96	26.61	26.25	25.89	22.47	22.11	21.76	21.40	21.04	20.69	20.33
970.01	990.00	30.47	28.87	28.51	28.16	27.80	27.45	27.09	26.73	23.17	22.81	22.46	22.10	21.74	21.39	21.03
990.01	1,010.00	31.32	29.72	29.36	29.01	28.65	28.30	27.94	27.58	23.87	23.51	23.16	22.80	22.44	22.09	21.73
1,010.01	1,030.00	32.17	30.57	30.21	29.86	29.50	29.15	28.79	28.43	24.57	24.21	23.86	23.50	23.14	22.79	22.43
1,030.01	1,050.00	33.02	31.42	31.06	30.71	30.35	30.00	29.64	29.28	25.27	24.91	24.56	24.20	23.84	23.49	23.13
1,050.01	1,070.00	33.87	32.27	31.91	31.56	31.20	30.85	30.49	30.13	25.97	25.61	25.26	24.90	24.54	24.19	23.83
1,070.01	1,090.00	34.72	33.12	32.76	32.41	32.05	31.70	31.34	30.98	26.67	26.31	25.96	25.60	25.24	24.89	24.53
1,090.01	1,110.00	35.57	33.97	33.61	33.26	32.90	32.55	32.19	31.83	27.37	27.01	26.66	26.30	25.94	25.59	25.23
1,110.01	1,130.00	36.42	34.82	34.46	34.11	33.75	33.40	33.04	32.68	28.07	27.71	27.36	27.00	26.64	26.29	25.93
1,130.01	1,150.00	37.27	35.67	35.31	34.96	34.60	34.25	33.89	33.53	28.77	28.41	28.06	27.70	27.34	26.99	26.63
1,150.01	1,170.00	38.12	36.52	36.16	35.81	35.45	35.10	34.74	34.38	29.47	29.11	28.76	28.40	28.04	27.69	27.33
1,170.01	1,190.00	38.97	37.37	37.01	36.66	36.30	35.95	35.59	35.23	30.17	29.81	29.46	29.10	28.74	28.39	28.03
1,190.01	1,210.00	39.82	38.22	37.86	37.51	37.15	36.80	36.44	36.08	30.87	30.51	30.16	29.80	29.44	29.09	28.73
1,210.01	1,230.00	40.67	39.07	38.71	38.36	38.00	37.65	37.29	36.93	31.57	31.21	30.86	30.50	30.14	29.79	29.43
1,230.01	1,250.00	41.52	39.92	39.56	39.21	38.85	38.50	38.14	37.78	32.27	31.91	31.56	31.20	30.84	30.49	30.13
1,250.01	1,270.00	42.37	40.77	40.41	40.06	39.70	39.35	38.99	38.63	32.97	32.61	32.26	31.90	31.54	31.19	30.83
1,270.01	1,290.00	43.22	41.62	41.26	40.91	40.55	40.20	39.84	39.48	33.67	33.31	32.96	32.60	32.24	31.89	31.53
1,290.01	1,310.00	44.07	42.47	42.11	41.76	41.40	41.05	40.69	40.33	34.37	34.01	33.66	33.30	32.94	32.59	32.23
1,310.01	1,330.00	44.92	43.32	42.96	42.61	42.25	41.90	41.54	41.18	35.07	34.71	34.36	34.00	33.64	33.29	32.93
1,330.01	1,350.00	45.77	44.17	43.81	43.46	43.10	42.75	42.39	42.03	35.77	35.41	35.06	34.70	34.34	33.99	33.63

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
1,350.01	1,370.00	46.62	45.02	44.66	44.31	43.95	43.60	43.24	42.88	36.47	36.11	35.76	35.40	35.04	34.69	34.33
1,370.01	1,390.00	47.47	45.87	45.51	45.16	44.80	44.45	44.09	43.73	37.17	36.81	36.46	36.10	35.74	35.39	35.03
1,390.01	1,410.00	48.32	46.72	46.36	46.01	45.65	45.30	44.94	44.58	37.87	37.51	37.16	36.80	36.44	36.09	35.73
1,410.01	1,430.00	49.17	47.57	47.21	46.86	46.50	46.15	45.79	45.43	38.57	38.21	37.86	37.50	37.14	36.79	36.43
1,430.01	1,450.00	50.02	48.42	48.06	47.71	47.35	47.00	46.64	46.28	39.27	38.91	38.56	38.20	37.84	37.49	37.13
1,450.01	1,470.00	50.87	49.27	48.91	48.56	48.20	47.85	47.49	47.13	39.97	39.61	39.26	38.90	38.54	38.19	37.83
1,470.01	1,490.00	51.72	50.12	49.76	49.41	49.05	48.70	48.34	47.98	40.67	40.31	39.96	39.60	39.24	38.89	38.53
1,490.01	1,510.00	52.57	50.97	50.61	50.26	49.90	49.55	49.19	48.83	41.37	41.01	40.66	40.30	39.94	39.59	39.23
1,510.01	1,530.00	53.42	51.82	51.46	51.11	50.75	50.40	50.04	49.68	42.07	41.71	41.36	41.00	40.64	40.29	39.93
1,530.01	1,550.00	54.27	52.67	52.31	51.96	51.60	51.25	50.89	50.53	42.77	42.41	42.06	41.70	41.34	40.99	40.63
1,550.01	1,570.00	55.12	53.52	53.16	52.81	52.45	52.10	51.74	51.38	43.47	43.11	42.76	42.40	42.04	41.69	41.33
1,570.01	1,590.00	55.97	54.37	54.01	53.66	53.30	52.95	52.59	52.23	44.17	43.81	43.46	43.10	42.74	42.39	42.03
1,590.01	1,610.00	56.82	55.22	54.86	54.51	54.15	53.80	53.44	53.08	44.87	44.51	44.16	43.80	43.44	43.09	42.73
1,610.01	1,630.00	57.67	56.07	55.71	55.36	55.00	54.65	54.29	53.93	45.57	45.21	44.86	44.50	44.14	43.79	43.43
1,630.01	1,650.00	58.52	56.92	56.56	56.21	55.85	55.50	55.14	54.78	46.27	45.91	45.56	45.20	44.84	44.49	44.13
1,650.01	1,670.00	59.37	57.77	57.41	57.06	56.70	56.35	55.99	55.63	46.97	46.61	46.26	45.90	45.54	45.19	44.83
1,670.01	1,690.00	60.22	58.62	58.26	57.91	57.55	57.20	56.84	56.48	47.67	47.31	46.96	46.60	46.24	45.89	45.53
1,690.01	1,710.00	61.07	59.47	59.11	58.76	58.40	58.05	57.69	57.33	48.37	48.01	47.66	47.30	46.94	46.59	46.23
1,710.01	1,730.00	61.92	60.32	59.96	59.61	59.25	58.90	58.54	58.18	49.07	48.71	48.36	48.00	47.64	47.29	46.93
1,730.01	1,750.00	62.77	61.17	60.81	60.46	60.10	59.75	59.39	59.03	49.77	49.41	49.06	48.70	48.34	47.99	47.63
1,750.01	1,770.00	63.62	62.02	61.66	61.31	60.95	60.60	60.24	59.88	50.47	50.11	49.76	49.40	49.04	48.69	48.33
1,770.01	1,790.00	64.47	62.87	62.51	62.16	61.80	61.45	61.09	60.73	51.17	50.81	50.46	50.10	49.74	49.39	49.03
1,790.01	1,810.00	65.32	63.72	63.36	63.01	62.65	62.30	61.94	61.58	51.87	51.51	51.16	50.80	50.44	50.09	49.73
1,810.01	1,830.00	66.17	64.57	64.21	63.86	63.50	63.15	62.79	62.43	52.57	52.21	51.86	51.50	51.14	50.79	50.43
1,830.01	1,850.00	67.02	65.42	65.06	64.71	64.35	64.00	63.64	63.28	53.27	52.91	52.56	52.20	51.84	51.49	51.13
1,850.01	1,870.00	67.87	66.27	65.91	65.56	65.20	64.85	64.49	64.13	53.97	53.61	53.26	52.90	52.54	52.19	51.83
1,870.01	1,890.00	68.72	67.12	66.76	66.41	66.05	65.70	65.34	64.98	54.67	54.31	53.96	53.60	53.24	52.89	52.53
1,890.01	1,910.00	69.57	67.97	67.61	67.26	66.90	66.55	66.19	65.83	55.37	55.01	54.66	54.30	53.94	53.59	53.23
1,910.01	1,930.00	70.42	68.82	68.46	68.11	67.75	67.40	67.04	66.68	56.07	55.71	55.36	55.00	54.64	54.29	53.93
1,930.01	1,950.00	71.27	69.67	69.31	68.96	68.60	68.25	67.89	67.53	56.90	56.54	56.19	55.83	55.47	55.12	54.76
		(Add 4.25% for amounts in excess of $1,950)								*(Add 4.25% for amounts in excess of $1,950)*						

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	100.00	*(1.85% of gross pay for $100 and less with 0 Exemptions and 0 Dependents)*														
100.01	140.00	2.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	2.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	3.70	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	4.44	1.24	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.18	1.98	1.27	0.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	5.92	2.72	2.01	1.29	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	6.66	3.46	2.75	2.03	1.32	0.61	0.00	0.00	0.26	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	7.40	4.20	3.49	2.77	2.06	1.35	0.64	0.00	1.00	0.28	0.00	0.00	0.00	0.00	0.00
420.01	460.00	8.14	4.94	4.23	3.51	2.80	2.09	1.38	0.67	1.74	1.02	0.31	0.00	0.00	0.00	0.00
460.01	500.00	8.88	5.68	4.97	4.25	3.54	2.83	2.12	1.41	2.48	1.76	1.05	0.34	0.00	0.00	0.00
500.01	540.00	10.27	7.07	6.36	5.64	4.93	4.22	3.51	2.80	3.22	2.50	1.79	1.08	0.37	0.00	0.00
540.01	580.00	11.67	8.47	7.76	7.04	6.33	5.62	4.91	4.20	3.96	3.24	2.53	1.82	1.11	0.40	0.00
580.01	620.00	13.07	9.87	9.16	8.44	7.73	7.02	6.31	5.60	4.70	3.98	3.27	2.56	1.85	1.14	0.43
620.01	660.00	14.47	11.27	10.56	9.84	9.13	8.42	7.71	7.00	5.44	4.72	4.01	3.30	2.59	1.88	1.17
660.01	700.00	15.87	12.67	11.96	11.24	10.53	9.82	9.11	8.40	6.18	5.46	4.75	4.04	3.33	2.62	1.91
700.01	740.00	17.27	14.07	13.36	12.64	11.93	11.22	10.51	9.80	6.92	6.20	5.49	4.78	4.07	3.36	2.65
740.01	780.00	18.67	15.47	14.76	14.04	13.33	12.62	11.91	11.20	7.66	6.94	6.23	5.52	4.81	4.10	3.39
780.01	820.00	20.07	16.87	16.16	15.44	14.73	14.02	13.31	12.60	8.40	7.68	6.97	6.26	5.55	4.84	4.13
820.01	860.00	21.47	18.27	17.56	16.84	16.13	15.42	14.71	14.00	9.14	8.42	7.71	7.00	6.29	5.58	4.87
860.01	900.00	22.87	19.67	18.96	18.24	17.53	16.82	16.11	15.40	9.88	9.16	8.45	7.74	7.03	6.32	5.61
900.01	940.00	24.27	21.07	20.36	19.64	18.93	18.22	17.51	16.80	10.62	9.90	9.19	8.48	7.77	7.06	6.35
940.01	980.00	25.67	22.47	21.76	21.04	20.33	19.62	18.91	18.20	11.36	10.64	9.93	9.22	8.51	7.80	7.09
980.01	1,020.00	27.07	23.87	23.16	22.44	21.73	21.02	20.31	19.60	12.73	12.01	11.30	10.59	9.88	9.17	8.46
1,020.01	1,060.00	28.47	25.27	24.56	23.84	23.13	22.42	21.71	21.00	14.13	13.41	12.70	11.99	11.28	10.57	9.86
1,060.01	1,100.00	29.87	26.67	25.96	25.24	24.53	23.82	23.11	22.40	15.53	14.81	14.10	13.39	12.68	11.97	11.26

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
1,100.01	1,140.00	31.27	28.07	27.36	26.64	25.93	25.22	24.51	23.80	16.93	16.21	15.50	14.79	14.08	13.37	12.66
1,140.01	1,180.00	32.67	29.47	28.76	28.04	27.33	26.62	25.91	25.20	18.33	17.61	16.90	16.19	15.48	14.77	14.06
1,180.01	1,220.00	34.07	30.87	30.16	29.44	28.73	28.02	27.31	26.60	19.73	19.01	18.30	17.59	16.88	16.17	15.46
1,220.01	1,260.00	35.47	32.27	31.56	30.84	30.13	29.42	28.71	28.00	21.13	20.41	19.70	18.99	18.28	17.57	16.86
1,260.01	1,300.00	36.87	33.67	32.96	32.24	31.53	30.82	30.11	29.40	22.53	21.81	21.10	20.39	19.68	18.97	18.26
1,300.01	1,340.00	38.27	35.07	34.36	33.64	32.93	32.22	31.51	30.80	23.93	23.21	22.50	21.79	21.08	20.37	19.66
1,340.01	1,380.00	39.67	36.47	35.76	35.04	34.33	33.62	32.91	32.20	25.33	24.61	23.90	23.19	22.48	21.77	21.06
1,380.01	1,420.00	41.07	37.87	37.16	36.44	35.73	35.02	34.31	33.60	26.73	26.01	25.30	24.59	23.88	23.17	22.46
1,420.01	1,460.00	42.47	39.27	38.56	37.84	37.13	36.42	35.71	35.00	28.13	27.41	26.70	25.99	25.28	24.57	23.86
1,460.01	1,500.00	43.87	40.67	39.96	39.24	38.53	37.82	37.11	36.40	29.53	28.81	28.10	27.39	26.68	25.97	25.26
1,500.01	1,540.00	45.27	42.07	41.36	40.64	39.93	39.22	38.51	37.80	30.93	30.21	29.50	28.79	28.08	27.37	26.66
1,540.01	1,580.00	46.67	43.47	42.76	42.04	41.33	40.62	39.91	39.20	32.33	31.61	30.90	30.19	29.48	28.77	28.06
1,580.01	1,620.00	48.07	44.87	44.16	43.44	42.73	42.02	41.31	40.60	33.73	33.01	32.30	31.59	30.88	30.17	29.46
1,620.01	1,660.00	49.47	46.27	45.56	44.84	44.13	43.42	42.71	42.00	35.13	34.41	33.70	32.99	32.28	31.57	30.86
1,660.01	1,700.00	50.87	47.67	46.96	46.24	45.53	44.82	44.11	43.40	36.53	35.81	35.10	34.39	33.68	32.97	32.26
1,700.01	1,740.00	52.27	49.07	48.36	47.64	46.93	46.22	45.51	44.80	37.93	37.21	36.50	35.79	35.08	34.37	33.66
1,740.01	1,780.00	53.67	50.47	49.76	49.04	48.33	47.62	46.91	46.20	39.33	38.61	37.90	37.19	36.48	35.77	35.06
1,780.01	1,820.00	55.07	51.87	51.16	50.44	49.73	49.02	48.31	47.60	40.73	40.01	39.30	38.59	37.88	37.17	36.46
1,820.01	1,860.00	56.47	53.27	52.56	51.84	51.13	50.42	49.71	49.00	42.13	41.41	40.70	39.99	39.28	38.57	37.86
1,860.01	1,900.00	57.87	54.67	53.96	53.24	52.53	51.82	51.11	50.40	43.53	42.81	42.10	41.39	40.68	39.97	39.26
1,900.01	1,940.00	59.27	56.07	55.36	54.64	53.93	53.22	52.51	51.80	44.93	44.21	43.50	42.79	42.08	41.37	40.66
1,940.01	1,980.00	60.95	57.75	57.04	56.32	55.61	54.90	54.19	53.48	46.33	45.61	44.90	44.19	43.48	42.77	42.06
1,980.01	2,020.00	62.65	59.45	58.74	58.02	57.31	56.60	55.89	55.18	47.73	47.01	46.30	45.59	44.88	44.17	43.46
2,020.01	2,060.00	64.35	61.15	60.44	59.72	59.01	58.30	57.59	56.88	49.13	48.41	47.70	46.99	46.28	45.57	44.86
2,060.01	2,100.00	66.05	62.85	62.14	61.42	60.71	60.00	59.29	58.58	50.53	49.81	49.10	48.39	47.68	46.97	46.26
2,100.01	2,140.00	67.75	64.55	63.84	63.12	62.41	61.70	60.99	60.28	51.93	51.21	50.50	49.79	49.08	48.37	47.66
2,140.01	2,180.00	69.45	66.25	65.54	64.82	64.11	63.40	62.69	61.98	53.33	52.61	51.90	51.19	50.48	49.77	49.06
2,180.01	2,220.00	71.15	67.95	67.24	66.52	65.81	65.10	64.39	63.68	54.73	54.01	53.30	52.59	51.88	51.17	50.46
2,220.01	2,260.00	72.85	69.65	68.94	68.22	67.51	66.80	66.09	65.38	56.13	55.41	54.70	53.99	53.28	52.57	51.86
2,260.01	2,300.00	74.55	71.35	70.64	69.92	69.21	68.50	67.79	67.08	57.53	56.81	56.10	55.39	54.68	53.97	53.26
2,300.01	2,340.00	76.25	73.05	72.34	71.62	70.91	70.20	69.49	68.78	58.93	58.21	57.50	56.79	56.08	55.37	54.66
2,340.01	2,380.00	77.95	74.75	74.04	73.32	72.61	71.90	71.19	70.48	60.33	59.61	58.90	58.19	57.48	56.77	56.06
2,380.01	2,420.00	79.65	76.45	75.74	75.02	74.31	73.60	72.89	72.18	61.73	61.01	60.30	59.59	58.88	58.17	57.46
2,420.01	2,460.00	81.35	78.15	77.44	76.72	76.01	75.30	74.59	73.88	63.13	62.41	61.70	60.99	60.28	59.57	58.86
2,460.01	2,500.00	83.05	79.85	79.14	78.42	77.71	77.00	76.29	75.58	64.53	63.81	63.10	62.39	61.68	60.97	60.26
2,500.01	2,540.00	84.75	81.55	80.84	80.12	79.41	78.70	77.99	77.28	65.93	65.21	64.50	63.79	63.08	62.37	61.66
2,540.01	2,580.00	86.45	83.25	82.54	81.82	81.11	80.40	79.69	78.98	67.33	66.61	65.90	65.19	64.48	63.77	63.06
2,580.01	2,620.00	88.15	84.95	84.24	83.52	82.81	82.10	81.39	80.68	68.73	68.01	67.30	66.59	65.88	65.17	64.46
2,620.01	2,660.00	89.85	86.65	85.94	85.22	84.51	83.80	83.09	82.38	70.13	69.41	68.70	67.99	67.28	66.57	65.86
2,660.01	2,700.00	91.55	88.35	87.64	86.92	86.21	85.50	84.79	84.08	71.53	70.81	70.10	69.39	68.68	67.97	67.26
2,700.01	2,740.00	93.25	90.05	89.34	88.62	87.91	87.20	86.49	85.78	72.93	72.21	71.50	70.79	70.08	69.37	68.66
2,740.01	2,780.00	94.95	91.75	91.04	90.32	89.61	88.90	88.19	87.48	74.33	73.61	72.90	72.19	71.48	70.77	70.06
2,780.01	2,820.00	96.65	93.45	92.74	92.02	91.31	90.60	89.89	89.18	75.73	75.01	74.30	73.59	72.88	72.17	71.46
2,820.01	2,860.00	98.35	95.15	94.44	93.72	93.01	92.30	91.59	90.88	77.13	76.41	75.70	74.99	74.28	73.57	72.86
2,860.01	2,900.00	100.05	96.85	96.14	95.42	94.71	94.00	93.29	92.58	78.53	77.81	77.10	76.39	75.68	74.97	74.26
2,900.01	2,940.00	101.75	98.55	97.84	97.12	96.41	95.70	94.99	94.28	79.93	79.21	78.50	77.79	77.08	76.37	75.66
2,940.01	2,980.00	103.45	100.25	99.54	98.82	98.11	97.40	96.69	95.98	81.33	80.61	79.90	79.19	78.48	77.77	77.06
2,980.01	3,020.00	105.15	101.95	101.24	100.52	99.81	99.10	98.39	97.68	82.73	82.01	81.30	80.59	79.88	79.17	78.46
3,020.01	3,060.00	106.85	103.65	102.94	102.22	101.51	100.80	100.09	99.38	84.13	83.41	82.70	81.99	81.28	80.57	79.86
3,060.01	3,100.00	108.55	105.35	104.64	103.92	103.21	102.50	101.79	101.08	85.53	84.81	84.10	83.39	82.68	81.97	81.26
3,100.01	3,140.00	110.25	107.05	106.34	105.62	104.91	104.20	103.49	102.78	86.93	86.21	85.50	84.79	84.08	83.37	82.66
3,140.01	3,180.00	111.95	108.75	108.04	107.32	106.61	105.90	105.19	104.48	88.33	87.61	86.90	86.19	85.48	84.77	84.06
3,180.01	3,220.00	113.65	110.45	109.74	109.02	108.31	107.60	106.89	106.18	89.73	89.01	88.30	87.59	86.88	86.17	85.46
3,220.01	3,260.00	115.35	112.15	111.44	110.72	110.01	109.30	108.59	107.88	91.13	90.41	89.70	88.99	88.28	87.57	86.86
3,260.01	3,300.00	117.05	113.85	113.14	112.42	111.71	111.00	110.29	109.58	92.53	91.81	91.10	90.39	89.68	88.97	88.26
3,300.01	3,340.00	118.75	115.55	114.84	114.12	113.41	112.70	111.99	111.28	93.93	93.21	92.50	91.79	91.08	90.37	89.66
3,340.01	3,380.00	120.45	117.25	116.54	115.82	115.11	114.40	113.69	112.98	95.33	94.61	93.90	93.19	92.48	91.77	91.06
3,380.01	3,420.00	122.15	118.95	118.24	117.52	116.81	116.10	115.39	114.68	96.73	96.01	95.30	94.59	93.88	93.17	92.46
3,420.01	3,460.00	123.85	120.65	119.94	119.22	118.51	117.80	117.09	116.38	98.13	97.41	96.70	95.99	95.28	94.57	93.86
3,460.01	3,500.00	125.55	122.35	121.64	120.92	120.21	119.50	118.79	118.08	99.53	98.81	98.10	97.39	96.68	95.97	95.26
3,500.01	3,540.00	127.25	124.05	123.34	122.62	121.91	121.20	120.49	119.78	100.93	100.21	99.50	98.79	98.08	97.37	96.66
3,540.01	3,580.00	128.95	125.75	125.04	124.32	123.61	122.90	122.19	121.48	102.33	101.61	100.90	100.19	99.48	98.77	98.06

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
3,580.01	3,620.00	130.65	127.45	126.74	126.02	125.31	124.60	123.89	123.18	103.73	103.01	102.30	101.59	100.88	100.17	99.46
3,620.01	3,660.00	132.35	129.15	128.44	127.72	127.01	126.30	125.59	124.88	105.13	104.41	103.70	102.99	102.28	101.57	100.86
3,660.01	3,700.00	134.05	130.85	130.14	129.42	128.71	128.00	127.29	126.58	106.53	105.81	105.10	104.39	103.68	102.97	102.26
3,700.01	3,740.00	135.75	132.55	131.84	131.12	130.41	129.70	128.99	128.28	107.93	107.21	106.50	105.79	105.08	104.37	103.66
3,740.01	3,780.00	137.45	134.25	133.54	132.82	132.11	131.40	130.69	129.98	109.33	108.61	107.90	107.19	106.48	105.77	105.06
3,780.01	3,820.00	139.15	135.95	135.24	134.52	133.81	133.10	132.39	131.68	110.73	110.01	109.30	108.59	107.88	107.17	106.46
3,820.01	3,860.00	140.85	137.65	136.94	136.22	135.51	134.80	134.09	133.38	112.13	111.41	110.70	109.99	109.28	108.57	107.86
3,860.01	3,900.00	142.55	139.35	138.64	137.92	137.21	136.50	135.79	135.08	113.78	113.06	112.35	111.64	110.93	110.22	109.51
		Add 4.25% for amounts in excess of $3,900								*Add 4.25% for amounts in excess of $3,900*						

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	100.00	*(1.85% of gross pay for $100 and less with 0 Exemptions and 0 Dependents)*														
100.01	140.00	2.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	2.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	3.70	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	4.44	0.97	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.18	1.71	0.94	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	5.92	2.45	1.68	0.91	0.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	6.66	3.19	2.42	1.65	0.88	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	7.40	3.93	3.16	2.39	1.62	0.85	0.08	0.00	0.46	0.00	0.00	0.00	0.00	0.00	0.00
420.01	460.00	8.14	4.67	3.90	3.13	2.36	1.59	0.82	0.05	1.20	0.43	0.00	0.00	0.00	0.00	0.00
460.01	500.00	8.88	5.41	4.64	3.87	3.10	2.33	1.56	0.79	1.94	1.17	0.40	0.00	0.00	0.00	0.00
500.01	540.00	9.62	6.15	5.38	4.61	3.84	3.07	2.30	1.53	2.68	1.91	1.14	0.37	0.00	0.00	0.00
540.01	580.00	11.01	7.54	6.77	6.00	5.23	4.46	3.69	2.92	3.42	2.65	1.88	1.11	0.34	0.00	0.00
580.01	620.00	12.41	8.94	8.17	7.40	6.63	5.86	5.09	4.32	4.16	3.39	2.62	1.85	1.08	0.31	0.00
620.01	660.00	13.81	10.34	9.57	8.80	8.03	7.26	6.49	5.72	4.90	4.13	3.36	2.59	1.82	1.05	0.28
660.01	700.00	15.21	11.74	10.97	10.20	9.43	8.66	7.89	7.12	5.64	4.87	4.10	3.33	2.56	1.79	1.02
700.01	740.00	16.61	13.14	12.37	11.60	10.83	10.06	9.29	8.52	6.38	5.61	4.84	4.07	3.30	2.53	1.76
740.01	780.00	18.01	14.54	13.77	13.00	12.23	11.46	10.69	9.92	7.12	6.35	5.58	4.81	4.04	3.27	2.50
780.01	820.00	19.41	15.94	15.17	14.40	13.63	12.86	12.09	11.32	7.86	7.09	6.32	5.55	4.78	4.01	3.24
820.01	860.00	20.81	17.34	16.57	15.80	15.03	14.26	13.49	12.72	8.60	7.83	7.06	6.29	5.52	4.75	3.98
860.01	900.00	22.21	18.74	17.97	17.20	16.43	15.66	14.89	14.12	9.34	8.57	7.80	7.03	6.26	5.49	4.72
900.01	940.00	23.61	20.14	19.37	18.60	17.83	17.06	16.29	15.52	10.08	9.31	8.54	7.77	7.00	6.23	5.46
940.01	980.00	25.01	21.54	20.77	20.00	19.23	18.46	17.69	16.92	10.82	10.05	9.28	8.51	7.74	6.97	6.20
980.01	1,020.00	26.41	22.94	22.17	21.40	20.63	19.86	19.09	18.32	11.56	10.79	10.02	9.25	8.48	7.71	6.94
1,020.01	1,060.00	27.81	24.34	23.57	22.80	22.03	21.26	20.49	19.72	12.30	11.53	10.76	9.99	9.22	8.45	7.68
1,060.01	1,100.00	29.21	25.74	24.97	24.20	23.43	22.66	21.89	21.12	13.67	12.90	12.13	11.36	10.59	9.82	9.05
1,100.01	1,140.00	30.61	27.14	26.37	25.60	24.83	24.06	23.29	22.52	15.07	14.30	13.53	12.76	11.99	11.22	10.45
1,140.01	1,180.00	32.01	28.54	27.77	27.00	26.23	25.46	24.69	23.92	16.47	15.70	14.93	14.16	13.39	12.62	11.85
1,180.01	1,220.00	33.41	29.94	29.17	28.40	27.63	26.86	26.09	25.32	17.87	17.10	16.33	15.56	14.79	14.02	13.25
1,220.01	1,260.00	34.81	31.34	30.57	29.80	29.03	28.26	27.49	26.72	19.27	18.50	17.73	16.96	16.19	15.42	14.65
1,260.01	1,300.00	36.21	32.74	31.97	31.20	30.43	29.66	28.89	28.12	20.67	19.90	19.13	18.36	17.59	16.82	16.05
1,300.01	1,340.00	37.61	34.14	33.37	32.60	31.83	31.06	30.29	29.52	22.07	21.30	20.53	19.76	18.99	18.22	17.45
1,340.01	1,380.00	39.01	35.54	34.77	34.00	33.23	32.46	31.69	30.92	23.47	22.70	21.93	21.16	20.39	19.62	18.85
1,380.01	1,420.00	40.41	36.94	36.17	35.40	34.63	33.86	33.09	32.32	24.87	24.10	23.33	22.56	21.79	21.02	20.25
1,420.01	1,460.00	41.81	38.34	37.57	36.80	36.03	35.26	34.49	33.72	26.27	25.50	24.73	23.96	23.19	22.42	21.65
1,460.01	1,500.00	43.21	39.74	38.97	38.20	37.43	36.66	35.89	35.12	27.67	26.90	26.13	25.36	24.59	23.82	23.05
1,500.01	1,540.00	44.61	41.14	40.37	39.60	38.83	38.06	37.29	36.52	29.07	28.30	27.53	26.76	25.99	25.22	24.45
1,540.01	1,580.00	46.01	42.54	41.77	41.00	40.23	39.46	38.69	37.92	30.47	29.70	28.93	28.16	27.39	26.62	25.85
1,580.01	1,620.00	47.41	43.94	43.17	42.40	41.63	40.86	40.09	39.32	31.87	31.10	30.33	29.56	28.79	28.02	27.25
1,620.01	1,660.00	48.81	45.34	44.57	43.80	43.03	42.26	41.49	40.72	33.27	32.50	31.73	30.96	30.19	29.42	28.65
1,660.01	1,700.00	50.21	46.74	45.97	45.20	44.43	43.66	42.89	42.12	34.67	33.90	33.13	32.36	31.59	30.82	30.05
1,700.01	1,740.00	51.61	48.14	47.37	46.60	45.83	45.06	44.29	43.52	36.07	35.30	34.53	33.76	32.99	32.22	31.45
1,740.01	1,780.00	53.01	49.54	48.77	48.00	47.23	46.46	45.69	44.92	37.47	36.70	35.93	35.16	34.39	33.62	32.85
1,780.01	1,820.00	54.41	50.94	50.17	49.40	48.63	47.86	47.09	46.32	38.87	38.10	37.33	36.56	35.79	35.02	34.25
1,820.01	1,860.00	55.81	52.34	51.57	50.80	50.03	49.26	48.49	47.72	40.27	39.50	38.73	37.96	37.19	36.42	35.65
1,860.01	1,900.00	57.21	53.74	52.97	52.20	51.43	50.66	49.89	49.12	41.67	40.90	40.13	39.36	38.59	37.82	37.05
1,900.01	1,940.00	58.61	55.14	54.37	53.60	52.83	52.06	51.29	50.52	43.07	42.30	41.53	40.76	39.99	39.22	38.45
1,940.01	1,980.00	60.01	56.54	55.77	55.00	54.23	53.46	52.69	51.92	44.47	43.70	42.93	42.16	41.39	40.62	39.85
1,980.01	2,020.00	61.41	57.94	57.17	56.40	55.63	54.86	54.09	53.32	45.87	45.10	44.33	43.56	42.79	42.02	41.25

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
2,020.01	2,060.00	62.81	59.34	58.57	57.80	57.03	56.26	55.49	54.72	47.27	46.50	45.73	44.96	44.19	43.42	42.65
2,060.01	2,100.00	64.21	60.74	59.97	59.20	58.43	57.66	56.89	56.12	48.67	47.90	47.13	46.36	45.59	44.82	44.05
2,100.01	2,140.00	65.88	62.41	61.64	60.87	60.10	59.33	58.56	57.79	50.07	49.30	48.53	47.76	46.99	46.22	45.45
2,140.01	2,180.00	67.58	64.11	63.34	62.57	61.80	61.03	60.26	59.49	51.47	50.70	49.93	49.16	48.39	47.62	46.85
2,180.01	2,220.00	69.28	65.81	65.04	64.27	63.50	62.73	61.96	61.19	52.87	52.10	51.33	50.56	49.79	49.02	48.25
2,220.01	2,260.00	70.99	67.52	66.75	65.98	65.21	64.44	63.67	62.90	54.27	53.50	52.73	51.96	51.19	50.42	49.65
2,260.01	2,300.00	72.69	69.22	68.45	67.68	66.91	66.14	65.37	64.60	55.67	54.90	54.13	53.36	52.59	51.82	51.05
2,300.01	2,340.00	74.39	70.92	70.15	69.38	68.61	67.84	67.07	66.30	57.07	56.30	55.53	54.76	53.99	53.22	52.45
2,340.01	2,380.00	76.09	72.62	71.85	71.08	70.31	69.54	68.77	68.00	58.47	57.70	56.93	56.16	55.39	54.62	53.85
2,380.01	2,420.00	77.79	74.32	73.55	72.78	72.01	71.24	70.47	69.70	59.87	59.10	58.33	57.56	56.79	56.02	55.25
2,420.01	2,460.00	79.49	76.02	75.25	74.48	73.71	72.94	72.17	71.40	61.27	60.50	59.73	58.96	58.19	57.42	56.65
2,460.01	2,500.00	81.19	77.72	76.95	76.18	75.41	74.64	73.87	73.10	62.67	61.90	61.13	60.36	59.59	58.82	58.05
2,500.01	2,540.00	82.89	79.42	78.65	77.88	77.11	76.34	75.57	74.80	64.07	63.30	62.53	61.76	60.99	60.22	59.45
2,540.01	2,580.00	84.59	81.12	80.35	79.58	78.81	78.04	77.27	76.50	65.47	64.70	63.93	63.16	62.39	61.62	60.85
2,580.01	2,620.00	86.29	82.82	82.05	81.28	80.51	79.74	78.97	78.20	66.87	66.10	65.33	64.56	63.79	63.02	62.25
2,620.01	2,660.00	87.99	84.52	83.75	82.98	82.21	81.44	80.67	79.90	68.27	67.50	66.73	65.96	65.19	64.42	63.65
2,660.01	2,700.00	89.69	86.22	85.45	84.68	83.91	83.14	82.37	81.60	69.67	68.90	68.13	67.36	66.59	65.82	65.05
2,700.01	2,740.00	91.39	87.92	87.15	86.38	85.61	84.84	84.07	83.30	71.07	70.30	69.53	68.76	67.99	67.22	66.45
2,740.01	2,780.00	93.09	89.62	88.85	88.08	87.31	86.54	85.77	85.00	72.47	71.70	70.93	70.16	69.39	68.62	67.85
2,780.01	2,820.00	94.79	91.32	90.55	89.78	89.01	88.24	87.47	86.70	73.87	73.10	72.33	71.56	70.79	70.02	69.25
2,820.01	2,860.00	96.49	93.02	92.25	91.48	90.71	89.94	89.17	88.40	75.27	74.50	73.73	72.96	72.19	71.42	70.65
2,860.01	2,900.00	98.19	94.72	93.95	93.18	92.41	91.64	90.87	90.10	76.67	75.90	75.13	74.36	73.59	72.82	72.05
2,900.01	2,940.00	99.89	96.42	95.65	94.88	94.11	93.34	92.57	91.80	78.07	77.30	76.53	75.76	74.99	74.22	73.45
2,940.01	2,980.00	101.59	98.12	97.35	96.58	95.81	95.04	94.27	93.50	79.47	78.70	77.93	77.16	76.39	75.62	74.85
2,980.01	3,020.00	103.29	99.82	99.05	98.28	97.51	96.74	95.97	95.20	80.87	80.10	79.33	78.56	77.79	77.02	76.25
3,020.01	3,060.00	104.99	101.52	100.75	99.98	99.21	98.44	97.67	96.90	82.27	81.50	80.73	79.96	79.19	78.42	77.65
3,060.01	3,100.00	106.69	103.22	102.45	101.68	100.91	100.14	99.37	98.60	83.67	82.90	82.13	81.36	80.59	79.82	79.05
3,100.01	3,140.00	108.39	104.92	104.15	103.38	102.61	101.84	101.07	100.30	85.07	84.30	83.53	82.76	81.99	81.22	80.45
3,140.01	3,180.00	110.09	106.62	105.85	105.08	104.31	103.54	102.77	102.00	86.47	85.70	84.93	84.16	83.39	82.62	81.85
3,180.01	3,220.00	111.79	108.32	107.55	106.78	106.01	105.24	104.47	103.70	87.87	87.10	86.33	85.56	84.79	84.02	83.25
3,220.01	3,260.00	113.49	110.02	109.25	108.48	107.71	106.94	106.17	105.40	89.27	88.50	87.73	86.96	86.19	85.42	84.65
3,260.01	3,300.00	115.19	111.72	110.95	110.18	109.41	108.64	107.87	107.10	90.67	89.90	89.13	88.36	87.59	86.82	86.05
3,300.01	3,340.00	116.89	113.42	112.65	111.88	111.11	110.34	109.57	108.80	92.07	91.30	90.53	89.76	88.99	88.22	87.45
3,340.01	3,380.00	118.59	115.12	114.35	113.58	112.81	112.04	111.27	110.50	93.47	92.70	91.93	91.16	90.39	89.62	88.85
3,380.01	3,420.00	120.29	116.82	116.05	115.28	114.51	113.74	112.97	112.20	94.87	94.10	93.33	92.56	91.79	91.02	90.25
3,420.01	3,460.00	121.99	118.52	117.75	116.98	116.21	115.44	114.67	113.90	96.27	95.50	94.73	93.96	93.19	92.42	91.65
3,460.01	3,500.00	123.69	120.22	119.45	118.68	117.91	117.14	116.37	115.60	97.67	96.90	96.13	95.36	94.59	93.82	93.05
3,500.01	3,540.00	125.39	121.92	121.15	120.38	119.61	118.84	118.07	117.30	99.07	98.30	97.53	96.76	95.99	95.22	94.45
3,540.01	3,580.00	127.09	123.62	122.85	122.08	121.31	120.54	119.77	119.00	100.47	99.70	98.93	98.16	97.39	96.62	95.85
3,580.01	3,620.00	128.79	125.32	124.55	123.78	123.01	122.24	121.47	120.70	101.87	101.10	100.33	99.56	98.79	98.02	97.25
3,620.01	3,660.00	130.49	127.02	126.25	125.48	124.71	123.94	123.17	122.40	103.27	102.50	101.73	100.96	100.19	99.42	98.65
3,660.01	3,700.00	132.19	128.72	127.95	127.18	126.41	125.64	124.87	124.10	104.67	103.90	103.13	102.36	101.59	100.82	100.05
3,700.01	3,740.00	133.89	130.42	129.65	128.88	128.11	127.34	126.57	125.80	106.07	105.30	104.53	103.76	102.99	102.22	101.45
3,740.01	3,780.00	135.59	132.12	131.35	130.58	129.81	129.04	128.27	127.50	107.47	106.70	105.93	105.16	104.39	103.62	102.85
3,780.01	3,820.00	137.29	133.82	133.05	132.28	131.51	130.74	129.97	129.20	108.87	108.10	107.33	106.56	105.79	105.02	104.25
3,820.01	3,860.00	138.99	135.52	134.75	133.98	133.21	132.44	131.67	130.90	110.27	109.50	108.73	107.96	107.19	106.42	105.65
3,860.01	3,900.00	140.69	137.22	136.45	135.68	134.91	134.14	133.37	132.60	111.67	110.90	110.13	109.36	108.59	107.82	107.05
3,900.01	3,940.00	142.39	138.92	138.15	137.38	136.61	135.84	135.07	134.30	113.07	112.30	111.53	110.76	109.99	109.22	108.45
3,940.01	3,980.00	144.09	140.62	139.85	139.08	138.31	137.54	136.77	136.00	114.47	113.70	112.93	112.16	111.39	110.62	109.85
3,980.01	4,020.00	145.79	142.32	141.55	140.78	140.01	139.24	138.47	137.70	115.87	115.10	114.33	113.56	112.79	112.02	111.25
4,020.01	4,060.00	147.49	144.02	143.25	142.48	141.71	140.94	140.17	139.40	117.27	116.50	115.73	114.96	114.19	113.42	112.65
4,060.01	4,100.00	149.19	145.72	144.95	144.18	143.41	142.64	141.87	141.10	118.67	117.90	117.13	116.36	115.59	114.82	114.05
4,100.01	4,140.00	150.89	147.42	146.65	145.88	145.11	144.34	143.57	142.80	120.07	119.30	118.53	117.76	116.99	116.22	115.45
4,140.01	4,180.00	152.59	149.12	148.35	147.58	146.81	146.04	145.27	144.50	121.47	120.70	119.93	119.16	118.39	117.62	116.85
4,180.01	4,220.00	154.29	150.82	150.05	149.28	148.51	147.74	146.97	146.20	123.12	122.35	121.58	120.81	120.04	119.27	118.50
		(Add 4.25% for amounts in excess of $4,220)								*(Add 4.25% for amounts in excess of $4,220)*						

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	200.00	*(1.85% of gross pay for $200 and less with 0 Exemptions and 0 Dependents)*														
200.01	280.00	4.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
280.01	360.00	5.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
360.01	440.00	7.40	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
440.01	520.00	8.88	1.94	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
520.01	600.00	10.36	3.42	1.88	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
600.01	680.00	11.84	4.90	3.36	1.82	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
680.01	760.00	13.32	6.38	4.84	3.30	1.76	0.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
760.01	840.00	14.80	7.86	6.32	4.78	3.24	1.70	0.15	0.00	0.92	0.00	0.00	0.00	0.00	0.00	0.00
840.01	920.00	16.28	9.34	7.80	6.26	4.72	3.18	1.63	0.09	2.40	0.86	0.00	0.00	0.00	0.00	0.00
920.01	1,000.00	17.76	10.82	9.28	7.74	6.20	4.66	3.11	1.57	3.88	2.34	0.80	0.00	0.00	0.00	0.00
1,000.01	1,080.00	19.24	12.30	10.76	9.22	7.68	6.14	4.59	3.05	5.36	3.82	2.28	0.74	0.00	0.00	0.00
1,080.01	1,160.00	22.01	15.07	13.53	11.99	10.45	8.91	7.36	5.82	6.84	5.30	3.76	2.22	0.68	0.00	0.00
1,160.01	1,240.00	24.81	17.87	16.33	14.79	13.25	11.71	10.16	8.62	8.32	6.78	5.24	3.70	2.16	0.62	0.00
1,240.01	1,320.00	27.61	20.67	19.13	17.59	16.05	14.51	12.96	11.42	9.80	8.26	6.72	5.18	3.64	2.10	0.55
1,320.01	1,400.00	30.41	23.47	21.93	20.39	18.85	17.31	15.76	14.22	11.28	9.74	8.20	6.66	5.12	3.58	2.03
1,400.01	1,480.00	33.21	26.27	24.73	23.19	21.65	20.11	18.56	17.02	12.76	11.22	9.68	8.14	6.60	5.06	3.51
1,480.01	1,560.00	36.01	29.07	27.53	25.99	24.45	22.91	21.36	19.82	14.24	12.70	11.16	9.62	8.08	6.54	4.99
1,560.01	1,640.00	38.81	31.87	30.33	28.79	27.25	25.71	24.16	22.62	15.72	14.18	12.64	11.10	9.56	8.02	6.47
1,640.01	1,720.00	41.61	34.67	33.13	31.59	30.05	28.51	26.96	25.42	17.20	15.66	14.12	12.58	11.04	9.50	7.95
1,720.01	1,800.00	44.41	37.47	35.93	34.39	32.85	31.31	29.76	28.22	18.68	17.14	15.60	14.06	12.52	10.98	9.43
1,800.01	1,880.00	47.21	40.27	38.73	37.19	35.65	34.11	32.56	31.02	20.16	18.62	17.08	15.54	14.00	12.46	10.91
1,880.01	1,960.00	50.01	43.07	41.53	39.99	38.45	36.91	35.36	33.82	21.64	20.10	18.56	17.02	15.48	13.94	12.39
1,960.01	2,040.00	52.81	45.87	44.33	42.79	41.25	39.71	38.16	36.62	23.12	21.58	20.04	18.50	16.96	15.42	13.87
2,040.01	2,120.00	55.61	48.67	47.13	45.59	44.05	42.51	40.96	39.42	24.60	23.06	21.52	19.98	18.44	16.90	15.35
2,120.01	2,200.00	58.41	51.47	49.93	48.39	46.85	45.31	43.76	42.22	27.35	25.81	24.27	22.73	21.19	19.65	18.10
2,200.01	2,280.00	61.21	54.27	52.73	51.19	49.65	48.11	46.56	45.02	30.15	28.61	27.07	25.53	23.99	22.45	20.90
2,280.01	2,360.00	64.01	57.07	55.53	53.99	52.45	50.91	49.36	47.82	32.95	31.41	29.87	28.33	26.79	25.25	23.70
2,360.01	2,440.00	66.81	59.87	58.33	56.79	55.25	53.71	52.16	50.62	35.75	34.21	32.67	31.13	29.59	28.05	26.50
2,440.01	2,520.00	69.61	62.67	61.13	59.59	58.05	56.51	54.96	53.42	38.55	37.01	35.47	33.93	32.39	30.85	29.30
2,520.01	2,600.00	72.41	65.47	63.93	62.39	60.85	59.31	57.76	56.22	41.35	39.81	38.27	36.73	35.19	33.65	32.10
2,600.01	2,680.00	75.21	68.27	66.73	65.19	63.65	62.11	60.56	59.02	44.15	42.61	41.07	39.53	37.99	36.45	34.90
2,680.01	2,760.00	78.01	71.07	69.53	67.99	66.45	64.91	63.36	61.82	46.95	45.41	43.87	42.33	40.79	39.25	37.70
2,760.01	2,840.00	80.81	73.87	72.33	70.79	69.25	67.71	66.16	64.62	49.75	48.21	46.67	45.13	43.59	42.05	40.50
2,840.01	2,920.00	83.61	76.67	75.13	73.59	72.05	70.51	68.96	67.42	52.55	51.01	49.47	47.93	46.39	44.85	43.30
2,920.01	3,000.00	86.41	79.47	77.93	76.39	74.85	73.31	71.76	70.22	55.35	53.81	52.27	50.73	49.19	47.65	46.10
3,000.01	3,080.00	89.21	82.27	80.73	79.19	77.65	76.11	74.56	73.02	58.15	56.61	55.07	53.53	51.99	50.45	48.90
3,080.01	3,160.00	92.01	85.07	83.53	81.99	80.45	78.91	77.36	75.82	60.95	59.41	57.87	56.33	54.79	53.25	51.70
3,160.01	3,240.00	94.81	87.87	86.33	84.79	83.25	81.71	80.16	78.62	63.75	62.21	60.67	59.13	57.59	56.05	54.50
3,240.01	3,320.00	97.61	90.67	89.13	87.59	86.05	84.51	82.96	81.42	66.55	65.01	63.47	61.93	60.39	58.85	57.30
3,320.01	3,400.00	100.41	93.47	91.93	90.39	88.85	87.31	85.76	84.22	69.35	67.81	66.27	64.73	63.19	61.65	60.10
3,400.01	3,480.00	103.21	96.27	94.73	93.19	91.65	90.11	88.56	87.02	72.15	70.61	69.07	67.53	65.99	64.45	62.90
3,480.01	3,560.00	106.01	99.07	97.53	95.99	94.45	92.91	91.36	89.82	74.95	73.41	71.87	70.33	68.79	67.25	65.70
3,560.01	3,640.00	108.81	101.87	100.33	98.79	97.25	95.71	94.16	92.62	77.75	76.21	74.67	73.13	71.59	70.05	68.50
3,640.01	3,720.00	111.61	104.67	103.13	101.59	100.05	98.51	96.96	95.42	80.55	79.01	77.47	75.93	74.39	72.85	71.30
3,720.01	3,800.00	114.41	107.47	105.93	104.39	102.85	101.31	99.76	98.22	83.35	81.81	80.27	78.73	77.19	75.65	74.10
3,800.01	3,880.00	117.21	110.27	108.73	107.19	105.65	104.11	102.56	101.02	86.15	84.61	83.07	81.53	79.99	78.45	76.90
3,880.01	3,960.00	120.01	113.07	111.53	109.99	108.45	106.91	105.36	103.82	88.95	87.41	85.87	84.33	82.79	81.25	79.70
3,960.01	4,040.00	122.81	115.87	114.33	112.79	111.25	109.71	108.16	106.62	91.75	90.21	88.67	87.13	85.59	84.05	82.50
4,040.01	4,120.00	125.61	118.67	117.13	115.59	114.05	112.51	110.96	109.42	94.55	93.01	91.47	89.93	88.39	86.85	85.30
4,120.01	4,200.00	128.41	121.47	119.93	118.39	116.85	115.31	113.76	112.22	97.35	95.81	94.27	92.73	91.19	89.65	88.10
4,200.01	4,280.00	131.76	124.82	123.28	121.74	120.20	118.66	117.11	115.57	100.15	98.61	97.07	95.53	93.99	92.45	90.90
4,280.01	4,360.00	135.16	128.22	126.68	125.14	123.60	122.06	120.51	118.97	102.95	101.41	99.87	98.33	96.79	95.25	93.70
4,360.01	4,440.00	138.56	131.62	130.08	128.54	127.00	125.46	123.91	122.37	105.75	104.21	102.67	101.13	99.59	98.05	96.50
4,440.01	4,520.00	141.96	135.02	133.48	131.94	130.40	128.86	127.31	125.77	108.55	107.01	105.47	103.93	102.39	100.85	99.30
4,520.01	4,600.00	145.36	138.42	136.88	135.34	133.80	132.26	130.71	129.17	111.35	109.81	108.27	106.73	105.19	103.65	102.10
4,600.01	4,680.00	148.76	141.82	140.28	138.74	137.20	135.66	134.11	132.57	114.15	112.61	111.07	109.53	107.99	106.45	104.90
4,680.01	4,760.00	152.16	145.22	143.68	142.14	140.60	139.06	137.51	135.97	116.95	115.41	113.87	112.33	110.79	109.25	107.70
4,760.01	4,840.00	155.56	148.62	147.08	145.54	144.00	142.46	140.91	139.37	119.75	118.21	116.67	115.13	113.59	112.05	110.50
4,840.01	4,920.00	158.96	152.02	150.48	148.94	147.40	145.86	144.31	142.77	122.55	121.01	119.47	117.93	116.39	114.85	113.30
4,920.01	5,000.00	162.36	155.42	153.88	152.34	150.80	149.26	147.71	146.17	125.35	123.81	122.27	120.73	119.19	117.65	116.10
5,000.01	5,080.00	165.76	158.82	157.28	155.74	154.20	152.66	151.11	149.57	128.15	126.61	125.07	123.53	121.99	120.45	118.90
5,080.01	5,160.00	169.16	162.22	160.68	159.14	157.60	156.06	154.51	152.97	130.95	129.41	127.87	126.33	124.79	123.25	121.70
5,160.01	5,240.00	172.56	165.62	164.08	162.54	161.00	159.46	157.91	156.37	133.75	132.21	130.67	129.13	127.59	126.05	124.50
5,240.01	5,320.00	175.96	169.02	167.48	165.94	164.40	162.86	161.31	159.77	136.55	135.01	133.47	131.93	130.39	128.85	127.30
5,320.01	5,400.00	179.36	172.42	170.88	169.34	167.80	166.26	164.71	163.17	139.35	137.81	136.27	134.73	133.19	131.65	130.10
5,400.01	5,480.00	182.76	175.82	174.28	172.74	171.20	169.66	168.11	166.57	142.15	140.61	139.07	137.53	135.99	134.45	132.90
5,480.01	5,560.00	186.16	179.22	177.68	176.14	174.60	173.06	171.51	169.97	144.95	143.41	141.87	140.33	138.79	137.25	135.70
5,560.01	5,640.00	189.56	182.62	181.08	179.54	178.00	176.46	174.91	173.37	147.75	146.21	144.67	143.13	141.59	140.05	138.50

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
5,640.01	5,720.00	192.96	186.02	184.48	182.94	181.40	179.86	178.31	176.77	150.55	149.01	147.47	145.93	144.39	142.85	141.30
5,720.01	5,800.00	196.36	189.42	187.88	186.34	184.80	183.26	181.71	180.17	153.35	151.81	150.27	148.73	147.19	145.65	144.10
5,800.01	5,880.00	199.76	192.82	191.28	189.74	188.20	186.66	185.11	183.57	156.15	154.61	153.07	151.53	149.99	148.45	146.90
5,880.01	5,960.00	203.16	196.22	194.68	193.14	191.60	190.06	188.51	186.97	158.95	157.41	155.87	154.33	152.79	151.25	149.70
5,960.01	6,040.00	206.56	199.62	198.08	196.54	195.00	193.46	191.91	190.37	161.75	160.21	158.67	157.13	155.59	154.05	152.50
6,040.01	6,120.00	209.96	203.02	201.48	199.94	198.40	196.86	195.31	193.77	164.55	163.01	161.47	159.93	158.39	156.85	155.30
6,120.01	6,200.00	213.36	206.42	204.88	203.34	201.80	200.26	198.71	197.17	167.35	165.81	164.27	162.73	161.19	159.65	158.10
6,200.01	6,280.00	216.76	209.82	208.28	206.74	205.20	203.66	202.11	200.57	170.15	168.61	167.07	165.53	163.99	162.45	160.90
6,280.01	6,360.00	220.16	213.22	211.68	210.14	208.60	207.06	205.51	203.97	172.95	171.41	169.87	168.33	166.79	165.25	163.70
6,360.01	6,440.00	223.56	216.62	215.08	213.54	212.00	210.46	208.91	207.37	175.75	174.21	172.67	171.13	169.59	168.05	166.50
6,440.01	6,520.00	226.96	220.02	218.48	216.94	215.40	213.86	212.31	210.77	178.55	177.01	175.47	173.93	172.39	170.85	169.30
6,520.01	6,600.00	230.36	223.42	221.88	220.34	218.80	217.26	215.71	214.17	181.35	179.81	178.27	176.73	175.19	173.65	172.10
6,600.01	6,680.00	233.76	226.82	225.28	223.74	222.20	220.66	219.11	217.57	184.15	182.61	181.07	179.53	177.99	176.45	174.90
6,680.01	6,760.00	237.16	230.22	228.68	227.14	225.60	224.06	222.51	220.97	186.95	185.41	183.87	182.33	180.79	179.25	177.70
6,760.01	6,840.00	240.56	233.62	232.08	230.54	229.00	227.46	225.91	224.37	189.75	188.21	186.67	185.13	183.59	182.05	180.50
6,840.01	6,920.00	243.96	237.02	235.48	233.94	232.40	230.86	229.31	227.77	192.55	191.01	189.47	187.93	186.39	184.85	183.30
6,920.01	7,000.00	247.36	240.42	238.88	237.34	235.80	234.26	232.71	231.17	195.35	193.81	192.27	190.73	189.19	187.65	186.10
7,000.01	7,080.00	250.76	243.82	242.28	240.74	239.20	237.66	236.11	234.57	198.15	196.61	195.07	193.53	191.99	190.45	188.90
7,080.01	7,160.00	254.16	247.22	245.68	244.14	242.60	241.06	239.51	237.97	200.95	199.41	197.87	196.33	194.79	193.25	191.70
7,160.01	7,240.00	257.56	250.62	249.08	247.54	246.00	244.46	242.91	241.37	203.75	202.21	200.67	199.13	197.59	196.05	194.50
7,240.01	7,320.00	260.96	254.02	252.48	250.94	249.40	247.86	246.31	244.77	206.55	205.01	203.47	201.93	200.39	198.85	197.30
7,320.01	7,400.00	264.36	257.42	255.88	254.34	252.80	251.26	249.71	248.17	209.35	207.81	206.27	204.73	203.19	201.65	200.10
7,400.01	7,480.00	267.76	260.82	259.28	257.74	256.20	254.66	253.11	251.57	212.15	210.61	209.07	207.53	205.99	204.45	202.90
7,480.01	7,560.00	271.16	264.22	262.68	261.14	259.60	258.06	256.51	254.97	214.95	213.41	211.87	210.33	208.79	207.25	205.70
7,560.01	7,640.00	274.56	267.62	266.08	264.54	263.00	261.46	259.91	258.37	217.75	216.21	214.67	213.13	211.59	210.05	208.50
7,640.01	7,720.00	277.96	271.02	269.48	267.94	266.40	264.86	263.31	261.77	220.55	219.01	217.47	215.93	214.39	212.85	211.30
7,720.01	7,800.00	281.36	274.42	272.88	271.34	269.80	268.26	266.71	265.17	223.35	221.81	220.27	218.73	217.19	215.65	214.10
7,800.01	7,880.00	284.76	277.82	276.28	274.74	273.20	271.66	270.11	268.57	226.15	224.61	223.07	221.53	219.99	218.45	216.90
7,880.01	7,960.00	288.16	281.22	279.68	278.14	276.60	275.06	273.51	271.97	228.95	227.41	225.87	224.33	222.79	221.25	219.70
7,960.01	8,040.00	291.56	284.62	283.08	281.54	280.00	278.46	276.91	275.37	231.75	230.21	228.67	227.13	225.59	224.05	222.50
8,040.01	8,120.00	294.96	288.02	286.48	284.94	283.40	281.86	280.31	278.77	234.55	233.01	231.47	229.93	228.39	226.85	225.30
8,120.01	8,200.00	298.36	291.42	289.88	288.34	286.80	285.26	283.71	282.17	237.35	235.81	234.27	232.73	231.19	229.65	228.10
8,200.01	8,280.00	301.76	294.82	293.28	291.74	290.20	288.66	287.11	285.57	240.15	238.61	237.07	235.53	233.99	232.45	230.90
8,280.01	8,360.00	305.16	298.22	296.68	295.14	293.60	292.06	290.51	288.97	242.95	241.41	239.87	238.33	236.79	235.25	233.70
8,360.01	8,440.00	308.56	301.62	300.08	298.54	297.00	295.46	293.91	292.37	246.25	244.71	243.17	241.63	240.09	238.55	237.00
		(Add 4.25% for amounts in excess of $8,440)								*(Add 4.25% for amounts in excess of $8,440)*						

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	2,500.00	*(1.85% of gross pay for $2,500 and less with 0 Exemptions and 0 Dependents)*														
2,501.00	2,900.00	49.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,901.00	3,300.00	57.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,301.00	3,700.00	64.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,701.00	4,100.00	72.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,101.00	4,500.00	79.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,501.00	4,900.00	86.95	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,901.00	5,300.00	94.35	11.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,301.00	5,700.00	101.75	18.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,701.00	6,100.00	109.15	25.90	7.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,101.00	6,500.00	116.55	33.30	14.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,501.00	6,900.00	123.95	40.70	22.20	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,901.00	7,300.00	131.35	48.10	29.60	11.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,301.00	7,700.00	138.75	55.50	37.00	18.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,701.00	8,100.00	146.15	62.90	44.40	25.90	7.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,101.00	8,500.00	153.55	70.30	51.80	33.30	14.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,501.00	8,900.00	160.95	77.70	59.20	40.70	22.20	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,901.00	9,300.00	168.35	85.10	66.60	48.10	29.60	11.10	0.00	0.00	1.85	0.00	0.00	0.00	0.00	0.00	0.00
9,301.00	9,700.00	175.75	92.50	74.00	55.50	37.00	18.50	0.00	0.00	9.25	0.00	0.00	0.00	0.00	0.00	0.00
9,701.00	10,100.00	183.15	99.90	81.40	62.90	44.40	25.90	7.40	0.00	16.65	0.00	0.00	0.00	0.00	0.00	0.00
10,101.00	10,500.00	190.55	107.30	88.80	70.30	51.80	33.30	14.80	0.00	24.05	5.55	0.00	0.00	0.00	0.00	0.00
10,501.00	10,900.00	197.95	114.70	96.20	77.70	59.20	40.70	22.20	3.70	31.45	12.95	0.00	0.00	0.00	0.00	0.00
10,901.00	11,300.00	205.35	122.10	103.60	85.10	66.60	48.10	29.60	11.10	38.85	20.35	1.85	0.00	0.00	0.00	0.00

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
11,301.00	11,700.00	212.75	129.50	111.00	92.50	74.00	55.50	37.00	18.50	46.25	27.75	9.25	0.00	0.00	0.00	0.00
11,701.00	12,100.00	220.15	136.90	118.40	99.90	81.40	62.90	44.40	25.90	53.65	35.15	16.65	0.00	0.00	0.00	0.00
12,101.00	12,500.00	227.55	144.30	125.80	107.30	88.80	70.30	51.80	33.30	61.05	42.55	24.05	5.55	0.00	0.00	0.00
12,501.00	12,900.00	238.25	155.00	136.50	118.00	99.50	81.00	62.50	44.00	68.45	49.95	31.45	12.95	0.00	0.00	0.00
12,901.00	13,300.00	252.25	169.00	150.50	132.00	113.50	95.00	76.50	58.00	75.85	57.35	38.85	20.35	1.85	0.00	0.00
13,301.00	13,700.00	266.25	183.00	164.50	146.00	127.50	109.00	90.50	72.00	83.25	64.75	46.25	27.75	9.25	0.00	0.00
13,701.00	14,100.00	280.25	197.00	178.50	160.00	141.50	123.00	104.50	86.00	90.65	72.15	53.65	35.15	16.65	0.00	0.00
14,101.00	14,500.00	294.25	211.00	192.50	174.00	155.50	137.00	118.50	100.00	98.05	79.55	61.05	42.55	24.05	5.55	0.00
14,501.00	14,900.00	308.25	225.00	206.50	188.00	169.50	151.00	132.50	114.00	105.45	86.95	68.45	49.95	31.45	12.95	0.00
14,901.00	15,300.00	322.25	239.00	220.50	202.00	183.50	165.00	146.50	128.00	112.85	94.35	75.85	57.35	38.85	20.35	1.85
15,301.00	15,700.00	336.25	253.00	234.50	216.00	197.50	179.00	160.50	142.00	120.25	101.75	83.25	64.75	46.25	27.75	9.25
15,701.00	16,100.00	350.25	267.00	248.50	230.00	211.50	193.00	174.50	156.00	127.65	109.15	90.65	72.15	53.65	35.15	16.65
16,101.00	16,500.00	364.25	281.00	262.50	244.00	225.50	207.00	188.50	170.00	135.05	116.55	98.05	79.55	61.05	42.55	24.05
16,501.00	16,900.00	378.25	295.00	276.50	258.00	239.50	221.00	202.50	184.00	142.45	123.95	105.45	86.95	68.45	49.95	31.45
16,901.00	17,300.00	392.25	309.00	290.50	272.00	253.50	235.00	216.50	198.00	149.85	131.35	112.85	94.35	75.85	57.35	38.85
17,301.00	17,700.00	406.25	323.00	304.50	286.00	267.50	249.00	230.50	212.00	157.25	138.75	120.25	101.75	83.25	64.75	46.25
17,701.00	18,100.00	420.25	337.00	318.50	300.00	281.50	263.00	244.50	226.00	164.65	146.15	127.65	109.15	90.65	72.15	53.65
18,101.00	18,500.00	434.25	351.00	332.50	314.00	295.50	277.00	258.50	240.00	172.05	153.55	135.05	116.55	98.05	79.55	61.05
18,501.00	18,900.00	448.25	365.00	346.50	328.00	309.50	291.00	272.50	254.00	179.45	160.95	142.45	123.95	105.45	86.95	68.45
18,901.00	19,300.00	462.25	379.00	360.50	342.00	323.50	305.00	286.50	268.00	186.85	168.35	149.85	131.35	112.85	94.35	75.85
19,301.00	19,700.00	476.25	393.00	374.50	356.00	337.50	319.00	300.50	282.00	194.25	175.75	157.25	138.75	120.25	101.75	83.25
19,701.00	20,100.00	490.25	407.00	388.50	370.00	351.50	333.00	314.50	296.00	201.65	183.15	164.65	146.15	127.65	109.15	90.65
20,101.00	20,500.00	504.25	421.00	402.50	384.00	365.50	347.00	328.50	310.00	209.05	190.55	172.05	153.55	135.05	116.55	98.05
20,501.00	20,900.00	518.25	435.00	416.50	398.00	379.50	361.00	342.50	324.00	216.45	197.95	179.45	160.95	142.45	123.95	105.45
20,901.00	21,300.00	532.25	449.00	430.50	412.00	393.50	375.00	356.50	338.00	223.85	205.35	186.85	168.35	149.85	131.35	112.85
21,301.00	21,700.00	546.25	463.00	444.50	426.00	407.50	389.00	370.50	352.00	231.25	212.75	194.25	175.75	157.25	138.75	120.25
21,701.00	22,100.00	560.25	477.00	458.50	440.00	421.50	403.00	384.50	366.00	238.65	220.15	201.65	183.15	164.65	146.15	127.65
22,101.00	22,500.00	574.25	491.00	472.50	454.00	435.50	417.00	398.50	380.00	246.05	227.55	209.05	190.55	172.05	153.55	135.05
22,501.00	22,900.00	588.25	505.00	486.50	468.00	449.50	431.00	412.50	394.00	253.45	234.95	216.45	197.95	179.45	160.95	142.45
22,901.00	23,300.00	602.25	519.00	500.50	482.00	463.50	445.00	426.50	408.00	260.85	242.35	223.85	205.35	186.85	168.35	149.85
23,301.00	23,700.00	616.25	533.00	514.50	496.00	477.50	459.00	440.50	422.00	268.25	249.75	231.25	212.75	194.25	175.75	157.25
23,701.00	24,100.00	630.25	547.00	528.50	510.00	491.50	473.00	454.50	436.00	275.65	257.15	238.65	220.15	201.65	183.15	164.65
24,101.00	24,500.00	644.25	561.00	542.50	524.00	505.50	487.00	468.50	450.00	283.05	264.55	246.05	227.55	209.05	190.55	172.05
24,501.00	24,900.00	658.25	575.00	556.50	538.00	519.50	501.00	482.50	464.00	290.45	271.95	253.45	234.95	216.45	197.95	179.45
24,901.00	25,300.00	672.25	589.00	570.50	552.00	533.50	515.00	496.50	478.00	299.50	281.00	262.50	244.00	225.50	207.00	188.50
25,301.00	25,700.00	686.25	603.00	584.50	566.00	547.50	529.00	510.50	492.00	313.50	295.00	276.50	258.00	239.50	221.00	202.50
25,701.00	26,100.00	700.25	617.00	598.50	580.00	561.50	543.00	524.50	506.00	327.50	309.00	290.50	272.00	253.50	235.00	216.50
26,101.00	26,500.00	714.25	631.00	612.50	594.00	575.50	557.00	538.50	520.00	341.50	323.00	304.50	286.00	267.50	249.00	230.50
26,501.00	26,900.00	728.25	645.00	626.50	608.00	589.50	571.00	552.50	534.00	355.50	337.00	318.50	300.00	281.50	263.00	244.50
26,901.00	27,300.00	742.25	659.00	640.50	622.00	603.50	585.00	566.50	548.00	369.50	351.00	332.50	314.00	295.50	277.00	258.50
27,301.00	27,700.00	756.25	673.00	654.50	636.00	617.50	599.00	580.50	562.00	383.50	365.00	346.50	328.00	309.50	291.00	272.50
27,701.00	28,100.00	770.25	687.00	668.50	650.00	631.50	613.00	594.50	576.00	397.50	379.00	360.50	342.00	323.50	305.00	286.50
28,101.00	28,500.00	784.25	701.00	682.50	664.00	645.50	627.00	608.50	590.00	411.50	393.00	374.50	356.00	337.50	319.00	300.50
28,501.00	28,900.00	798.25	715.00	696.50	678.00	659.50	641.00	622.50	604.00	425.50	407.00	388.50	370.00	351.50	333.00	314.50
28,901.00	29,300.00	812.25	729.00	710.50	692.00	673.50	655.00	636.50	618.00	439.50	421.00	402.50	384.00	365.50	347.00	328.50
29,301.00	29,700.00	826.25	743.00	724.50	706.00	687.50	669.00	650.50	632.00	453.50	435.00	416.50	398.00	379.50	361.00	342.50
29,701.00	30,100.00	840.25	757.00	738.50	720.00	701.50	683.00	664.50	646.00	467.50	449.00	430.50	412.00	393.50	375.00	356.50
30,101.00	30,500.00	854.25	771.00	752.50	734.00	715.50	697.00	678.50	660.00	481.50	463.00	444.50	426.00	407.50	389.00	370.50
30,501.00	30,900.00	868.25	785.00	766.50	748.00	729.50	711.00	692.50	674.00	495.50	477.00	458.50	440.00	421.50	403.00	384.50
30,901.00	31,300.00	882.25	799.00	780.50	762.00	743.50	725.00	706.50	688.00	509.50	491.00	472.50	454.00	435.50	417.00	398.50
31,301.00	31,700.00	896.25	813.00	794.50	776.00	757.50	739.00	720.50	702.00	523.50	505.00	486.50	468.00	449.50	431.00	412.50
31,701.00	32,100.00	910.25	827.00	808.50	790.00	771.50	753.00	734.50	716.00	537.50	519.00	500.50	482.00	463.50	445.00	426.50
32,101.00	32,500.00	924.25	841.00	822.50	804.00	785.50	767.00	748.50	730.00	551.50	533.00	514.50	496.00	477.50	459.00	440.50
32,501.00	32,900.00	938.25	855.00	836.50	818.00	799.50	781.00	762.50	744.00	565.50	547.00	528.50	510.00	491.50	473.00	454.50
32,901.00	33,300.00	952.25	869.00	850.50	832.00	813.50	795.00	776.50	758.00	579.50	561.00	542.50	524.00	505.50	487.00	468.50
33,301.00	33,700.00	966.25	883.00	864.50	846.00	827.50	809.00	790.50	772.00	593.50	575.00	556.50	538.00	519.50	501.00	482.50
33,701.00	34,100.00	980.25	897.00	878.50	860.00	841.50	823.00	804.50	786.00	607.50	589.00	570.50	552.00	533.50	515.00	496.50
34,101.00	34,500.00	994.25	911.00	892.50	874.00	855.50	837.00	818.50	800.00	621.50	603.00	584.50	566.00	547.50	529.00	510.50
34,501.00	34,900.00	1,008.25	925.00	906.50	888.00	869.50	851.00	832.50	814.00	635.50	617.00	598.50	580.00	561.50	543.00	524.50
34,901.00	35,300.00	1,022.25	939.00	920.50	902.00	883.50	865.00	846.50	828.00	649.50	631.00	612.50	594.00	575.50	557.00	538.50
35,301.00	35,700.00	1,036.25	953.00	934.50	916.00	897.50	879.00	860.50	842.00	663.50	645.00	626.50	608.00	589.50	571.00	552.50
35,701.00	36,100.00	1,050.25	967.00	948.50	930.00	911.50	893.00	874.50	856.00	677.50	659.00	640.50	622.00	603.50	585.00	566.50
36,101.00	36,500.00	1,064.25	981.00	962.50	944.00	925.50	907.00	888.50	870.00	691.50	673.00	654.50	636.00	617.50	599.00	580.50
36,501.00	36,900.00	1,078.25	995.00	976.50	958.00	939.50	921.00	902.50	884.00	705.50	687.00	668.50	650.00	631.50	613.00	594.50
36,901.00	37,300.00	1,092.25	1,009.00	990.50	972.00	953.50	935.00	916.50	898.00	719.50	701.00	682.50	664.00	645.50	627.00	608.50
37,301.00	37,700.00	1,106.25	1,023.00	1,004.50	986.00	967.50	949.00	930.50	912.00	733.50	715.00	696.50	678.00	659.50	641.00	622.50

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
37,701.00	38,100.00	1,120.25	1,037.00	1,018.50	1,000.00	981.50	963.00	944.50	926.00	747.50	729.00	710.50	692.00	673.50	655.00	636.50
38,101.00	38,500.00	1,134.25	1,051.00	1,032.50	1,014.00	995.50	977.00	958.50	940.00	761.50	743.00	724.50	706.00	687.50	669.00	650.50
38,501.00	38,900.00	1,148.25	1,065.00	1,046.50	1,028.00	1,009.50	991.00	972.50	954.00	775.50	757.00	738.50	720.00	701.50	683.00	664.50
38,901.00	39,300.00	1,162.25	1,079.00	1,060.50	1,042.00	1,023.50	1,005.00	986.50	968.00	789.50	771.00	752.50	734.00	715.50	697.00	678.50
39,301.00	39,700.00	1,176.25	1,093.00	1,074.50	1,056.00	1,037.50	1,019.00	1,000.50	982.00	803.50	785.00	766.50	748.00	729.50	711.00	692.50
39,701.00	40,100.00	1,190.25	1,107.00	1,088.50	1,070.00	1,051.50	1,033.00	1,014.50	996.00	817.50	799.00	780.50	762.00	743.50	725.00	706.50
40,101.00	40,500.00	1,204.25	1,121.00	1,102.50	1,084.00	1,065.50	1,047.00	1,028.50	1,010.00	831.50	813.00	794.50	776.00	757.50	739.00	720.50
40,501.00	40,900.00	1,218.25	1,135.00	1,116.50	1,098.00	1,079.50	1,061.00	1,042.50	1,024.00	845.50	827.00	808.50	790.00	771.50	753.00	734.50
40,901.00	41,300.00	1,232.25	1,149.00	1,130.50	1,112.00	1,093.50	1,075.00	1,056.50	1,038.00	859.50	841.00	822.50	804.00	785.50	767.00	748.50
41,301.00	41,700.00	1,246.25	1,163.00	1,144.50	1,126.00	1,107.50	1,089.00	1,070.50	1,052.00	873.50	855.00	836.50	818.00	799.50	781.00	762.50
41,701.00	42,100.00	1,260.25	1,177.00	1,158.50	1,140.00	1,121.50	1,103.00	1,084.50	1,066.00	887.50	869.00	850.50	832.00	813.50	795.00	776.50
42,101.00	42,500.00	1,274.25	1,191.00	1,172.50	1,154.00	1,135.50	1,117.00	1,098.50	1,080.00	901.50	883.00	864.50	846.00	827.50	809.00	790.50
42,501.00	42,900.00	1,288.25	1,205.00	1,186.50	1,168.00	1,149.50	1,131.00	1,112.50	1,094.00	915.50	897.00	878.50	860.00	841.50	823.00	804.50
42,901.00	43,300.00	1,302.25	1,219.00	1,200.50	1,182.00	1,163.50	1,145.00	1,126.50	1,108.00	929.50	911.00	892.50	874.00	855.50	837.00	818.50
43,301.00	43,700.00	1,316.25	1,233.00	1,214.50	1,196.00	1,177.50	1,159.00	1,140.50	1,122.00	943.50	925.00	906.50	888.00	869.50	851.00	832.50
43,701.00	44,100.00	1,330.25	1,247.00	1,228.50	1,210.00	1,191.50	1,173.00	1,154.50	1,136.00	957.50	939.00	920.50	902.00	883.50	865.00	846.50
44,101.00	44,500.00	1,344.25	1,261.00	1,242.50	1,224.00	1,205.50	1,187.00	1,168.50	1,150.00	971.50	953.00	934.50	916.00	897.50	879.00	860.50
44,501.00	44,900.00	1,358.25	1,275.00	1,256.50	1,238.00	1,219.50	1,201.00	1,182.50	1,164.00	985.50	967.00	948.50	930.00	911.50	893.00	874.50
44,901.00	45,300.00	1,372.25	1,289.00	1,270.50	1,252.00	1,233.50	1,215.00	1,196.50	1,178.00	999.50	981.00	962.50	944.00	925.50	907.00	888.50
45,301.00	45,700.00	1,386.25	1,303.00	1,284.50	1,266.00	1,247.50	1,229.00	1,210.50	1,192.00	1,013.50	995.00	976.50	958.00	939.50	921.00	902.50
45,701.00	46,100.00	1,400.25	1,317.00	1,298.50	1,280.00	1,261.50	1,243.00	1,224.50	1,206.00	1,027.50	1,009.00	990.50	972.00	953.50	935.00	916.50
46,101.00	46,500.00	1,414.25	1,331.00	1,312.50	1,294.00	1,275.50	1,257.00	1,238.50	1,220.00	1,041.50	1,023.00	1,004.50	986.00	967.50	949.00	930.50
46,501.00	46,900.00	1,428.25	1,345.00	1,326.50	1,308.00	1,289.50	1,271.00	1,252.50	1,234.00	1,055.50	1,037.00	1,018.50	1,000.00	981.50	963.00	944.50
46,901.00	47,300.00	1,442.25	1,359.00	1,340.50	1,322.00	1,303.50	1,285.00	1,266.50	1,248.00	1,069.50	1,051.00	1,032.50	1,014.00	995.50	977.00	958.50
47,301.00	47,700.00	1,456.25	1,373.00	1,354.50	1,336.00	1,317.50	1,299.00	1,280.50	1,262.00	1,083.50	1,065.00	1,046.50	1,028.00	1,009.50	991.00	972.50
47,701.00	48,100.00	1,470.25	1,387.00	1,368.50	1,350.00	1,331.50	1,313.00	1,294.50	1,276.00	1,097.50	1,079.00	1,060.50	1,042.00	1,023.50	1,005.00	986.50
48,101.00	48,500.00	1,484.25	1,401.00	1,382.50	1,364.00	1,345.50	1,327.00	1,308.50	1,290.00	1,111.50	1,093.00	1,074.50	1,056.00	1,037.50	1,019.00	1,000.50
48,501.00	48,900.00	1,498.25	1,415.00	1,396.50	1,378.00	1,359.50	1,341.00	1,322.50	1,304.00	1,125.50	1,107.00	1,088.50	1,070.00	1,051.50	1,033.00	1,014.50
48,901.00	49,300.00	1,512.25	1,429.00	1,410.50	1,392.00	1,373.50	1,355.00	1,336.50	1,318.00	1,139.50	1,121.00	1,102.50	1,084.00	1,065.50	1,047.00	1,028.50
49,301.00	49,700.00	1,526.25	1,443.00	1,424.50	1,406.00	1,387.50	1,369.00	1,350.50	1,332.00	1,153.50	1,135.00	1,116.50	1,098.00	1,079.50	1,061.00	1,042.50
49,701.00	50,100.00	1,540.25	1,457.00	1,438.50	1,420.00	1,401.50	1,383.00	1,364.50	1,346.00	1,167.50	1,149.00	1,130.50	1,112.00	1,093.50	1,075.00	1,056.50
50,101.00	50,500.00	1,556.50	1,473.25	1,454.75	1,436.25	1,417.75	1,399.25	1,380.75	1,362.25	1,181.50	1,163.00	1,144.50	1,126.00	1,107.50	1,089.00	1,070.50
50,501.00	50,900.00	1,573.50	1,490.25	1,471.75	1,453.25	1,434.75	1,416.25	1,397.75	1,379.25	1,195.50	1,177.00	1,158.50	1,140.00	1,121.50	1,103.00	1,084.50
50,901.00	51,300.00	1,590.50	1,507.25	1,488.75	1,470.25	1,451.75	1,433.25	1,414.75	1,396.25	1,209.50	1,191.00	1,172.50	1,154.00	1,135.50	1,117.00	1,098.50
51,301.00	51,700.00	1,607.50	1,524.25	1,505.75	1,487.25	1,468.75	1,450.25	1,431.75	1,413.25	1,223.50	1,205.00	1,186.50	1,168.00	1,149.50	1,131.00	1,112.50
51,701.00	52,100.00	1,624.50	1,541.25	1,522.75	1,504.25	1,485.75	1,467.25	1,448.75	1,430.25	1,237.50	1,219.00	1,200.50	1,182.00	1,163.50	1,145.00	1,126.50
52,101.00	52,500.00	1,641.50	1,558.25	1,539.75	1,521.25	1,502.75	1,484.25	1,465.75	1,447.25	1,251.50	1,233.00	1,214.50	1,196.00	1,177.50	1,159.00	1,140.50
52,501.00	52,900.00	1,658.50	1,575.25	1,556.75	1,538.25	1,519.75	1,501.25	1,482.75	1,464.25	1,265.50	1,247.00	1,228.50	1,210.00	1,191.50	1,173.00	1,154.50
52,901.00	53,300.00	1,675.50	1,592.25	1,573.75	1,555.25	1,536.75	1,518.25	1,499.75	1,481.25	1,279.50	1,261.00	1,242.50	1,224.00	1,205.50	1,187.00	1,168.50
53,301.00	53,700.00	1,692.50	1,609.25	1,590.75	1,572.25	1,553.75	1,535.25	1,516.75	1,498.25	1,293.50	1,275.00	1,256.50	1,238.00	1,219.50	1,201.00	1,182.50
53,701.00	54,100.00	1,709.50	1,626.25	1,607.75	1,589.25	1,570.75	1,552.25	1,533.75	1,515.25	1,307.50	1,289.00	1,270.50	1,252.00	1,233.50	1,215.00	1,196.50
54,101.00	54,500.00	1,726.50	1,643.25	1,624.75	1,606.25	1,587.75	1,569.25	1,550.75	1,532.25	1,321.50	1,303.00	1,284.50	1,266.00	1,247.50	1,229.00	1,210.50
54,501.00	54,900.00	1,743.50	1,660.25	1,641.75	1,623.25	1,604.75	1,586.25	1,567.75	1,549.25	1,335.50	1,317.00	1,298.50	1,280.00	1,261.50	1,243.00	1,224.50
54,901.00	55,300.00	1,760.50	1,677.25	1,658.75	1,640.25	1,621.75	1,603.25	1,584.75	1,566.25	1,349.50	1,331.00	1,312.50	1,294.00	1,275.50	1,257.00	1,238.50
55,301.00	55,700.00	1,777.50	1,694.25	1,675.75	1,657.25	1,638.75	1,620.25	1,601.75	1,583.25	1,363.50	1,345.00	1,326.50	1,308.00	1,289.50	1,271.00	1,252.50
55,701.00	56,100.00	1,794.50	1,711.25	1,692.75	1,674.25	1,655.75	1,637.25	1,618.75	1,600.25	1,377.50	1,359.00	1,340.50	1,322.00	1,303.50	1,285.00	1,266.50
56,101.00	56,500.00	1,811.50	1,728.25	1,709.75	1,691.25	1,672.75	1,654.25	1,635.75	1,617.25	1,391.50	1,373.00	1,354.50	1,336.00	1,317.50	1,299.00	1,280.50
56,501.00	56,900.00	1,828.50	1,745.25	1,726.75	1,708.25	1,689.75	1,671.25	1,652.75	1,634.25	1,405.50	1,387.00	1,368.50	1,350.00	1,331.50	1,313.00	1,294.50
56,901.00	57,300.00	1,845.50	1,762.25	1,743.75	1,725.25	1,706.75	1,688.25	1,669.75	1,651.25	1,419.50	1,401.00	1,382.50	1,364.00	1,345.50	1,327.00	1,308.50
57,301.00	57,700.00	1,862.50	1,779.25	1,760.75	1,742.25	1,723.75	1,705.25	1,686.75	1,668.25	1,433.50	1,415.00	1,396.50	1,378.00	1,359.50	1,341.00	1,322.50
57,701.00	58,100.00	1,879.50	1,796.25	1,777.75	1,759.25	1,740.75	1,722.25	1,703.75	1,685.25	1,447.50	1,429.00	1,410.50	1,392.00	1,373.50	1,355.00	1,336.50
58,101.00	58,500.00	1,896.50	1,813.25	1,794.75	1,776.25	1,757.75	1,739.25	1,720.75	1,702.25	1,461.50	1,443.00	1,424.50	1,406.00	1,387.50	1,369.00	1,350.50
58,501.00	58,900.00	1,913.50	1,830.25	1,811.75	1,793.25	1,774.75	1,756.25	1,737.75	1,719.25	1,475.50	1,457.00	1,438.50	1,420.00	1,401.50	1,383.00	1,364.50
58,901.00	59,300.00	1,930.50	1,847.25	1,828.75	1,810.25	1,791.75	1,773.25	1,754.75	1,736.25	1,489.50	1,471.00	1,452.50	1,434.00	1,415.50	1,397.00	1,378.50
59,301.00	59,700.00	1,947.50	1,864.25	1,845.75	1,827.25	1,808.75	1,790.25	1,771.75	1,753.25	1,503.50	1,485.00	1,466.50	1,448.00	1,429.50	1,411.00	1,392.50
59,701.00	60,100.00	1,964.50	1,881.25	1,862.75	1,844.25	1,825.75	1,807.25	1,788.75	1,770.25	1,517.50	1,499.00	1,480.50	1,462.00	1,443.50	1,425.00	1,406.50
60,101.00	60,500.00	1,981.50	1,898.25	1,879.75	1,861.25	1,842.75	1,824.25	1,805.75	1,787.25	1,531.50	1,513.00	1,494.50	1,476.00	1,457.50	1,439.00	1,420.50
60,501.00	60,900.00	1,998.50	1,915.25	1,896.75	1,878.25	1,859.75	1,841.25	1,822.75	1,804.25	1,545.50	1,527.00	1,508.50	1,490.00	1,471.50	1,453.00	1,434.50
60,901.00	61,300.00	2,015.50	1,932.25	1,913.75	1,895.25	1,876.75	1,858.25	1,839.75	1,821.25	1,559.50	1,541.00	1,522.50	1,504.00	1,485.50	1,467.00	1,448.50
61,301.00	61,700.00	2,032.50	1,949.25	1,930.75	1,912.25	1,893.75	1,875.25	1,856.75	1,838.25	1,573.50	1,555.00	1,536.50	1,518.00	1,499.50	1,481.00	1,462.50
61,701.00	62,100.00	2,049.50	1,966.25	1,947.75	1,929.25	1,910.75	1,892.25	1,873.75	1,855.25	1,587.50	1,569.00	1,550.50	1,532.00	1,513.50	1,495.00	1,476.50
62,101.00	62,500.00	2,066.50	1,983.25	1,964.75	1,946.25	1,927.75	1,909.25	1,890.75	1,872.25	1,601.50	1,583.00	1,564.50	1,546.00	1,527.50	1,509.00	1,490.50
62,501.00	62,900.00	2,083.50	2,000.25	1,981.75	1,963.25	1,944.75	1,926.25	1,907.75	1,889.25	1,615.50	1,597.00	1,578.50	1,560.00	1,541.50	1,523.00	1,504.50
62,901.00	63,300.00	2,100.50	2,017.25	1,998.75	1,980.25	1,961.75	1,943.25	1,924.75	1,906.25	1,629.50	1,611.00	1,592.50	1,574.00	1,555.50	1,537.00	1,518.50
63,301.00	63,700.00	2,117.50	2,034.25	2,015.75	1,997.25	1,978.75	1,960.25	1,941.75	1,923.25	1,643.50	1,625.00	1,606.50	1,588.00	1,569.50	1,551.00	1,532.50
63,701.00	64,100.00	2,134.50	2,051.25	2,032.75	2,014.25	1,995.75	1,977.25	1,958.75	1,940.25	1,657.50	1,639.00	1,620.50	1,602.00	1,583.50	1,565.00	1,546.50

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
64,101.00	64,500.00	2,151.50	2,068.25	2,049.75	2,031.25	2,012.75	1,994.25	1,975.75	1,957.25	1,671.50	1,653.00	1,634.50	1,616.00	1,597.50	1,579.00	1,560.50
64,501.00	64,900.00	2,168.50	2,085.25	2,066.75	2,048.25	2,029.75	2,011.25	1,992.75	1,974.25	1,685.50	1,667.00	1,648.50	1,630.00	1,611.50	1,593.00	1,574.50
64,901.00	65,300.00	2,185.50	2,102.25	2,083.75	2,065.25	2,046.75	2,028.25	2,009.75	1,991.25	1,699.50	1,681.00	1,662.50	1,644.00	1,625.50	1,607.00	1,588.50
65,301.00	65,700.00	2,202.50	2,119.25	2,100.75	2,082.25	2,063.75	2,045.25	2,026.75	2,008.25	1,713.50	1,695.00	1,676.50	1,658.00	1,639.50	1,621.00	1,602.50
65,701.00	66,100.00	2,219.50	2,136.25	2,117.75	2,099.25	2,080.75	2,062.25	2,043.75	2,025.25	1,727.50	1,709.00	1,690.50	1,672.00	1,653.50	1,635.00	1,616.50
66,101.00	66,500.00	2,236.50	2,153.25	2,134.75	2,116.25	2,097.75	2,079.25	2,060.75	2,042.25	1,741.50	1,723.00	1,704.50	1,686.00	1,667.50	1,649.00	1,630.50
66,501.00	66,900.00	2,253.50	2,170.25	2,151.75	2,133.25	2,114.75	2,096.25	2,077.75	2,059.25	1,755.50	1,737.00	1,718.50	1,700.00	1,681.50	1,663.00	1,644.50
66,901.00	67,300.00	2,270.50	2,187.25	2,168.75	2,150.25	2,131.75	2,113.25	2,094.75	2,076.25	1,769.50	1,751.00	1,732.50	1,714.00	1,695.50	1,677.00	1,658.50
67,301.00	67,700.00	2,287.50	2,204.25	2,185.75	2,167.25	2,148.75	2,130.25	2,111.75	2,093.25	1,783.50	1,765.00	1,746.50	1,728.00	1,709.50	1,691.00	1,672.50
67,701.00	68,100.00	2,304.50	2,221.25	2,202.75	2,184.25	2,165.75	2,147.25	2,128.75	2,110.25	1,797.50	1,779.00	1,760.50	1,742.00	1,723.50	1,705.00	1,686.50
68,101.00	68,500.00	2,321.50	2,238.25	2,219.75	2,201.25	2,182.75	2,164.25	2,145.75	2,127.25	1,811.50	1,793.00	1,774.50	1,756.00	1,737.50	1,719.00	1,700.50
68,501.00	68,900.00	2,338.50	2,255.25	2,236.75	2,218.25	2,199.75	2,181.25	2,162.75	2,144.25	1,825.50	1,807.00	1,788.50	1,770.00	1,751.50	1,733.00	1,714.50
68,901.00	69,300.00	2,355.50	2,272.25	2,253.75	2,235.25	2,216.75	2,198.25	2,179.75	2,161.25	1,839.50	1,821.00	1,802.50	1,784.00	1,765.50	1,747.00	1,728.50
69,301.00	69,700.00	2,372.50	2,289.25	2,270.75	2,252.25	2,233.75	2,215.25	2,196.75	2,178.25	1,853.50	1,835.00	1,816.50	1,798.00	1,779.50	1,761.00	1,742.50
69,701.00	70,100.00	2,389.50	2,306.25	2,287.75	2,269.25	2,250.75	2,232.25	2,213.75	2,195.25	1,867.50	1,849.00	1,830.50	1,812.00	1,793.50	1,775.00	1,756.50
70,101.00	70,500.00	2,406.50	2,323.25	2,304.75	2,286.25	2,267.75	2,249.25	2,230.75	2,212.25	1,881.50	1,863.00	1,844.50	1,826.00	1,807.50	1,789.00	1,770.50
70,501.00	70,900.00	2,423.50	2,340.25	2,321.75	2,303.25	2,284.75	2,266.25	2,247.75	2,229.25	1,895.50	1,877.00	1,858.50	1,840.00	1,821.50	1,803.00	1,784.50
70,901.00	71,300.00	2,440.50	2,357.25	2,338.75	2,320.25	2,301.75	2,283.25	2,264.75	2,246.25	1,909.50	1,891.00	1,872.50	1,854.00	1,835.50	1,817.00	1,798.50
71,301.00	71,700.00	2,457.50	2,374.25	2,355.75	2,337.25	2,318.75	2,300.25	2,281.75	2,263.25	1,923.50	1,905.00	1,886.50	1,868.00	1,849.50	1,831.00	1,812.50
71,701.00	72,100.00	2,474.50	2,391.25	2,372.75	2,354.25	2,335.75	2,317.25	2,298.75	2,280.25	1,937.50	1,919.00	1,900.50	1,882.00	1,863.50	1,845.00	1,826.50
72,101.00	72,500.00	2,491.50	2,408.25	2,389.75	2,371.25	2,352.75	2,334.25	2,315.75	2,297.25	1,951.50	1,933.00	1,914.50	1,896.00	1,877.50	1,859.00	1,840.50
72,501.00	72,900.00	2,508.50	2,425.25	2,406.75	2,388.25	2,369.75	2,351.25	2,332.75	2,314.25	1,965.50	1,947.00	1,928.50	1,910.00	1,891.50	1,873.00	1,854.50
72,901.00	73,300.00	2,525.50	2,442.25	2,423.75	2,405.25	2,386.75	2,368.25	2,349.75	2,331.25	1,979.50	1,961.00	1,942.50	1,924.00	1,905.50	1,887.00	1,868.50
73,301.00	73,700.00	2,542.50	2,459.25	2,440.75	2,422.25	2,403.75	2,385.25	2,366.75	2,348.25	1,993.50	1,975.00	1,956.50	1,938.00	1,919.50	1,901.00	1,882.50
73,701.00	74,100.00	2,559.50	2,476.25	2,457.75	2,439.25	2,420.75	2,402.25	2,383.75	2,365.25	2,007.50	1,989.00	1,970.50	1,952.00	1,933.50	1,915.00	1,896.50
74,101.00	74,500.00	2,576.50	2,493.25	2,474.75	2,456.25	2,437.75	2,419.25	2,400.75	2,382.25	2,021.50	2,003.00	1,984.50	1,966.00	1,947.50	1,929.00	1,910.50
74,501.00	74,900.00	2,593.50	2,510.25	2,491.75	2,473.25	2,454.75	2,436.25	2,417.75	2,399.25	2,035.50	2,017.00	1,998.50	1,980.00	1,961.50	1,943.00	1,924.50
74,901.00	75,300.00	2,610.50	2,527.25	2,508.75	2,490.25	2,471.75	2,453.25	2,434.75	2,416.25	2,049.50	2,031.00	2,012.50	1,994.00	1,975.50	1,957.00	1,938.50
75,301.00	75,700.00	2,627.50	2,544.25	2,525.75	2,507.25	2,488.75	2,470.25	2,451.75	2,433.25	2,063.50	2,045.00	2,026.50	2,008.00	1,989.50	1,971.00	1,952.50
75,701.00	76,100.00	2,644.50	2,561.25	2,542.75	2,524.25	2,505.75	2,487.25	2,468.75	2,450.25	2,077.50	2,059.00	2,040.50	2,022.00	2,003.50	1,985.00	1,966.50
76,101.00	76,500.00	2,661.50	2,578.25	2,559.75	2,541.25	2,522.75	2,504.25	2,485.75	2,467.25	2,091.50	2,073.00	2,054.50	2,036.00	2,017.50	1,999.00	1,980.50
76,501.00	76,900.00	2,678.50	2,595.25	2,576.75	2,558.25	2,539.75	2,521.25	2,502.75	2,484.25	2,105.50	2,087.00	2,068.50	2,050.00	2,031.50	2,013.00	1,994.50
76,901.00	77,300.00	2,695.50	2,612.25	2,593.75	2,575.25	2,556.75	2,538.25	2,519.75	2,501.25	2,119.50	2,101.00	2,082.50	2,064.00	2,045.50	2,027.00	2,008.50
77,301.00	77,700.00	2,712.50	2,629.25	2,610.75	2,592.25	2,573.75	2,555.25	2,536.75	2,518.25	2,133.50	2,115.00	2,096.50	2,078.00	2,059.50	2,041.00	2,022.50
77,701.00	78,100.00	2,729.50	2,646.25	2,627.75	2,609.25	2,590.75	2,572.25	2,553.75	2,535.25	2,147.50	2,129.00	2,110.50	2,092.00	2,073.50	2,055.00	2,036.50
78,101.00	78,500.00	2,746.50	2,663.25	2,644.75	2,626.25	2,607.75	2,589.25	2,570.75	2,552.25	2,161.50	2,143.00	2,124.50	2,106.00	2,087.50	2,069.00	2,050.50
78,501.00	78,900.00	2,763.50	2,680.25	2,661.75	2,643.25	2,624.75	2,606.25	2,587.75	2,569.25	2,175.50	2,157.00	2,138.50	2,120.00	2,101.50	2,083.00	2,064.50
78,901.00	79,300.00	2,780.50	2,697.25	2,678.75	2,660.25	2,641.75	2,623.25	2,604.75	2,586.25	2,189.50	2,171.00	2,152.50	2,134.00	2,115.50	2,097.00	2,078.50
79,301.00	79,700.00	2,797.50	2,714.25	2,695.75	2,677.25	2,658.75	2,640.25	2,621.75	2,603.25	2,203.50	2,185.00	2,166.50	2,148.00	2,129.50	2,111.00	2,092.50
79,701.00	80,100.00	2,814.50	2,731.25	2,712.75	2,694.25	2,675.75	2,657.25	2,638.75	2,620.25	2,217.50	2,199.00	2,180.50	2,162.00	2,143.50	2,125.00	2,106.50
80,101.00	80,500.00	2,831.50	2,748.25	2,729.75	2,711.25	2,692.75	2,674.25	2,655.75	2,637.25	2,231.50	2,213.00	2,194.50	2,176.00	2,157.50	2,139.00	2,120.50
80,501.00	80,900.00	2,848.50	2,765.25	2,746.75	2,728.25	2,709.75	2,691.25	2,672.75	2,654.25	2,245.50	2,227.00	2,208.50	2,190.00	2,171.50	2,153.00	2,134.50
80,901.00	81,300.00	2,865.50	2,782.25	2,763.75	2,745.25	2,726.75	2,708.25	2,689.75	2,671.25	2,259.50	2,241.00	2,222.50	2,204.00	2,185.50	2,167.00	2,148.50
81,301.00	81,700.00	2,882.50	2,799.25	2,780.75	2,762.25	2,743.75	2,725.25	2,706.75	2,688.25	2,273.50	2,255.00	2,236.50	2,218.00	2,199.50	2,181.00	2,162.50
81,701.00	82,100.00	2,899.50	2,816.25	2,797.75	2,779.25	2,760.75	2,742.25	2,723.75	2,705.25	2,287.50	2,269.00	2,250.50	2,232.00	2,213.50	2,195.00	2,176.50
82,101.00	82,500.00	2,916.50	2,833.25	2,814.75	2,796.25	2,777.75	2,759.25	2,740.75	2,722.25	2,301.50	2,283.00	2,264.50	2,246.00	2,227.50	2,209.00	2,190.50
82,501.00	82,900.00	2,933.50	2,850.25	2,831.75	2,813.25	2,794.75	2,776.25	2,757.75	2,739.25	2,315.50	2,297.00	2,278.50	2,260.00	2,241.50	2,223.00	2,204.50
82,901.00	83,300.00	2,950.50	2,867.25	2,848.75	2,830.25	2,811.75	2,793.25	2,774.75	2,756.25	2,329.50	2,311.00	2,292.50	2,274.00	2,255.50	2,237.00	2,218.50
83,301.00	83,700.00	2,967.50	2,884.25	2,865.75	2,847.25	2,828.75	2,810.25	2,791.75	2,773.25	2,343.50	2,325.00	2,306.50	2,288.00	2,269.50	2,251.00	2,232.50
83,701.00	84,100.00	2,984.50	2,901.25	2,882.75	2,864.25	2,845.75	2,827.25	2,808.75	2,790.25	2,357.50	2,339.00	2,320.50	2,302.00	2,283.50	2,265.00	2,246.50
84,101.00	84,500.00	3,001.50	2,918.25	2,899.75	2,881.25	2,862.75	2,844.25	2,825.75	2,807.25	2,371.50	2,353.00	2,334.50	2,316.00	2,297.50	2,279.00	2,260.50
84,501.00	84,900.00	3,018.50	2,935.25	2,916.75	2,898.25	2,879.75	2,861.25	2,842.75	2,824.25	2,385.50	2,367.00	2,348.50	2,330.00	2,311.50	2,293.00	2,274.50
84,901.00	85,300.00	3,035.50	2,952.25	2,933.75	2,915.25	2,896.75	2,878.25	2,859.75	2,841.25	2,399.50	2,381.00	2,362.50	2,344.00	2,325.50	2,307.00	2,288.50
85,301.00	85,700.00	3,052.50	2,969.25	2,950.75	2,932.25	2,913.75	2,895.25	2,876.75	2,858.25	2,413.50	2,395.00	2,376.50	2,358.00	2,339.50	2,321.00	2,302.50
85,701.00	86,100.00	3,069.50	2,986.25	2,967.75	2,949.25	2,930.75	2,912.25	2,893.75	2,875.25	2,427.50	2,409.00	2,390.50	2,372.00	2,353.50	2,335.00	2,316.50
86,101.00	86,500.00	3,086.50	3,003.25	2,984.75	2,966.25	2,947.75	2,929.25	2,910.75	2,892.25	2,441.50	2,423.00	2,404.50	2,386.00	2,367.50	2,349.00	2,330.50
86,501.00	86,900.00	3,103.50	3,020.25	3,001.75	2,983.25	2,964.75	2,946.25	2,927.75	2,909.25	2,455.50	2,437.00	2,418.50	2,400.00	2,381.50	2,363.00	2,344.50
86,901.00	87,300.00	3,120.50	3,037.25	3,018.75	3,000.25	2,981.75	2,963.25	2,944.75	2,926.25	2,469.50	2,451.00	2,432.50	2,414.00	2,395.50	2,377.00	2,358.50
87,301.00	87,700.00	3,137.50	3,054.25	3,035.75	3,017.25	2,998.75	2,980.25	2,961.75	2,943.25	2,483.50	2,465.00	2,446.50	2,428.00	2,409.50	2,391.00	2,372.50
87,701.00	88,100.00	3,154.50	3,071.25	3,052.75	3,034.25	3,015.75	2,997.25	2,978.75	2,960.25	2,497.50	2,479.00	2,460.50	2,442.00	2,423.50	2,405.00	2,386.50
88,101.00	88,500.00	3,171.50	3,088.25	3,069.75	3,051.25	3,032.75	3,014.25	2,995.75	2,977.25	2,511.50	2,493.00	2,474.50	2,456.00	2,437.50	2,419.00	2,400.50
88,501.00	88,900.00	3,188.50	3,105.25	3,086.75	3,068.25	3,049.75	3,031.25	3,012.75	2,994.25	2,525.50	2,507.00	2,488.50	2,470.00	2,451.50	2,433.00	2,414.50
88,901.00	89,300.00	3,205.50	3,122.25	3,103.75	3,085.25	3,066.75	3,048.25	3,029.75	3,011.25	2,539.50	2,521.00	2,502.50	2,484.00	2,465.50	2,447.00	2,428.50
89,301.00	89,700.00	3,222.50	3,139.25	3,120.75	3,102.25	3,083.75	3,065.25	3,046.75	3,028.25	2,553.50	2,535.00	2,516.50	2,498.00	2,479.50	2,461.00	2,442.50
89,701.00	90,100.00	3,239.50	3,156.25	3,137.75	3,119.25	3,100.75	3,082.25	3,063.75	3,045.25	2,567.50	2,549.00	2,530.50	2,512.00	2,493.50	2,475.00	2,456.50
90,101.00	90,500.00	3,256.50	3,173.25	3,154.75	3,136.25	3,117.75	3,099.25	3,080.75	3,062.25	2,581.50	2,563.00	2,544.50	2,526.00	2,507.50	2,489.00	2,470.50

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
90,501.00	90,900.00	3,273.50	3,190.25	3,171.75	3,153.25	3,134.75	3,116.25	3,097.75	3,079.25	2,595.50	2,577.00	2,558.50	2,540.00	2,521.50	2,503.00	2,484.50
90,901.00	91,300.00	3,290.50	3,207.25	3,188.75	3,170.25	3,151.75	3,133.25	3,114.75	3,096.25	2,609.50	2,591.00	2,572.50	2,554.00	2,535.50	2,517.00	2,498.50
91,301.00	91,700.00	3,307.50	3,224.25	3,205.75	3,187.25	3,168.75	3,150.25	3,131.75	3,113.25	2,623.50	2,605.00	2,586.50	2,568.00	2,549.50	2,531.00	2,512.50
91,701.00	92,100.00	3,324.50	3,241.25	3,222.75	3,204.25	3,185.75	3,167.25	3,148.75	3,130.25	2,637.50	2,619.00	2,600.50	2,582.00	2,563.50	2,545.00	2,526.50
92,101.00	92,500.00	3,341.50	3,258.25	3,239.75	3,221.25	3,202.75	3,184.25	3,165.75	3,147.25	2,651.50	2,633.00	2,614.50	2,596.00	2,577.50	2,559.00	2,540.50
92,501.00	92,900.00	3,358.50	3,275.25	3,256.75	3,238.25	3,219.75	3,201.25	3,182.75	3,164.25	2,665.50	2,647.00	2,628.50	2,610.00	2,591.50	2,573.00	2,554.50
92,901.00	93,300.00	3,375.50	3,292.25	3,273.75	3,255.25	3,236.75	3,218.25	3,199.75	3,181.25	2,679.50	2,661.00	2,642.50	2,624.00	2,605.50	2,587.00	2,568.50
93,301.00	93,700.00	3,392.50	3,309.25	3,290.75	3,272.25	3,253.75	3,235.25	3,216.75	3,198.25	2,693.50	2,675.00	2,656.50	2,638.00	2,619.50	2,601.00	2,582.50
93,701.00	94,100.00	3,409.50	3,326.25	3,307.75	3,289.25	3,270.75	3,252.25	3,233.75	3,215.25	2,707.50	2,689.00	2,670.50	2,652.00	2,633.50	2,615.00	2,596.50
94,101.00	94,500.00	3,426.50	3,343.25	3,324.75	3,306.25	3,287.75	3,269.25	3,250.75	3,232.25	2,721.50	2,703.00	2,684.50	2,666.00	2,647.50	2,629.00	2,610.50
94,501.00	94,900.00	3,443.50	3,360.25	3,341.75	3,323.25	3,304.75	3,286.25	3,267.75	3,249.25	2,735.50	2,717.00	2,698.50	2,680.00	2,661.50	2,643.00	2,624.50
94,901.00	95,300.00	3,460.50	3,377.25	3,358.75	3,340.25	3,321.75	3,303.25	3,284.75	3,266.25	2,749.50	2,731.00	2,712.50	2,694.00	2,675.50	2,657.00	2,638.50
95,301.00	95,700.00	3,477.50	3,394.25	3,375.75	3,357.25	3,338.75	3,320.25	3,301.75	3,283.25	2,763.50	2,745.00	2,726.50	2,708.00	2,689.50	2,671.00	2,652.50
95,701.00	96,100.00	3,494.50	3,411.25	3,392.75	3,374.25	3,355.75	3,337.25	3,318.75	3,300.25	2,777.50	2,759.00	2,740.50	2,722.00	2,703.50	2,685.00	2,666.50
96,101.00	96,500.00	3,511.50	3,428.25	3,409.75	3,391.25	3,372.75	3,354.25	3,335.75	3,317.25	2,791.50	2,773.00	2,754.50	2,736.00	2,717.50	2,699.00	2,680.50
96,501.00	96,900.00	3,528.50	3,445.25	3,426.75	3,408.25	3,389.75	3,371.25	3,352.75	3,334.25	2,805.50	2,787.00	2,768.50	2,750.00	2,731.50	2,713.00	2,694.50
96,901.00	97,300.00	3,545.50	3,462.25	3,443.75	3,425.25	3,406.75	3,388.25	3,369.75	3,351.25	2,819.50	2,801.00	2,782.50	2,764.00	2,745.50	2,727.00	2,708.50
97,301.00	97,700.00	3,562.50	3,479.25	3,460.75	3,442.25	3,423.75	3,405.25	3,386.75	3,368.25	2,833.50	2,815.00	2,796.50	2,778.00	2,759.50	2,741.00	2,722.50
97,701.00	98,100.00	3,579.50	3,496.25	3,477.75	3,459.25	3,440.75	3,422.25	3,403.75	3,385.25	2,847.50	2,829.00	2,810.50	2,792.00	2,773.50	2,755.00	2,736.50
98,101.00	98,500.00	3,596.50	3,513.25	3,494.75	3,476.25	3,457.75	3,439.25	3,420.75	3,402.25	2,861.50	2,843.00	2,824.50	2,806.00	2,787.50	2,769.00	2,750.50
98,501.00	98,900.00	3,613.50	3,530.25	3,511.75	3,493.25	3,474.75	3,456.25	3,437.75	3,419.25	2,875.50	2,857.00	2,838.50	2,820.00	2,801.50	2,783.00	2,764.50
98,901.00	99,300.00	3,630.50	3,547.25	3,528.75	3,510.25	3,491.75	3,473.25	3,454.75	3,436.25	2,889.50	2,871.00	2,852.50	2,834.00	2,815.50	2,797.00	2,778.50
99,301.00	99,700.00	3,647.50	3,564.25	3,545.75	3,527.25	3,508.75	3,490.25	3,471.75	3,453.25	2,903.50	2,885.00	2,866.50	2,848.00	2,829.50	2,811.00	2,792.50
99,701.00	100,100.00	3,664.50	3,581.25	3,562.75	3,544.25	3,525.75	3,507.25	3,488.75	3,470.25	2,917.50	2,899.00	2,880.50	2,862.00	2,843.50	2,825.00	2,806.50
100,101.00	100,500.00	3,681.50	3,598.25	3,579.75	3,561.25	3,542.75	3,524.25	3,505.75	3,487.25	2,933.75	2,915.25	2,896.75	2,878.25	2,859.75	2,841.25	2,822.75
		(Add 4.25% for amounts in excess of $100,500)								(Add 4.25% for amounts in excess of $100,500)						

4. In place of the withholding tables in Paragraph C.3, employers may use the Subsection D.

D. Income Tax Withholding Formulas. The overall structure of the formulas used to compute the withholding tax is to calculate the tax on the total wage amount and then subtract the amount of tax calculated on the personal exemptions and dependency credits the taxpayer claims for withholding purposes. The correct withholding formula depends upon the number of personal exemptions claimed and annual wages.

1. Effective on or after January 1, 2022:

a. Withholding Formulas for Single or Married Taxpayers Claiming 0 or 1 Personal Exemption:

W is the withholding tax per pay period.
S is employee's salary per pay period for each bracket.
X is the number of personal exemptions; X must be 0 or 1.
Y is the number of dependency credits; Y must be a whole number that is 0 or greater.
N is the number of pay periods.
A is the effect of the personal exemptions and dependency credits equal to or less than $12,500;
A= .0185(((X * 4500) + (Y * 1000)) ÷ N).
B is the effect of the personal exemptions and dependency credits in excess of $12,500;
B= .0165((((X * 4500) + (Y * 1000)) - 12,500) ÷ N).

If annual wages are less than or equal to $12,500, then
W= .0185(S) - (A + B).

If annual wages are greater $12,500, but less than or equal to $50,000, then
W=.0185(S) + .0165(S - (12,500 ÷ N)) - (A + B).

If annual wages are greater than $50,000, then
W= .0185(S) + .0165(S - (12,500 ÷ N)) + .0075(S - (50,000 ÷ N)) - (A + B).

b. Withholding Formulas for Married Taxpayers Claiming 2 Personal Exemptions:

W is the withholding tax per pay period.
S is employee's salary per pay period for each bracket.
X is the number of personal exemptions; X must be 2.
Y is the number of dependency credits; Y must be 0 or greater.
N is the number of pay periods.
A is the effect of the personal exemptions and dependency credits equal to or less than $25,000;
A= .0185(((X * 4500) + (Y * 1000)) ÷ N).
B is the effect of the personal exemptions and dependency credits in excess of $25,000;
B= .0165((((X * 4500) + (Y * 1000)) – 25,000) ÷ N).

If annual wages are less than or equal to $25,000, then
W= .0185(S) - (A + B).

If annual wages are greater $25,000, but less than or equal to $100,000, then
W= .0185(S) + .0165(S - (25,000 ÷ N)) - (A + B).

If annual wages are greater than $100,000, then
W=.0185(S) + .0165(S - (25,000 ÷ N)) + .0075(S - (100,000 ÷ N)) - (A + B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:32, R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:2557 (December 2002), amended LR 35:255 (February 2009), LR 35:1543 (August 2009), LR 44:1062 (June 2018), LR 48:2173 (August 2022).

§1505. Electronic Systems for Withholding Exemption Certificates

A. Electronic Form L-4 or L-4E in general. An employer may establish a system for its employees to file withholding exemption certificates electronically.

B. Requirements for Electronic Form L-4 or L-4E

1. In General. The electronic system must ensure that the information received is the information sent, and must document all occasions of employee access that result in the filing of a Form L-4 or L-4E. In addition, the design and operation of the electronic system, including access procedures, must make it reasonably certain that the person accessing the system and filing the Form L-4 or L-4E is the employee identified in the form.

2. Same Information as Paper Form L-4 or L-4E. The electronic filing must provide the employer with exactly the same information as the paper Form L-4 or L-4E.

3. Perjury Statement and Signature Requirements. The electronic filing must be signed by the employee under penalties of perjury.

a. Perjury Statement. The perjury statement must contain the language that appears on the paper Form L-4 or L-4E. The electronic program must inform the employee that he or she must make the declaration contained in the perjury statement and that the declaration is made by signing the Form L-4 or L-4E. The instructions and the language of the perjury statement must immediately follow the employee's income tax withholding selections and immediately precede the employee' electronic signature.

b. Electronic Signature. For purposes of this provision, the electronic signature must identify the employee filing the electronic Form L-4 or L-4E and authenticate and verify the filing. For purposes of this provision, the terms *authenticate* and *verify* have the same meanings as they do under federal provisions concerning Form W-4. An electronic signature may be in any form that satisfies the foregoing requirements. The electronic signature must be the final entry in the employee's Form L-4 or L-4E submission.

4. Copies of Electronic Form L-4 or L-4E. Whenever a Form L-4 or L-4E is requested by the Department of Revenue, or required to be submitted to the Department of Revenue, the employer must supply a hardcopy of the electronic Form L-4 or L-4E and a statement that, to the best of the employer's knowledge, the electronic Form L-4 or L-4E was filed by the named employee. The hardcopy of the electronic Form L-4 or L-4E must provide exactly the same information as, but need not be a facsimile of, the paper Form L-4 or L-4E.

C. Electronic Filing by All Employees. An employer is permitted to adopt a system under which all employees file Forms L-4 and L-4E electronically, however, it is expected that an employer will make a paper option reasonably available upon request to any employee who has a serious objection to using the electronic system or whose access to, or ability to use, the system may be limited (for example, as a result of a disability). The paper option would be satisfied, for example, if the employer informs employees how they can obtain a paper Form L-4 or L-4E and where they should submit the completed paper Form L-4 or L-4E. The Louisiana Department of Revenue also expects that employers will comply with all applicable law governing the terms and conditions of employment, such as the Americans with Disabilities Act (42 U.S.C. §12112.a).

D. Record Retention. Electronic systems for collecting and maintaining Form L-4 and L-4E data have the same status as paper Forms L-4 and L-4E. Therefore, guidance that applies to retention of paper Forms L-4 and L-4E also applies to electronic Forms L-4 and L-4E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112.G.(6), R.S. 47:112.N(6), and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:1488 (June 2002).

§1510. Requirements for Substitute Form W-2, Copy 2, Furnished to Payees

A. All payers (employers) must furnish payees (employees) with at least three copies of the Form W-2. This regulation pertains to Copy 2, to be filed with the employee's state income tax return. Any privately printed substitute Form W-2, Copy 2, must conform to the specifications of this rule in order to be acceptable to the Louisiana Department of Revenue and Taxation.

B. Definitions. For the purpose of this rule, the following terms are defined.

Copy 2—the state copy of the employee wage and tax statement or Form L-2.

Substitute Form W-2—any form not printed and provided by the Internal Revenue Service (IRS).

C. Specific Requirements—Form W-2, Copy 2

1. Form Size and Layout

a. The length should be at least 3 1/2 inches but not more than 6 1/2 inches.

b. The width should be at least 5 1/2 inches but not more than 8 1/2 inches.

c. The use of either a horizontal or a vertical format is permitted.

2. Paper Type and Weight

a. The paper must be white.

b. The paper weight must be at least 14 pound (basis 17 x 22-500).

3. Print Quality Standards

a. The copy must be clearly legible;

b. the copy must have the capability to be photocopied;

c. fading must not be of such a degree as to preclude legibility and the ability to photocopy; and

d. MICR ink cannot be used to print any portion of the form.

4. Document Format

a. Federal core data boxes, containing information required by the IRS, must be printed in the same size, order, and arrangement as on the IRS printed form or as approved by the IRS. No boxes or other information may be printed to the right of this data. Federal core data boxes are as follows:

i. box 1—wages, tips, other compensation;

ii. box 2—federal income tax withheld;

iii. box 3—Social Security wages;

iv. box 4—Social Security tax withheld;

v. box 5—Medicare wages and tips; and

vi. box 6—Medicare tax withheld.

b. State core data boxes contain information specifically required by the state and must be placed at the bottom of the form. State data boxes are as follows:

i. box 16—employer's state and state identification number;

ii. box 17—state wages, tips, etc.; and

iii. box 18—state income tax withheld.

c. Other federal data required to be present on the form in boxes similar to the core data boxes. These data boxes may be placed in any location, other than the location reserved for federal and state core data items:

i. employer's name, address, and ZIP code;

ii. employer identification number (EIN);

iii. employee's Social Security number; and

iv. employee's name, address, and ZIP code.

5. Document Labeling

a. The form title and number may be printed at the top of the form.

b. The tax year must be clearly printed on the form.

c. The form should be labeled "Copy 2, to be filed with the employee's state income tax return."

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112(L).

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Research and Technical Services Division, LR 19:1176 (September 1993).

§1515. Withholding Tax Statements and Returns—Electronic Filing Requirements

A. Employers that are required to electronically remit withholding tax pursuant to R.S. 47:1519(B) and LAC 61:I.4910.A, shall file a separate L-1 return electronically on a quarterly basis, effective for the periods beginning after December 31, 2011.

B. Employers are required to file a transmittal of withholding tax statements, Form L-3, with copies of the employee withholding statements, Form W-2s and any information returns such as Federal Form 1099.

1. The L-3 transmittal and employee withholding statements must be filed on or before the first business day following January 31 for the preceding calendar year.

2. If a business terminates during the year, the L-3 transmittal and employee withholding statements must be filed within 30 days after the last month in which the wages were paid.

3. If the due date falls on a weekend or holiday, the report is due the next business day and becomes delinquent the following day.

C. Employers that file 50 or more employee withholding statements due on or after January 1, 2016, are required to electronically file the Form L-3, and the employee withholding statements, Form W-2s, and any information returns.

1. Service recipients that file 50 or more Federal Form 1099-NECs due on or after January 1, 2022, are required to electronically file Federal Form 1099-NECs using the electronic format prescribed by the department.

D. Electronic Filing Options. The Form L-3, and the employee withholding statements, Form W-2, and any information returns may be filed electronically as follows:

1. electronic filing using the LaWage electronic filing application via the LDR website, www.revenue.louisiana.gov;

2. any other electronic method authorized by the secretary;

3. submissions by magnetic media including tapes and tape cartridges are no longer allowed; and

4. submissions on CDs or DVDs are no longer allowed.

E. Separate submissions must be made for each employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, R.S. 47:1519, R.S. 47:1520 and R.S. 47:114.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:1489 (June 2002), amended LR 35:2204 (October 2009), LR 38:2382 (September 2012), LR 44:1638 (September 2018), LR 48:1294 (May 2022).

§1516. Payment

A. All employers or persons who deduct and withhold any amount from any wage pursuant to R.S. 47:114 shall remit payment on a quarterly basis.

B. The due dates for quarterly payments are:

1. first quarter—April 30;

2. second quarter—July 31;

3. third quarter—October 31;

4. fourth quarter—January 31.

C. Exceptions

1. When the amount deducted or withheld within any calendar month from the combined wages of all employees is an amount equal to or greater than $500.00 but less than $5,000, the taxes withheld shall be paid monthly. Payment is due on the last day of the month following the close of the monthly period.

2. When the amount deducted or withheld within any calendar month from the combined wages of all employees is an amount equal to or greater than $5,000, the taxes withheld shall be paid semimonthly. For wages paid during the first 15 days of a calendar month, the due date is the last calendar day of that month. For wages paid between the sixteenth day and the last day of a calendar month, the due date is the fifteenth day of the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:114, R.S. 47:1511, R.S. 47:1519, and R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 39:103 (January 2013).

§1520. Withholding by Professional Athletic Teams

A. Definitions

Nonresident—any person not domiciled, residing in, or having a permanent place of abode in Louisiana.

Professional Athletic Team—a member team of a professional sports association or league.

Team Member—shall include those employees of a professional athletic team who are active players, players on the disabled list, and any other persons required to travel and who travels with and perform services on behalf of a professional athletic team on a regular basis. This definition includes, but is not limited to, coaches, managers, and trainers.

B. Withholding Requirement for Nonresident Team Members

1. Professional Athletic Teams Not Domiciled in Louisiana

a. Any professional athletic team that is not domiciled in Louisiana and that pays compensation to a nonresident individual for services rendered to the team within Louisiana shall be deemed to be an employer making payment of wages and shall be required to withhold Louisiana individual income tax from that portion of the compensation for services rendered to the team attributable to duty days spent in Louisiana, as defined in LAC 61:I.1304.I, for each game played in Louisiana.

b. This Section does not alter the professional athletic team's withholding requirements for team members who are residents of Louisiana. The withholding for these team members must be as provided for in R.S. 47:111.

2. Professional Athletic Teams with a Louisiana Domicile. Professional athletic teams that are domiciled in Louisiana must withhold for all team members as provided for in R.S. 47:111.

3. This Section does not alter any professional athletic team member's requirement to file the income tax schedule required under LAC 61:I.1305.

C. Rate of Withholding. Effective on or after January 1, 2022, the withholding tax rate under this Section shall be 4.25 percent of the compensation attributable to "duty days" spent in Louisiana.

D. Due Date of Withholding Return and Payment. A withholding payment must be submitted for each game played in Louisiana. The payment must be submitted on or before the last day of the month following the month in which the game was played. A withholding return must be submitted for each quarter in which a game was played in Louisiana to reconcile all payments made within that quarter. The withholding return must be submitted quarterly on or before the last day of the month following the quarter in which the game was played.

E. Account Numbers

1. Each professional athletic team not domiciled in Louisiana will be issued an identification number by the department.

2. The professional athletic team filing the withholding return must be clearly identified by name, address and Louisiana revenue account identification number. The team's federal employer identification number will not be accepted as a substitute. The withholding return will not be considered complete unless the team's Louisiana revenue account identification number is on the return.

1. All professional athletic teams that pay compensation to a nonresident individual for services rendered to the team within Louisiana must submit an annual withholding reconciliation schedule that includes a list of all team members who received Louisiana source income during the year. The list must include the following information:

a. the name, Social Security number, and permanent physical address of all team members regardless of residency, and

b. for each nonresident team member:

i. the total number of duty days spent with the team during the taxable year;

ii. the number of duty days spent in Louisiana;

iii. the total amount of compensation for services rendered to the team;

iv. the amount of compensation for services rendered to the team in Louisiana; and

v. the total amount deducted and withheld under this Section.

2. The annual reconciliation schedule is due on or before the first business day following February 27 of each year for the preceding calendar year. The secretary may grant a reasonable extension of time, not exceeding 30 days for the filing of the annual reconciliation schedule. The

annual reconciliation schedule is not considered to be remitted until it is complete.

3. The permanent address listed on the annual reconciliation schedule will be presumed to be the residence of the team member for purposes of administering the Sports Facility Assistance Fund.

G. Penalty for Failure to Timely Remit Schedules and Payments

1. The following penalties will be imposed for failure to timely remit these returns, schedules, and payments.

a. In the case of failure to timely remit any return or schedule required by this Section, the penalty shall be $500 for the first such failure, $1,000 for the second such failure within the three-year period beginning on the due date of the first delinquent return or schedule, and $2,500 for each subsequent failure within the three-year period beginning on the due date of the first delinquent return or schedule.

b. In the case of failure to timely remit any payment required by this Section, the penalty shall be 5 percent of the total payment due if the delinquency is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which the delinquency continues, not to exceed 50 percent of the amount due.

AUTHORITY NOTE: Adopted in accordance with R.S. 39:100.1, R.S. 47:164(D), R.S. 47:295, R.S. 47:1511, R.S. 47: 114 and R.S. 47:1602.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:91 (January 2004), amended LR 39:104 (January 2013), repromulgated LR 39:330 (February 2013), amended LR 48:507 (March 2022), amended LR 48:2766 (November 2022).

§1525. Income Tax Withholding on Gaming Winnings

A. Withholding Requirement for Gaming Winnings

1. Any person that pays gaming winnings won in Louisiana is required to withhold individual income taxes at the highest rate provided for by R.S. 47:32(A) if income taxes are required to be withheld for the Internal Revenue Service under 26 USC 3402 on the same winnings.

2. Additionally following current Department of Revenue practice, casinos that pay slot machine winnings in excess of $1,200 shall issue an IRS Form W2-G and withhold at the highest rate provided for by R.S. 47:32(A) of the slot machine winnings regardless of the Internal Revenue Code withholding on such slot machine winnings.

3. Any person that pays sports wagering and fantasy sports contest winnings won in Louisiana is required to withhold individual income taxes at the highest rate provided for by R.S. 47:32(A) if income taxes are required to be withheld for the Internal Revenue Service under 26 USC 3402 on the same winnings.

B. Reporting Requirements for Gaming Winnings

1. Businesses that withhold income taxes on gaming winnings shall electronically report and remit the withholdings to the Louisiana Department of Revenue quarterly.

2. Businesses required to withhold and to submit income taxes on gaming winnings shall send the Department of Revenue a report electronically containing a list of all winners annually in a format approved by the department. The report shall contain the following information as printed on federal form W-2G:

a. the payor's name, address, and federal identification number;

b. the winner's name, address, social security number, gross winnings, amount of federal income taxes withheld, and amount of state income taxes withheld.

3. Effective for taxable periods beginning on or after January 1, 2021, persons required to withhold and to remit income taxes on gaming winnings shall electronically file the LDR Form L-3 transmittal and accompanying IRS Form W-2G. Pursuant to the authority of R.S. 47:114(D)(2) and to provide simplicity on related federal filing requirements, the secretary grants an extension of time to file to February 28th to coincide with the federal due date.

a. Electronic Filing Options. The LDR Form L-3 and IRS Form W-2G shall be filed electronically in one of the manners as follows:

i. electronic filing using the LaWage electronic filing application via the LDR website, www.revenue.louisiana.gov; or

ii. any other electronic method authorized by the secretary.

4. Tax Preparer Undue Hardship Waiver of Electronic Filing Requirement

a. The secretary may waive the electronic filing requirement if it is determined that complying with the requirement would cause an undue hardship.

b. For the purposes of waiver of the electronic filing requirement, inability by the tax preparer to obtain broadband access at the location where LDR Forms L-3 and IRS Forms W-2G are prepared shall be considered an undue hardship and waiver of the requirement will be granted.

AUTHORITY NOTE: Promulgated in accordance with Act 80 of the 2021 Regular Session of the Louisiana Legislature, R.S. 47:32(A), R.S. 47:164, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Service Division, LR 36:2877 (December 2010), LR 48:504 (March 2022).

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1901. Employer Tax Credits for Donations of Materials, Equipment, or Instructors to Certain Training Programs or Schools

A. Definitions

Department—the Department of Revenue.

Employer—an entity authorized to do business in the state of Louisiana that employs one or more individuals performing services on its behalf.

Instructor—an individual qualified, as determined by the training institution, to provide educational or instructional services designed to furnish technical knowledge to persons enrolled in a training program when the instructor's time or salary are donated by an employer.

a. The donation of an instructor's time is when the instructor, while on the payroll of the donating employer, is allowed to spend a portion or all of a work day providing instructional services either on the premises of the training institution or on the employer's premises, when approved by the training institution as part of the training curriculum.

b. The donation of an instructor's salary is when the funds for the salary of an instructor, who is an employee and on the payroll of the training institution, are provided by the donating employer.

Latest Technology Available in Materials and Equipment—machinery and equipment that:

a. has never been used except for normal testing by the manufacturer to ensure that the machinery or equipment is of proper quality and in good working order;

b. has been used by the retailer or wholesaler solely for the purpose of demonstrating the product to customers for sale;

c. is of the type currently manufactured for sale to customers; or

d. has been used by the donating employer for three years or less and was still used in production immediately prior to donation.

Training Institution—a public training provider, secondary or postsecondary vocational technical school, apprenticeship program registered with the Louisiana Department of Labor, or community college. The term does not include institutions or other entities organized for profit.

Value—the donor's actual cost for new machinery or equipment or the appraised worth of used materials and equipment and instructional services.

B. Tax Credit

1. A credit shall be allowed against the individual and corporate income tax and the corporate franchise tax for the donation of the latest technology available in materials and equipment and the donation of instructors made to public training providers, secondary and postsecondary vocational-technical schools, apprenticeship programs registered with the Louisiana Department of Labor, or community colleges within the state.

2. The tax credit shall be an amount equal to one-half the value of the donated materials, equipment, or services rendered by the instructor at the time of donation.

a. When used materials or equipment or instructional services are donated, the institution accepting the donation shall obtain an appraisal to establish the value of the materials, equipment, or instructional services, which is to be provided to the donating employer.

b. When new materials or equipment are donated, the donating employer shall submit an invoice showing the actual price paid, which shall be considered the value of the donated property.

3. A donation shall not qualify for the tax credit unless it is accepted by the training institution.

a. The training institution accepting the donation shall furnish to the donating employer certification of the donation that includes the date of the donation and the value of the donated materials, equipment, or instructional services.

b. The donating employer shall attach this certification to the income or franchise tax return filed with the department for the year in which the credit is claimed.

4. The tax credit shall be a credit against the applicable tax or taxes for the tax period that the donation was made and when combined with all other applicable tax credits, shall not exceed 20 percent of the employer's tax liability for any taxable year. The tax credits may only be taken by the donating employer entity and may not be passed through to partners or shareholders when the donating entity is a partnership, Subchapter S Corporation, or Limited Liability Company.

C. Maintenance or Service Agreement. If requested by the training institution receiving the donation, any employer donating material or equipment may agree to provide a minimum of three months maintenance or service to the institution in order to receive the tax credit. This agreement shall cover the cost of any maintenance required on the donated materials or equipment for the term of the agreement.

D. Orientation Agreement. Any employer donating materials or equipment to an eligible training institution shall agree to provide the training institution with materials or equipment operating instructions at no cost to the institution at a location specified in the agreement. Orientation instruction shall take place within two weeks after installation of the donated materials and equipment.

E. Eligible Donations. The tax credit shall be applicable to donations made after July 1, 1998 and before January 1, 2001.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6012.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Corporation Income and Franchise Taxes Division, in consultation with the Department of Labor, LR 25:877 (May 1999).

§1902. Inventory Tax Credits

A. Tax Credits for Local Inventory Taxes Paid. R.S. 47:6006 allows a credit for ad valorem taxes paid to local governments on inventory held by manufacturers, distributors, and retailers.

B. Application to Corporations. All entities taxed as corporations for Louisiana income or corporation franchise

tax purposes shall claim any credit allowable for inventory taxes paid by them on their corporation income and corporation franchise tax return. This includes, but is not limited to:

1. S corporations;

2. partnerships taxed as corporations for income tax purposes;

3. limited liability companies (LLC's) taxed as corporations for income tax purposes.

C. Application to Individuals, Estates, and Trusts

1. All individuals shall claim on their individual income tax returns any credit allowable for inventory taxes paid by them.

2. Estates or trusts shall claim on their fiduciary income tax returns any credit allowable for inventory taxes paid by them.

D. Application to Partnerships. Any credit allowable for inventory taxes paid by partnerships not taxed as corporations shall be claimed on the returns of the partners as follows.

1. Corporation partners shall claim the credit on their corporation income or corporation franchise tax returns.

2. Individual partners shall claim the credit on their individual income tax returns.

3. Partners that are estates or trusts shall claim the credit on their fiduciary income tax returns.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6006 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 27:1705 (October 2001).

§1903. Administration of the School Readiness Tax Credits

A. General School Readiness Tax Credit Provisions

1. For purposes of the tax credits in R.S. 47:6101 through 6109, a child will be deemed to be five years of age or less if the child is five years of age or less on any day of the taxable year for which a credit is claimed.

2. The term “business” as used in this regulation means any for-profit or not-for-profit entity not including any individual operating in their personal capacity.

3. The credits provided for in R.S. 47:6101 through 6109 are applicable against individual income tax and corporation income and franchise tax but not against income taxes imposed on estates and trusts.

B. Child Care Expense Tax Credit

1. The Department of Revenue shall make available to qualifying child care facilities a credit certificate to be given to each taxpayer claiming the child care expense tax credit. The credit certificate will consist of a provider portion of the certificate and a taxpayer portion of the certificate.

2. The provider shall complete the provider portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the facility during the calendar year no later than January 31 of the succeeding year. The provider portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax identification number, the child care facility Department of Social Services license number, the name of the child attending the facility and the issue date and effective year. The provider shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

3. The taxpayer shall complete the taxpayer portion of the certificate which will include, but not be limited to, the following information: the name and social security number of the taxpayer claiming the credit and the name, social security number and date of birth for the qualifying child for whom this credit is claimed on the tax return. The taxpayer must submit or maintain the certificate as required by the Secretary of the Department of Revenue in forms and instructions.

4. The Department of Social Services shall provide information necessary for the Secretary of the Department of Revenue to determine the child care provider's quality rating.

C. Child Care Provider Tax Credit

1. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis and the provider shall claim the credit for the tax year that includes December 31. The child care provider tax credit will be calculated based on the average monthly number of children participating full-time in the Child Care Assistance or Foster Care Program, from January to December of a calendar year, as follows:

a. full-time participation is considered when the Child Care Assistance or Foster Care Program pays for at least 12 days of service per child during the month; or

b. part-time participation is considered when the Child Care Assistance or Foster Care Program pays for at least 40 hours of service per child during the month; or

c. part-time participation is considered when the Child Care Assistance or Foster Care Program pays for at least 5 days but no more than 11 days of service per child during the month;

d. two part-time participants are considered one full-time participant for purposes of this calculation.

2. The Department of Social Services shall provide documentation to each qualifying provider of the average monthly number of children participating in the Child Care Assistance Program or in the Foster Care Program. If the provider has multiple sites, the Department of Social Services shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care providers by March 1 of the year following the year the credit is earned. The certificate shall include, but not be

limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Department of Social Services license number and the issue date and effective year.

3. Child care providers that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the Secretary of the Department of Revenue in forms and instructions.

4. For child care providers that operate as flow through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the Department of Social Services for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

5. The Department of Social Services shall provide information necessary for the Secretary of the Department of Revenue to determine and/or verify the provider's quality rating.

D. Credit for Child Care Directors and Staff

1. The Department of Social Services shall provide information necessary for the Secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the credit.

2. In order to claim this credit, the Department of Social Services, or their representative, must provide child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the Department of Social Services. The taxpayer must submit or maintain the certificate as required by the Secretary of the Department of Revenue in forms and instructions.

3. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year, unless otherwise approved by the Department of Social Services.

4. Child care director and staff levels will have such meaning as provided by regulation issued by the Department of Social Services.

E. Business-Supported Child Care Credits

1. Business Child Care Expense Credit

a. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 47:6102 and the child care facility's quality rating.

b. The Department of Social Services shall provide information necessary for the Secretary of the Department of Revenue to determine and/or verify the facility's quality rating.

2. Payments and Donations to Child Care Resource and Referral Agencies

a. In order for a business to claim this portion of the business child care expense credit, the taxpayer must provide the Department of Revenue a receipt from the child care resource or referral agency for the amount of money the taxpayer paid and/or donated during the taxable year.

b. If the child care resource or referral agency is part of a larger charitable organization, only fees and/or donations made to the child care resource or referral agency division of that organization will qualify for this credit. For example, if Volunteers of America has a division that functions as a child care resource or referral agency, only fees and donations made to the division of that organization would qualify for the credit while all other donations to Volunteers of America would not.

c. The Department of Social Services shall provide to the Department of Revenue a list of qualifying child care resource or referral agencies for each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474 , R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Department of Revenue and the Department of Social Services, LR 33:2667 (December 2007).

§1905. Telephone Company Property Assessment Relief Fund

A. Telephone companies are allowed a credit for 40 percent of the total ad valorem taxes paid to political subdivisions of Louisiana on their public service properties that are assessed by the Louisiana Tax Commission at 25 percent of fair market value.

B. The credit can be taken against the following state taxes:

1. individual income tax;

2. corporation income tax; and

3. corporation franchise tax.

C. The monies to pay the credits will be taken from Telephone Company Property Assessment Relief Fund.

D. The state sales taxes collected on interstate telecommunication services will be deposited into the Telephone Company Property Assessment Relief Fund.

1. The amount state sales taxes collected on interstate telecommunications will be determined by the secretary using industry data available at the time the fund was originally created and was published by the Federal Communications Commission.

2. Based on the industry data published by the Federal Communications Commission in 1998, which was the latest

available data at the time that the fund was created in 2000, 36 percent of telephone revenues in Louisiana from end-users were from interstate calling.

3. Accordingly, the Secretary of Revenue has notified the state treasurer that 36 percent of the sales tax revenue collected on telecommunication services shall be deposited to the Telephone Company Property Assessment Relief Fund.

4. This rule shall be effective July 1, 2006, in accord with Acts 2005, No. 266.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6014 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:866 (May 2006).

§1907. Income Tax Credits for Solar Energy Systems

A. Revised Statute 47:6030 provides an income tax credit for the purchase and installation of a solar electric system, solar thermal system or any combination of components thereof, collectively referred to as a "system," at a single family residence located in Louisiana. In order for costs associated with the purchase and installation of a solar electric system or solar thermal system to qualify for this credit, the expenditure must be made on or after January 1, 2008, and before January 1, 2018.

1. Purchase of Solar Energy System. The amount of the credit for the purchase and installation of a system at a Louisiana residence or for a system which is already installed in a newly constructed home located in Louisiana is equal to 50 percent of the first $25,000 of the cost of a solar electric system, solar thermal system, or any combination of components thereof.

2. Lease of Solar Energy System

a. The amount of the credit for the purchase and installation of a system before January 1, 2014, at a Louisiana residence by a third party through a lease with the owner of the residence is equal to 50 percent of the first $25,000 of the cost of a solar electric system, solar thermal system, or any combination of components thereof.

b. The amount of the credit for the purchase and installation of a system on or after January 1, 2014 and before January 1, 2018, at a Louisiana residence by a third party through a lease with the owner of the residence is equal to 38 percent of the first $25,000 of the cost of a solar electric system, solar thermal system, or any combination of components thereof.

3. Additional Lease of Solar Energy System Restrictions. For purposes of determining the amount of credit for the purchase and installation of a system at a Louisiana residence by a third party through a lease with the owner of the residence, eligible costs of the system shall be subject to the following provisions.

a. For a system purchased and installed on or after July 1, 2013 and before July 1, 2014, the system shall cost no more than four dollars and fifty cents per watt and provide for no more than six kilowatts of energy.

b. For a system purchased and installed on or after July 1, 2014 and before July 1, 2015, the system shall cost no more than three dollars and fifty cents per watt and provide no more than six kilowatts of energy.

c. For a system purchased and installed on or after July 1, 2015 and before January 1, 2018, the system shall cost no more than two dollars per watt and provide for no more than six kilowatts of energy.

B. Definitions

Charge Controller—an apparatus designed to control the state of charge of a bank of batteries.

Grid-Connected, Net Metering System—a solar electric system interconnected with the utility grid in which the customer pays the utility for only the net energy used from the utility minus the energy fed into the grid by the customer. All interconnections must be in accordance with the capacity, safety and performance interconnection standards adopted as part of the appropriate, established net metering rules and procedures of the Louisiana Public Service Commission, the New Orleans City Council, or other Louisiana utility regulatory entity.

Home—a single-family detached dwelling.

Inverter—an apparatus designed to convert direct current (DC) electrical energy to alternating current (AC) electrical energy. Modern inverters also perform a variety of safety and power conditioning functions that allow them to safely interconnect with the electrical grid.

Manufactured or *Produced*—wholly the growth, product, or *manufacture* of the United States or a country to which the United States is a party to an international agreement meeting the criteria of the American Recovery and Reinvestment Act of 2009 (ARRA) or in the case of a manufactured good that consists in whole or in part of materials from a non-ARRA compliant country, has been substantially transformed in an ARRA-compliant country into a new and different manufactured good distinct from the materials from which it was transformed. This definition has been adopted in accordance with 2 CFR §176.160.

Photovoltaic Panel—a panel consisting of a collection of solar cells capable of producing direct current (DC) electrical energy when exposed to sunlight.

Placed in Service—fully operational and in a current state of delivering solar energy to the qualifying residence in a manner consistent with the intended purpose of the solar energy system.

Residence—a single family detached dwelling. To be considered a *residence*, the physical properties of the space must provide the basic elements of a home, including appropriate and customary appliances and facilities and the occupant must use the facilities as a home. All eligible residences must be located in Louisiana.

Solar Electric System—a system consisting of photovoltaic panels with the primary purpose of converting sunlight to electrical energy and all equipment and apparatus

necessary to connect, store and process the electrical energy for connection to and use by an electrical load.

Solar Thermal System—a system consisting of a solar energy collector with the primary purpose of converting sunlight to thermal energy and all devices and apparatus necessary to transfer and store the collected thermal energy for the purposes of heating water, space heating, or space cooling.

Supplemental Heating Equipment—a device or apparatus installed in a solar thermal system that utilizes energy sources other than sunlight to add heat to the system, with the exception of factory installed auxiliary heat strips that are an integral component of a specifically engineered solar hot water storage tank.

C. Eligibility for Solar Energy Systems Tax Credits

1. Regardless of the number of system components installed on each qualifying residence, such components shall constitute a single system for each residence for purposes of the tax credit.

2. All solar energy systems must be installed in the immediate vicinity of the residence claiming the credit such that the electrical, mechanical or thermal energy is delivered directly to the residence.

3. In order to claim a tax credit for either a solar electric energy system, solar thermal energy system, or a combination of components thereof, the components of a system must be purchased and installed at the same time as a system.

4. For a taxpayer other than the owner of the residence to claim a tax credit for a solar electric energy system, solar thermal energy system, or combination of components thereof, the taxpayer must provide the department with a copy of the contract in which the owner of the residence has clearly and unambiguously stated that he is not entitled to and will not claim the tax credit and thereby transfers his right to claim the tax credit to the installer, developer or third-party taxpayer. Absent such a contract, the owner of the residence is the only taxpayer eligible to claim the credit and the installer, developer or third-party taxpayer shall have no right to the credit. For an installer, developer, or third-party taxpayer who purchases a system for installation at another person's residence in connection with a lease of the system by the owner of the residence, the transfer of the right to obtain the credit from the homeowner to the installer, developer or third-party taxpayer shall be regarded as taxable consideration received in exchange for the homeowners' right to use or possess the solar energy system. In such instances, the installer, developer or third-party taxpayer shall be responsible for collecting and remitting the sales tax on the full amount of the credit received.

D. Claiming the Solar Energy Systems Tax Credit

1. The credit for the purchase and installation of a solar energy system by a taxpayer at his residence shall be claimed by the taxpayer on his Louisiana individual income tax return for the taxable year in which the system is completed and placed in service. If a taxpayer purchases a newly constructed home with a system already installed, the credit shall be claimed on the tax return for the taxable year in which the act of sale occurred.

2. The credit for the purchase and installation of a solar energy system by a third-party taxpayer at another person's residence through a lease with the owner of the residence shall be claimed by the taxpayer on his Louisiana individual, corporate or fiduciary income tax return for the taxable year in which the system is completed and placed in service.

E. Solar Energy Systems Eligible for the Tax Credit

1. The credit provided by R.S. 47:6030 is only allowed for a complete and functioning solar energy system. Local and state sales and use taxes are an eligible system cost. With respect to each residence, only one tax credit for the purchase and installation of a single system shall be allowed. Any additional system(s) or equipment added at a later date will not qualify for additional credit. This provision also applies to residences which have claimed a solar tax credit prior to July 1, 2013 and shall in no way be construed or interpreted to allow more than one tax credit for any residence.

2. System components purchased on or after July 1, 2013, for all solar electric or solar thermal energy systems must be compliant with the federal American Recovery and Reinvestment Act of 2009. This requirement applies to all credit-eligible components as described below in Subsection E. Components which are manufactured or produced in the United States or in a country with which the United States is a party to an international agreement meeting the criteria of ARRA will generally be regarded as ARRA compliant. For additional information, see *Revenue Information Bulletin 13-013*.

3. Non-ARRA compliant system components purchased prior to July 1, 2013, may qualify for credit provided that:

a. such system components are incorporated into a system that is placed in service prior to January 1, 2014; and

b. the purchaser provides written documentation of the pre-July 1, 2013 date of purchase of the eligible components.

4. Solar Electric Systems. Eligible solar electric systems under the provisions of R.S. 47:6030 include grid-connected net metering systems, grid-connected net metering systems with battery backup, stand alone alternating current (AC) systems and stand alone direct current (DC) systems, designed to produce electrical energy and may include the following.

System Type	Eligible System Components
Grid-Connected, Net Metering Solar Electric Systems	photovoltaic panels, mounting systems, inverters, AC and DC disconnects, lightning and ground fault protection, junction boxes, remote metering display devices and related electrical wiring materials from the photovoltaic panels to point of interconnection with the residence or electrical load
Grid-Connected, Net Metering Solar Electric Systems with Battery Backup	photovoltaic panels, mounting systems, inverters, charge controllers, batteries, battery cases, AC and DC disconnects, lightning and ground fault protection, junction boxes, remote metering display devices and related electrical wiring materials from the photovoltaic panels to point of interconnection with the residence or electrical load
Stand Alone Solar Electric AC Systems	photovoltaic panels, mounting systems, inverters, charge controllers, batteries, battery cases, AC and DC disconnects, lightning and ground fault protection, junction boxes, remote metering display devices and related electrical wiring materials from the photovoltaic panels to point of interconnection with the residence or electrical load
Stand Alone Solar Electric DC Systems	photovoltaic panels, mounting systems, charge controllers, batteries, battery cases, DC disconnects, lightning and ground fault protection, junction boxes, remote metering display devices and related electrical wiring materials from the photovoltaic panels to point of interconnection with the residence or electrical load

5. Solar Thermal Systems. Solar thermal systems eligible under the provisions of R.S. 47:6030 include systems designed to produce domestic hot water, systems designed to produce thermal energy for use in heating and cooling systems and may include the following.

System Type	Eligible System Components
Domestic Solar Hot Water Systems	solar thermal collectors, mounting systems, solar hot water storage tanks, pumps, heat exchangers, drain back tanks, expansion tanks, controllers, sensors, valves, freeze protection devices, air elimination devices, photovoltaic panels for PV systems, piping and other related materials from the solar thermal collectors to the solar hot water storage tanks
Heating and Cooling Thermal Energy Systems	solar thermal collectors, mounting systems, solar hot water storage tanks, pumps, heat exchangers, drain back tanks, expansion tanks, controllers, sensors, valves, freeze protection devices, air elimination devices, photovoltaic panels for PV systems, piping and other related materials from the solar thermal collectors to the solar hot water storage tanks

6. Solar energy systems not installed on the rooftop of the residence but installed on the qualifying property shall constitute a free standing ground mounted system. Ground mounted solar energy systems include but are not limited to single pole mounted structures, multiple pole mounted structures utilizing a foundation if necessary. Additional walls, interior finishes, foundations, roofing structures not directly related to the solar energy system, or any other addition not directly related to the solar energy structure are not eligible system costs. Ground mounted systems must be no more than 8' feet in height at its lowest point if titled unless specific building codes and/or flood plain restrictions apply. Each qualifying free standing ground mounted system must be separately itemized from any and all other energy components included in a taxpayer's submitted Form R-1086.

NOTE: Form R-1086 is used for purposes of claiming the Solar Energy Systems Tax Credit.

7. Any solar energy system for which a tax credit is claimed shall include an operations and maintenance manual containing a working diagram of the system, explanations of the operations and functions of the component parts of the system and general maintenance procedures.

8. All photovoltaic panels, inverters and other electrical apparatus claiming the tax credit must be tested and certified by a Federal Occupational Safety and Health Administration (OSHA) nationally recognized testing laboratory and must be installed in compliance with manufacturer specifications and all applicable building and electrical codes.

9. All photovoltaic systems installed at a tilt angle greater than 5 degrees shall have an azimuth greater than 80 degrees E and no more than 280 degrees W. North facing solar panels generally do not conform to industry best practices unless criteria above are satisfied.

10. All solar thermal apparatus claiming the tax credit must be certified by the Solar Rating and Certification Corporation (SRCC) and installed in compliance with manufacturer specifications and all applicable building and plumbing codes.

11. Applicants applying for the tax credit on either a solar electric or solar thermal system must provide proof of purchase and installation to the Louisiana Department of Revenue detailing the following as applicable to your particular solar energy system installation:

a. type of system applying for the tax credit;

b. output capacity of the system:

i. solar electric systems—total nameplate listed kW of all installed panels;

ii. solar thermal systems—listed SRCC annual BTU or equivalent kWh output;

c. physical address where the system is installed in the state;

d. total cost of the system as applied towards the tax credit separated in an itemized list by:

i. equipment costs;

ii. installation costs;

iii. taxes;

e. make, model, and serial number of photovoltaic panels, inverters, and solar thermal collectors applied for in the tax credit;

f. name and Louisiana contractor's license number of seller/installer;

g. if applicable, copy of the modeled array output report using the PV watts solar system performance calculator developed by the National Renewable Energy Laboratory and available at the website www.nrel.gov/rredc/pvwatts. The analysis must be performed using the default PV watts de-rate factor;

h. copy of a solar site shading analysis conducted on the installation site using a recognized industry site assessment tool such as a solar pathfinder or solmetric demonstrating the suitability of the site for installation of a solar energy system;

i. conveyance certificate, deed or other legal document which evidences the owner of the residence.

j. when a system is installed by a third-party owner, a complete and signed declaration by residential property owner not claiming the solar energy income tax credit;

k. for a system already installed in a newly constructed home located in Louisiana, a copy of the sale agreement or other legal document which evidences the date of sale;

l. for a system other than one which is already installed in a newly constructed home located in Louisiana, a copy of the interconnection agreement for net metering or other document which evidences the effective placed in service date;

m. if applicable, an itemized list of all non-ARRA compliant components incorporated into the system which demonstrates a pre-July 1, 2013 purchase date. Additional documentation, such as an invoice, receipt, or other written documentation demonstrating the date of purchase of such components should be retained and made available for production by the taxpayer upon demand by the Department of Revenue;

n. for all components purchased on or after July 1, 2013, documentation which demonstrates ARRA compliance, such as a receipt, invoice, certification from the distributor, vendor, supplier or manufacturer or any other reasonable documentation which verifies the component was manufactured or produced in the United States or other qualifying country.

F. Costs

1. Eligible Costs. Eligible costs that can be included under the tax credit are reasonable and prudent costs for equipment and installation of the solar energy systems defined in Subsection B and described in Subsection E above.

a. All eligible solar energy systems must be sold and installed by a contractor duly licensed by and in good standing with the Louisiana Contractors Licensing Board. For purposes of satisfying the requirement that a solar energy system be sold by and installed by a person who is licensed by the Louisiana State Licensing Board for Contractors, a lease between a third party and the owner of the residence shall not constitute a "sale."

b. In order for a homeowner who self-installs a solar energy system at the homeowner's own residence to qualify for the solar energy systems tax credit, the homeowner must be licensed by the Louisiana State Board for Contractors.

2. Ineligible Costs. Labor costs for individuals performing their own installations are not eligible for inclusion under the tax credit. For purposes of this Paragraph, "individuals" shall mean natural persons as defined in *Civil Code* article 24. For all other taxpayers, labor costs for unrelated services, including, but not limited to tree trimming and tree removal, are not eligible under the tax credit. Supplemental heating and cooling (HVAC) equipment costs used with solar collectors are not eligible for inclusion under the tax credit. Other items ineligible for a solar energy systems tax credit include, but are not limited to the following: stand alone solar powered attic fans or ventilation systems, solar powered lights, solar day lighting apparatuses, solar powered pool pumps, solar pool heating systems, and all other stand-alone solar device(s).

3. Whenever, in return for the purchase price or as an inducement to make a purchase, marketing rebates or incentives are offered, the eligible cost shall be reduced by the fair market value of the marketing rebate or incentive received. Such marketing rebates or incentives include, but are not limited to, cash rebates, prizes, gift certificates, trips, energy efficiency improvements not directed related to solar energy installation, including, but not limited to spray foam insulation, radiant barrier, window sealing and/or caulking, heating and air conditioning improvements, blower door testing, thermostat upgrades which are not an integral part of the solar energy monitoring system, domestic hot system upgrades not related to solar hot water system insulation, or any other thing of value given by the installer or manufacturer to the customer as an inducement to purchase an eligible solar energy system.

4. Only one solar energy systems tax credit is available for each residence. In addition, in the event of purchase and installation by a third-party taxpayer through a lease with the owner of the residence, only one solar energy systems tax credit is available for each eligible system. Once a solar energy systems tax credit is claimed by a taxpayer for a particular residence or system, that same residence or system is not eligible for any other tax credit pursuant to this Section. If the residential property or system is sold, the taxpayer who claimed the tax credit must disclose his use of the tax credit to the purchaser.

G. Other Tax Benefits Disallowed

1. A taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for solar property for which the taxpayer has received a solar electric energy system or solar thermal energy system credit under R.S. 47:6030.

2. Exception. The credit may be used in addition to any federal tax credits earned for the same system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6030 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 34:2206 (October 2008), amended LR 36:2048 (September 2010), amended by the Department of Revenue, Policy Services Division, LR 37:3532 (December 2011), LR 39:99 (January 2013), LR 40:2612 (December 2014).

§1909. National Center for Construction Education and Research Apprenticeship Tax Credits

A. Revised Statute 47:6033 provides certain employers a non-refundable apprenticeship tax credit against Louisiana individual or corporation income tax or corporation franchise tax equal to one dollar for each hour of employment of each eligible apprentice, not to exceed 1,000 hours for each eligible apprentice.

B. In order to be considered an "eligible apprentice", a student must be enrolled in a training program accredited by the National Center for Construction Education and Research (NCCER), must have successfully completed no less than two levels of training, and must have attained no less than 250 hours of instruction.

1. An apprentice becomes an "eligible apprentice" upon enrollment to the third level and the fourth level of a training curriculum. Enrollment to the third and fourth levels are allowed when successful completion of prior levels of training are achieved.

2. The apprentice will be considered enrolled for the tax year in which the apprentice started a particular level of training.

3. An employer may claim a credit for an "eligible apprentice" only once for each particular level of training.

C. Eligible employers will be responsible for obtaining and retaining student transcript information from the (NCCER) for each eligible apprentice for which the credit is claimed. Employers must also retain:

1. the name of the student enrolled in the training program;

2. the social security number of the student enrolled in the training program;

3. the level of training attained by the student enrolled in the training program;

4. the number of hours worked by the student enrolled in the training program;

5. any other information required by the Secretary of the Department of Revenue.

D. The Louisiana Workforce Commission portion of the apprenticeship tax credit can be found at LAC 40:IX.Chapter 7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6033.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:1791 (August 2010).

§1911. Louisiana New Markets Tax Credit

A. Application Process for New Markets Tax Credits

1. A taxpayer may apply for Louisiana new markets tax credits by submitting a new markets tax credit application to the Special Programs Division of the Louisiana Department of Revenue. The form R-10609 is available online on the department's website. Applications for new markets tax credits will be processed in the order received.

2. If a taxpayer is entitled to the credit, a new market tax credit summary sheet will be issued to the taxpayer. The summary sheet will contain a tracking number.

3. The new market tax credit summary sheet will also contain a transfer section that must be updated each time the taxpayer transfers their credit. The taxpayer must send an updated new market tax credit summary sheet to notify the department of revenue of the sale within 30 days of the sale.

4. The taxpayer must attach the new market tax credit summary sheet to their income or franchise tax return to claim the credit.

B. Applying the New Markets Tax Credit

1. New markets tax credits earned by a taxpayer or received by a taxpayer by flow-through from a partnership or LLC may be applied as detailed in Revenue Ruling 08-011-A and as explained below.

a. Credits may be applied to the tax year in which the credit allowance date occurred.

b. Credits may not be applied to penalties and interest.

c. Prior year returns that include the credit allowance date may be amended to apply credits earned that year.

d. Credits may be applied against taxes paid in a prior year and the taxes paid may be refunded. However, the new markets tax credit is nonrefundable and credits in excess of the tax paid in a prior year can only be carried forward in accordance with R.S. 47:6016(D).

e. Credits from qualified equity investments made on or after April 1, 2008, cannot be claimed on any return or prior year return that was due before December 31, 2008.

f. Credits from qualified equity investments made on or after December 1, 2009 cannot be claimed on any return or prior year return that was due before December 31, 2010.

2. New markets tax credits transferred by sale to a taxpayer may be applied as detailed in Revenue Ruling 08-011-A and as explained below.

a. Credits may be applied to a prior year's outstanding tax liability, including penalties and interest, as provided by R.S. 47:1675(H)(1)(c).

b. A taxpayer that purchases the credits may not amend their prior year returns to claim credits where no

liability is currently outstanding and therefore trigger a refund.

c. Credits purchased from qualified equity investments made on or after April 1, 2008, cannot be claimed on any return or prior year return that was due before December 31, 2008.

d. Credits purchased from qualified equity investment made on or after December 1, 2009, cannot be claimed on any return or prior year return that was due before December 31, 2010.

C. Limitations on the New Markets Tax Credit

1. New markets tax credits earned from qualified equity investments issued prior to July 1, 2007, are subject to an annual $5,000,000 cap applicable to all new markets tax credits issued for that year by the department. Once the cap is reached, no other credits will be granted for that year.

2. New markets tax credits from qualified equity investments issued after July 1, 2007, but before April 1, 2008, are subject to a $50,000,000 cap on the entire new markets credit program.

3. New markets tax credits from qualified equity investments issued after April 1, 2008, shall be allowed as follows:

a. during the period beginning April 1, 2008, and ending December 31, 2008, $25,000,000;

b. during the period beginning January 1, 2009, and ending November 30, 2009, $12,500,000 plus any unissued credits from the prior period;

c. during the period beginning December 1, 2009 and ending December 31, 2010, $12,500,000 plus any unissued credits from the prior periods; and

d. during periods beginning January 1, 2011 and after, credits shall be limited to only unused credits from prior years.

D. Additional Requirements and Limitations for Credits

1. To be issued credits on qualified low-income investments that exceed seven million five hundred thousand dollars, the Department of Economic Development must certify that the qualified low-income investment was made to a business in a targeted industry. Request for new markets tax credits from qualified low-income investments exceeding seven million five hundred thousand dollars will be accepted by the department without certification from the Department of Economic Development if the taxpayer asserts in their application that certification has been requested. However, the new markets tax credit certification will not be issued to the taxpayer until the department receives the certification from the Department of Economic Development or the certification is not denied by the Department of Economic Development with 60 days of the request, whichever occurs first.

E. New Markets Tax Credits Transfer Process

1. Any new markets tax credits not previously claimed by a taxpayer against their income or franchise tax may be transferred or sold.

2. The original investor that is transferring credits must send an updated new market tax credit summary sheet within 30 days of the sale. The original investor should also include a new markets transfer form R-10613 with closing documents to the transferee. The new markets transfer form is available from the department's website.

3. The transferee must submit the new markets transfer form with their income or franchise tax return to claim the credits.

4. Any transferor, other than the original investor, should use a new markets transfer form to transfer credits to another Louisiana taxpayer and send a copy of the form to the department within 30 days of the sale.

AUTHORITY NOTE: Promulgated in accordance with R.S.47:6016, R.S.47:287.785, and R.S.47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 37:914 (March 2011).

§1912. Louisiana New Markets Jobs Act—Premium Tax Credit

A. Premium Tax Credit

1. *Louisiana Revised Statute* 47:6016.1 authorizes a state premium tax credit to any entity that makes a qualified equity investment. The entity or subsequent holder of the qualified equity investment shall be entitled to use a portion of the credit on each credit allowance date. The credit shall be equal to the applicable percentage for the credit allowance date multiplied by the purchase price or the amount paid for the qualified equity investment.

2. The applicable percent for the first and second credit allowance date is 14 percent. The applicable percentage for the third and fourth credit allowance date is 8.5 percent. The applicable percentage for the fifth, six and seventh credit allowance date is 0.0 percent.

3. The credit allowance date is the date the qualified equity investment is made and the six anniversaries of that date.

4. A qualified equity investment is an equity investment in a qualified community development entity made after August 1, 2013, which in turn is invested into a qualified active low income community business within this state by the first anniversary of the initial credit allowance date.

5. A qualified community development entity and a qualified active low income community business are defined as provided in section 45D of the *Internal Revenue Code* of 1986 as amended or the federal new markets tax credit statute.

6. A qualified low income community investment is any capital or equity investment in, or loan to a qualified active low income community business. The maximum amount of qualified low income community investments that

may be received by any qualified active low income community business or its affiliates shall not exceed $10,000,000. Any portion of an investment in a qualified active low income community business over $10,000,000 shall not be considered a qualified low income community investment for the purpose of R.S. 47:6016.1 and the portion of the associated investment into the qualified community development entity shall not be a qualified equity investment for the purpose of R.S.47:6016.1.

7. The tax credit shall be applied against any state premium tax liability incurred under the provisions of R.S. 22:831, 836, 838, and 842.

8. The amount of the credit shall not exceed the amount of state premium tax liability due in a taxable year. The credit may be carried forward for 10 years.

9. Credits issued to pass through entities may be allocated to the partners, members, or shareholders as provided in their operating or special allocation agreements.

10. Credits may only be claimed on returns due on or after January 1, 2014.

B. Certification of the Qualified Equity Investment

1. A qualified community development entity that seeks to have an equity investment designated as a qualified equity investment must apply to the Department of Revenue on a form prescribed by the Department of Revenue and submit a $500,000 refundable guarantee deposit.

2. In addition to the application, the qualified community development entity must submit:

a. a letter from the United States Department of Treasury Community Development Financial Institutions Fund certifying the community development entity and its service area;

b. a copy of the allocation agreement issued from the Community Development Financial Institutions Fund;

c. a letter from an executive officer of the community development entity certifying that the allocation agreement from the Community Development Financial Institutions Fund is current;

d. a description of the proposed amount, structure, and purchaser of the qualified equity investment;

e. identifying information for any entity that will earn the tax credits;

f. identifying information for any community businesses.

3. Upon request, the qualified community development entity shall submit:

a. a power of attorney designating a representative to be contacted regarding any issues with a pending application;

b. a power of attorney from the investor authorizing the Department of Revenue to disclose their tax credit information to the applicant;

c. certification that the qualified active low income community business and its affiliates will not receive more than $10,000,000 in qualified low income community investments under R.S. 47:6016.1;

d. special allocation agreements or operating agreements for investors who intend for the tax credits earned to flow through to their member or partners;

e. any other information requested necessary to ensure compliance with R.S. 47:6016.1.

4. Within 30 days of receipt of a completed application the Department of Revenue shall grant or deny the application for designation as a qualified equity investment.

a. If the application is granted, a letter will be issued to the applicant informing them that their application has been granted. Following the grant letter, a second letter will be issued providing for the specific amount of allocation authority that is being granted to the applicant. Lastly, a separate tax credit certification will be issued to the applicant certifying the credit amount and credit allowance dates. A copy of the tax credit certification will also be submitted to the Department of Insurance.

b. If the application is denied, the Department of Revenue will inform the applicant of the grounds on which the application is being denied and allow 15 business days for the applicant to cure any defects.

c. Ground for denials include, but are not limited to:

i. failure of applicant to submit the $500,000 deposit;

ii. failure of the applicant to submit any information included in the application;

iii. failure of the applicant to submit any additional information requested by the Department of Revenue which is necessary to ensure compliance.

d. If the applicant cures the defects, the application shall retain its original submission date. If the applicant cannot cure the defect, the application will remain denied and the Department of Revenue will refund the $500,000 deposit.

5. A qualified community development entity may transfer all or a portion of its designated qualified equity investment or allocation authority to its controlling entity or any other qualified community development entity included in the applicant's allocation agreement with the Community Development Financial Institutions Fund.

6. The $500,000 deposit will be refunded within 30 days of a request once the qualified community development entity certifies that the qualified equity investment has been made and the qualified low income community investment has been made within one year of the first anniversary date of the qualified equity investment.

a. If the applicant fails to certify receipt of the qualified equity investment within 30 days of the

certification by the Department of Revenue, the applicant will forfeit the $500,000 deposit.

b. If the applicant fails to certify the qualified low income community investment within one year of the first anniversary and the six month cure period, the applicant will forfeit the $500,000 deposit.

c. A request for return of the deposit may not be made until 30 days after the requirements of Paragraph B.6 of this Section have been met.

7. The application for the designation of a qualified equity investment may be withdrawn by the applicant at any time prior to the granting of the application by the Department of Revenue. If the application is withdrawn, the deposit will also be refunded to the applicant within 30 days of the withdrawal.

C. Tax Credit Sales

1. Tax credits not previously claimed by a taxpayer against its premium tax may be sold to another Louisiana taxpayer.

2. The sale may involve one or more transferees.

3. Joint notice from the transferor and transferee shall be submitted to the Department of Insurance on a form prescribed by the Department of Insurance within 30 days of the sale.

4. Failure to submit the joint notice of transfer shall result in disallowance of the credit until the taxpayer is in full compliance.

5. The carry forward period is not extended by the sale of the credit to another Louisiana taxpayer.

6. To the extent that the transferor did not have rights to claim or use the credit at the time the credit is sold, the Department of Insurance shall either disallow or recapture the credit from the transferee.

7. Credits may not be claimed on returns that were due prior to January 1, 2014.

8. Credits may not be used to settle outstanding tax liabilities for tax periods beginning prior to January 1, 2013.

9. Transfers of ownership of credits thorough the sale of equity interest in an entity is a sale of the credit. Such transfers shall be treated in the same manner as selling the credits themselves and will require notice to the Department of Insurance in the same manner set forth above.

D. Recapture

1. The Department of Revenue will notify the Department of Insurance of a recapture event.

2. The Department of Insurance shall recapture from the entity that claimed the credit on their return if:

a. any amount of the federal tax credit earned from the qualified equity investment is recaptured pursuant to section 45D of the *Internal Revenue Code*. The amount recaptured shall be in proportion to the federal recapture of the credit.

b. the qualified community development entity fails to invest 100 percent of the purchase price for the qualified equity investment into a qualified active low income community business within one year of initial credit allowance date and maintain this investment throughout the last credit allowance date or compliance period.

3. No recapture shall occur until the qualified community development entity has been given notice of noncompliance by the Department of Revenue and the benefit of 6 months to become compliant.

E. Reporting

1. Within 30 days of the applicant receiving certification for a qualified equity investment, the qualified community development entity must:

a. issue an investment and receive cash for the certified amount;

b. designate the amount as a federal qualified equity investment with the Community Development Financial Institutions Fund;

c. issue Form R-10607 to the investor designating the amount as a state qualified equity investment.

2. Within 5 days of issuing the qualified equity investment, the qualified community development entity will submit:

a. evidence of receipt of cash;

b. a copy of the federal Form 8874A which was issued to the investor;

c. a copy of the state Form R-10607 which was issued to the investor;

d. notice of any transfers of allocation authority as provided in Paragraph B.5.

3. If the requirements of Paragraph E.1 are not met within 30 days of certification of the qualified equity investment, the certification will lapse and the qualified community development entity will have to re-apply to the Department of Revenue for designation of the qualified equity investment.

4. A qualified community development entity that issues a qualified equity investment under R.S. 47:6016.1 shall submit a report to the Department of Revenue within the first 5 business days after the first anniversary date indicating that 100 percent of the qualified equity investment is invested in a qualified active low income community business in Louisiana.

a. The report shall include a bank statement of the qualified community development entity evidencing each qualified low income community investment.

b. The report shall include evidence that the qualified low income community business was and remains active.

c. The report shall include evidence of the total amount of qualified low income community investments received by the qualified active low income community business under the provisions of R.S. 47:6016.1.

5. A qualified community development entity that issues a qualified equity investment under R.S. 47:6016.1 shall issue an annual report within 45 days of the second compliance year. The report shall include:

a. the number of employment positions created and retained as a result of the qualified low income community investments and their average annual salaries;

b. evidence that the qualified active low income community business remains active; and

c. evidence that the qualified low income community investment remains invested in the qualified active low income community business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 41:555 (March 2015).

§1913. Alternative Fuel Tax Credit

A. The tax credit provided by R.S. 47:6035 authorizes an incentive to individuals or corporations to invest in qualified clean-burning motor vehicle fuel property. The tax credit is limited to a portion of the purchase price of qualified clean-burning motor vehicle fuel property. The statute specifically provides that "qualified clean-burning motor vehicle fuel property" does not include any equipment necessary for the operation of a motor vehicle on petroleum gasoline or petroleum diesel. For this reason, the credit provided by R.S. 47:6035 is not allowed for acquisitions of motor vehicles capable of being propelled by an alternative fuel, but that include only a single fuel storage and delivery system and that retain the capability to be propelled by petroleum gasoline or petroleum diesel.

B. The alternative fuel tax credit is available for:

1. a portion of the cost of the equipment and installation purchased to modify a vehicle originally propelled by petroleum gasoline or petroleum diesel to a vehicle capable of being propelled by an alternative fuel. If the modified vehicle retains the capability of being propelled by petroleum gasoline or petroleum diesel, the modified vehicle must have a separate fuel storage and delivery system for the alternative fuel that is capable of using only the alternative fuel;

2. a portion of the cost of a new vehicle that is capable of being propelled by an alternative fuel. If the vehicle has the capability of being propelled by petroleum gasoline or petroleum diesel, the vehicle must have a separate fuel storage and delivery system for the alternative fuel that is capable of using only the alternative fuel;

3. a portion of the cost of property, excluding the installation of the property, that is directly related to the delivery of an alternative fuel into the fuel tanks of motor vehicles propelled by an alternative fuel.

C. As used in this Section, the following words and phrases shall have the meanings ascribed to them in this Subsection, unless the context clearly indicates otherwise.

1. *Alternative Fuel*—fuel which results in emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulates, or any combination of these which are comparably lower than emissions from petroleum gasoline or petroleum diesel and which meets or exceeds federal clean air standards, including but not limited to compressed natural gas, liquefied natural gas, liquefied petroleum gas, biofuel, biodiesel, methanol, ethanol, and electricity.

2. *Cost of Qualified Clean-burning Motor Vehicle Fuel Property* shall mean any of the following:

a. a portion of the retail cost paid by the owner of a motor vehicle for the purchase and installation by a technician of qualified clean-burning motor vehicle fuel property certified by the United States Environmental Protection Agency to modify a motor vehicle which is propelled by petroleum gasoline or petroleum diesel so that the motor vehicle can thereafter be propelled by an alternative fuel, provided the motor vehicle is registered in this state, and further provided that if the modified vehicle retains the capability of being propelled by petroleum gasoline or petroleum diesel, the modified vehicle must have a separate fuel storage and delivery system for the alternative fuel that is capable of using only the alternative fuel;

b. a portion of the retail cost to the owner of a new motor vehicle purchased at retail, that is originally equipped to be propelled by an alternative fuel, for the cost of that portion of the motor vehicle which is attributable to the storage of the alternative fuel, the delivery of the alternative fuel to the engine of the motor vehicle, and the exhaust of gases from combustion of the alternative fuel, provided the motor vehicle is registered in this state, and further provided that, if the vehicle has the capability of being propelled by petroleum gasoline or petroleum diesel, the vehicle must have a separate fuel storage and delivery system for the alternative fuel that is capable of using only the alternative fuel:

i. for vehicles that are capable of being propelled, either partially or wholly, by electricity, such as hybrid-electric vehicles, plug-in hybrid-electric vehicles, all-electric vehicles, and low-speed electric vehicles, the credit is limited to the qualified clean-burning motor vehicle fuel property that stores and delivers the electricity to the motor, but is not authorized on another separate fuel storage and delivery system within the vehicle that uses petroleum gasoline or petroleum diesel as a fuel source;

c. a portion of the retail cost of property, excluding the installation cost of property, which is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel, including compression equipment, storage tanks, and dispensing units for alternative fuel at the point where the fuel is delivered, provided the property is installed and located in this state

and no credit has been previously claimed by any taxpayer on the cost of such property;

d. the cost of property which is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

3. Qualified clean-burning motor vehicle fuel property shall not include:

a. equipment necessary for operation of a motor vehicle on petroleum gasoline or petroleum diesel;

b. motor vehicle fuel property that is capable of also being used with non-alternative fuels, such as petroleum gasoline or petroleum diesel;

c. repairs to or replacements of qualified clean-burning motor vehicle fuel property after the initial installation of such property into a vehicle by the vehicle's manufacturer or qualified technician.

D. The credit is equal to 50 percent of the cost of qualified clean-burning motor vehicle fuel property, and shall be claimed on the personal or corporate income tax return for the period when the taxpayer incurred the cost for the qualified clean-burning motor vehicle fuel property.

E. In order to receive the credit provided by R.S. 47:6035, the taxpayer must provide certain information and documentation to the LDR that is specific to the type of property upon which the credit is claimed.

1. To claim the credit for the cost of the purchase and installation of vehicle equipment to modify a vehicle to be capable of being propelled by an alternative fuel, required information shall include, but not be limited to, the following:

a. the year, make, model, and vehicle identification number (VIN) of the vehicle;

b. a certification that the installed qualified clean-burning motor vehicle fuel property is certified by the United States Environmental Protection Agency, and that the technician performing the installation is certified by the manufacturer of the equipment to perform the installation;

c. an itemization of the costs associated with the modification, including copies of all invoices for the materials and installation services for the modification;

d. a certification that the modified vehicle is registered in this state; and

e. a certification that, if the modified vehicle retains the capability of being propelled by petroleum gasoline or petroleum diesel, the vehicle must have a separate fuel storage and delivery system for the alternative fuel.

2.a. For the purchase of a new vehicle that is capable of being propelled by an alternative fuel, required information shall include:

i. the year, make, model, vehicle identification number (VIN), and price paid for of the vehicle;

ii. a certification that the vehicle is registered in this state; and

iii. a certification that, if the vehicle is capable of being propelled also by petroleum gasoline or petroleum diesel, the vehicle must have a separate fuel storage and delivery system for the alternative fuel.

b. Once a motor vehicle is determined to contain qualified clean-burning motor vehicle fuel property, to claim the credit, the taxpayer can elect to determine the exact cost of the qualified clean-burning motor vehicle fuel property pre-installed by the manufacturer in the purchased vehicle. The cost of the qualified clean-burning motor vehicle fuel property for a new motor vehicle originally equipped to be propelled by an alternative fuel shall be the cost of that portion of the motor vehicle which is attributable to any of the following:

i. the storage of the alternative fuel;

ii. the delivery of the alternative fuel to the engine of the motor vehicle; and

iii. the exhaust of gases from combustion of the alternative fuel.

c.i. If the taxpayer is unable to or elects not to determine the exact cost of the qualified clean-burning motor vehicle property pre-installed by the manufacturer in the purchased vehicle, the taxpayer can claim a credit that is the lesser of:

(a). 10 percent of the cost of the motor vehicle; or

(b). $3,000.

ii. When determining the cost of a vehicle for this purpose, the cost shall exclude rebates and discounts provided by the manufacturer or seller of the vehicle, state and local sales taxes, and vehicle registration, title, and processing fees.

3. For the purchase of property which is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel, required documentation shall include:

a. a listing of each purchased item including compression equipment, storage tanks, and dispensing units for alternative fuel at the point where the fuel is delivered, together with copies of invoices for each item;

b. a certification that the property is installed and located in this state; and

c. a certification that no credit has been previously claimed by any taxpayer on the cost of such property.

F.1. The credit provided by this Section is applicable to purchase transactions, including purchases of new eligible vehicles, purchases of eligible equipment and installations for fuel system conversions, and purchases of property

which is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel, but is not applicable to transactions for the lease or rental of vehicles or other tangible personal property, or to purchases of used vehicles.

2. The refundable income tax credit is available to persons and corporations on whom income taxes are imposed by law. The credit is not available to entities or other persons on whom income taxes are not imposed.

3. The credit is available only to persons and corporations who are the titled owners of eligible motor vehicles, as indicated in the records of the Office of Motor Vehicles of the Department of Public Safety and Corrections.

4. The secretary of the Department of Revenue is authorized to withhold the issuance of a credit to any taxpayer who is required to pay an alternative road use tax for his vehicle that operates on certain alternative fuels, such as liquefied natural gas (LNG), compressed natural gas (CNG), or liquefied petroleum gas (LPG), who has not paid the alternative road tax for that vehicle and received a decal from the secretary evidencing that payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 1514, and 6035(G).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Administration Division, LR 38:3239 (December 2012).

§1915. Small Town Health Professionals Credit

A. General Description

1. The small town health professionals credit provides an individual income tax credit for certified medical primary care health professionals including:

a. physicians possessing an unrestricted license by the state of Louisiana to practice medicine;

b. dentists licensed by the state of Louisiana to practice dentistry;

c. primary care nurse practitioners licensed by the state of Louisiana;

d. primary care physician assistants licensed by the state of Louisiana; or

e. optometrists licensed by the state of Louisiana.

2. To be eligible for the credit, a certified medical primary care health professional must:

a. establish and maintain the primary office of their practice which is, as determined by the Department of Health through annual application:

i. for medical physicians, nurse practitioners, physician assistants, and optometrists, an area that is a primary care high needs geographic Health Professional Shortage Area (HPSA), or for dentists, a Dental Health Professional Shortage Area (DHPSA), as designated by the U.S. Department of Health and Human Services' Health Resources and Services Administration's Bureau of Health Workforce, Division of Policy and Shortage Designation (DPSD); and

ii. a rural area as defined in rules promulgated by the Department of Health (See LAC 48:I.10307 for parishes that meet the definition of rural.);

iii. accept Medicaid and Medicare payments for services rendered;

b. to be eligible for the credit, the certified medical primary care health professional must practice under the conditions set forth above for a period of not less than three tax years. In addition, the health professional must submit an annual application and receive certification from the Department of Health for each calendar year in order to claim the credit for the corresponding tax year. Under no circumstances shall a taxpayer receive the credit for more than one relocation or more than five tax years.

B. Definitions.

Certified Medical Primary Care Health Professional—a physician possessing an unrestricted license by the State of Louisiana to practice medicine, a dentist licensed by the State of Louisiana to practice dentistry, a primary care nurse practitioner licensed by the State of Louisiana, a primary care physician assistant licensed by the state of Louisiana, or an optometrist licensed by the state of Louisiana.

Department of Health—the Louisiana Department of Health

Department of Revenue—the Louisiana Department of Revenue

Health Professional Shortage Area/Dental Health Professional Shortage Area—an area so designated by the U.S. Department of Health and Human Services' Health Resources and Services Administration's Bureau of Health Workforce, Division of Policy and Shortage Designation (DPSD) as of December 31 of the year preceding the applicable application period.

C. Application. Beginning January 1, 2018, taxpayers seeking to utilize the small town health professionals tax credit for taxable periods beginning on or after January 1, 2018 must annually apply for and be deemed eligible for the credit by the Department of Health. This annual application requirement applies to all taxpayers, including those who have previously claimed the credit within the last four years. The application period for calendar year 2018 shall begin on October 1, 2018 and conclude on November 30, 2018. For all application periods thereafter, the application period shall begin on September 1 of each calendar year and conclude on October 31 of the same calendar year. Only applications concerning eligibility for the calendar year during which the applications are received may be submitted and considered for purposes of the credit. Applications may not be submitted and will not be accepted prior or subsequent to the application period. Taxpayers must submit a Louisiana small town health professional credit application to the Department of Health for review. Each application must contain an applicant's home mailing address, date of

qualifying relocation and the last four digits of the applicant's Social Security number, as well as all other required information. A taxpayer is deemed eligible upon satisfactorily demonstrating that it has met the requirements of Subsection A of this Section for the calendar year.

D. Certification

1. No later than December 31 of each calendar year, the Department of Health shall issue a tax certificate letter to the taxpayer notifying the taxpayer as to whether the application has been approved or denied. If approved, the tax certificate letter shall notify the taxpayer of the maximum amount eligible, the taxable period against which the nonrefundable credit may be used, and the time period during which the credit must be claimed. If denied, the letter shall so provide the reasons for denial. No later than January 31 of the succeeding calendar year, the Department of Health shall provide to the Department of Revenue a list of all approved applicants in a machine-sensible format, including but not limited to an Excel spreadsheet.

2. Pursuant to R.S. 47:297(H), an approved application shall authorize a taxpayer for eligibility for a nonrefundable credit with no carryforward equal to the lesser of the tax due or $3,600, unless subject to proration, for the tax period deemed eligible. In the event the taxpayer is subject to proration due to the credit cap provisions, the taxpayer shall only be eligible for a credit equal to the pro rata amount for the tax period deemed eligible.

3. For each calendar year, beginning with calendar year 2018, the Department of Health shall not certify credits in excess of $1,500,000. For purposes of administering the credit cap, the Department of Health shall count each approved application at a value of $3,600 or, if subject to proration, the pro rata value. Applications shall be approved as eligible for the credit by the Department of Health on a first-come, first-served basis as determined by the postmarked or received date of a completed Louisiana small town health professional credit application. An application shall not be considered received until all information requested by the Department of Health has been submitted.

4. All applications received on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on the same business day exceeds the total amount of available tax credits, tax credits shall be approved on a pro rata basis. In such instance, applicants limited by the credit cap provisions shall be eligible for only the pro rata share of their credit.

5. The tax credit shall be earned upon approval from the Department of Health. However, in the event it is determined by the Department of Health that the taxpayer has not maintained the requirements of Subsection A of this Section, any amounts certified by the Department of Health are subject to disallowance by the Department of Revenue and any amounts allowed to offset tax, penalties or interest are subject to recapture by the Department of Revenue.

E. Credits

1. Credits certified by the Department of Health may only be used to offset tax for the taxable period deemed eligible. Any amount certified must be claimed on a return filed within the calendar year subsequent to the calendar year of application. Any credits claimed against a taxable period other than the period authorized or filed on a return before or after the calendar year which is subsequent to the calendar year of application will be disallowed.

a. Example. Application submitted and approved by the Department of Health in calendar year 2018 for credit eligibility for tax period 2018. The approved tax year 2018 credit must be claimed on a 2018 return filed during calendar year 2019.

2. For each calendar year, beginning with calendar year 2018, the Department of Revenue shall not grant credits in excess of $1,500,000. For purposes of administering the credit cap, the Department of Revenue shall count each approved credit at the lesser of the tax due or other amount deemed eligible according to the certification issued by the Department of Health. Credits shall be granted by the Department of Revenue on a first-come, first-served basis as determined by the received date of a completed individual income tax return. A return shall not be considered received until all information requested by the Department of Revenue has been submitted.

3. All returns received on the same business day shall be treated as received at the same time, and if the aggregate amount of claims received on the same business day exceeds the total amount of available tax credits, tax credits shall be approved on a pro rata basis. In such instance, taxpayers limited by the credit cap provisions shall be eligible for only the pro rata share of their credit.

4. The provisions of this Subsection are in addition to and shall not limit the authority of the Secretary of the Department of Revenue to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:297(H) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1641 (September 2018), LR 45:1811 (December 2019).

§1917. Louisiana Rehabilitation of Historic Structures Tax Credit

A. General Description

1. Revised Statute 47:6019 authorizes an income and corporation franchise tax credit for eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development district or a cultural district. Eligible structures must be nonresidential real property or residential rental property.

2. The tax credit for QRE's is earned only in the year in which the property attributable to the expenditures is placed in service. However, regardless of the year in which the property is placed in service, the amount of the credit shall equal 25 percent of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, and 20

percent of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018.

3. No taxpayer, or any entity affiliated with such taxpayer, shall claim more than $5,000,000 of credit annually for any number of structures rehabilitated within a downtown development district or cultural district.

4. The credit shall be allowed against the income tax for the taxable period in which the credit is earned and against the franchise tax for the taxable period following the period in which the credit is earned. If the tax credit allowed pursuant to R.S. 47:6019 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years. The credit may be used in addition to the 20 percent federal tax credit for such purposes.

5. The tax credit shall not be allowed for the rehabilitation costs and expenses that are paid for with state or federal funds, unless the state or federal funds are reported as taxable income or are structured as repayable loans.

B. Definitions

Assistant Secretary—the Assistant Secretary of the Office of Legal Affairs, Louisiana Department of Revenue, or, in the absence of such official, another designee as authorized by the secretary.

CPA—certified public accountant.

Cultural District—a district designated by a local governing authority in accordance with law for the purpose of revitalizing a community by creating a hub of cultural activity, including affordable artist housing and workspace, which has been determined by the Department of Culture, Recreation and Tourism to meet the criteria established to be so designated.

Department—the Louisiana Department of Revenue.

Downtown Development District—a downtown development district or central business development district created by law, or by ordinance adopted prior to January 1, 2002, in a home rule charter municipality.

Eligible Costs and Expenses—qualified rehabilitation expenditures as defined in section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, except that "substantially rehabilitated shall mean that the qualified rehabilitation expenditures must exceed $10,000.

Phased Projects—a project which is completed in multiple phases.

QRE's—qualified rehabilitation expenses.

SHPO—State Historic Preservation Office.

SOI-Compliant—work performed in accordance with the Secretary of the Interior's Standards for Rehabilitation.

Transfer—for purposes of the fee requirement, an assignment, disposition, transfer or allocation of tax credits.

C. Application Procedure

1. Initial Determination of Eligibility by the SHPO

a. The SHPO determines whether the structure, before and after the work is performed, qualifies as contributing to the historical significance of the district. Specifically, the SHPO determines whether work was performed on an eligible structure and whether such work performed was SOI-compliant. A project is determined to be a certified rehabilitation if the building itself meets eligibility requirements and the work is SOI-compliant.

b. The SHPO makes a determination as to whether a project is determined to be a certified rehabilitation through a three-part application process administered by an architectural historian.

i. In Part 1, the SHPO certifies whether the structure is eligible for the Program.

ii. In Part 2, the SHPO certifies whether the work, as proposed by the applicant, is SOI-compliant.

iii. In Part 3, the SHPO confirms that the actual work performed by the applicant was indeed SOI-compliant.

c. If the project is determined by SHPO to be a certified rehabilitation, the SHPO shall provide to the applicant, with copies to the department, an approved "part 3-request for certification of completed work", and an executed section 1 of Form R-6121B.

2. Approval of the Credit by the Department of Revenue

a. An applicant shall submit the following to the department:

i. a certified audit report or examined cost certification prepared by an independent auditor, which report and auditor meet the following minimum qualifications as set forth by the department:

(a). the auditor must be a CPA licensed in the State of Louisiana or in compliance with the CPA Mobility Act and must be an independent third party not related to the applicant;

(b). the CPA must be listed on the legislative auditor approved listing, or, if not licensed in Louisiana, in compliance with the CPA Mobility Act;

(c). the auditor's opinion must be addressed to the party which has engaged the auditor, but may expressly permit others to rely on the same;

(d). the name of the auditor's firm, address, and telephone number must be evident on the report;

(e). the auditor's opinion must be dated no earlier than the completion of the audit fieldwork;

(f). the certified audit report or examined cost certification must be performed in accordance with auditing standards set forth by the American Institute of Certified Public Accountants, the auditor must have sufficient knowledge of accounting principles and the SOI standards for rehabilitation. The auditor's opinion should be

accompanied by the cost report of QRE's, the notes to the cost report, and a completed CPA certification form;

(g). the period during which qualified rehabilitation costs were incurred must be noted;

(h). the certified audit report or examined cost certification must provide a breakdown of all related party transactions, as defined by the Statement of Financial Accounting Standards No. 57 and include the following:

(i). the name and address of the related party;

(ii). the nature of the relationship between the related party and the applicant;

(iii).the nature and amount of the transaction;

(iv).the federal and state tax identification numbers of the related party for total payments equal to $10,000 or greater, and payment schedule if there are remaining outstanding balances;

(v). if there are no related party transactions, the cost report must include a note indicating such;

(i). a reasonableness/fairness opinion shall be submitted, if applicable, comparing the amounts charged on related party transactions to what an independent party would have charged for similar work and/or services;

(j). for any total payments $100,000 or greater, the report or certification must include the following:

(i). name and address of the payee;

(ii). federal and state tax numbers of the payee;

(iii).any state/and/or local license numbers of the payee (i.e. contractor's license); and

(iv).total amount paid (Form R-6122).

b. For those applicants whose total project cost is $500,000 or less, the following information may be submitted in lieu of the requirements contained in Subparagraph C.2.a of this Section. Projects submitted in multiple phases, "phased projects", where the estimated total costs of all phases of a project is greater than $500,000 must submit the information required in Subparagraph C.2.a of this Section, regardless of whether the specific cost for any particular phase being submitted for review is $500,000 or less. For qualifying projects, an applicant must submit the following information:

i. an itemized listing of all QRE's as well as all non-QRE's, detailing all costs and eligible expenses as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended. The itemized listing must conform to the requirements of Subclause C.2.a.i.(f) of this Section, as provided, and contain an arms-length comparison for each expenditure submitted as well as the period during which the rehabilitation costs were incurred. Column headings for the list must include: category of work, method of payment, date paid, name of payee/contractor, description of expenditure, total amount of expenditure and amount of QRE's. The department may require documentation to verify whether the expenses claimed were actually incurred during the rehabilitation;

ii. an invoice for each QRE totaling $2,500 or more. Where the aggregate payments to a single payee are equal to or greater than $100,000, the federal and state tax numbers as well as any state and/or local license numbers (i.e. contractor's license) must be submitted;

iii. a notarized statement attesting that the expenditures submitted were incurred in connection with the rehabilitation of a "certified historic structure" that is properly chargeable to a capital account. Such expenditures include: architectural and engineering fees; construction interest and taxes; developer's fees; general administrative fees; legal and professional fees; and rehabilitation costs. Common expenditures which do not qualify as QRE's include, but are not limited to: acquisition costs; appliances; appraisal costs; cabinets; carpeting (when tacked and not glued to floor); demolition costs; financing fees; furniture; leasing expenses; marketing costs; moving costs; parking lot; paving and landscape costs; and signage.

c. The department shall review the certified audit report, examined cost certification, or itemized listing of all QRE's and non-QRE's. The department may request additional documentation from the applicant as it determines necessary. Further, the department may rely on the SHPO for any technical assistance, as determined necessary during the review process. This assistance includes, but is not limited to, interpretations of the Secretary of the Interior standards for rehabilitation. For projects with a placed in service date occurring on or after January 1, 2018 that have expenditures incurred both before and after January 1, 2018, the audit report, examined cost certification or itemized listing submitted for review shall segregate such expenditures by date so as to allow the proper credit rate to be determined. Failure to so segregate such expenditures will result in credit being applied at a blanket rate of 20 percent.

d. After all supporting documentation is received and approved, the department shall complete and provide to the applicant Section 2 of Form R-6121-B, thereby confirming the certified amount of the tax credit earned by the applicant. With the exception of phased projects, the final year of the placed in service date shall be the first year the credit may be utilized. Issuance of the tax credit certificate shall be delayed by any outstanding tax balances of the applicant until all such tax balances are resolved.

D. Internal Appeal Process

1. Applicants may appeal the denial of the certification of expenditures to the assistant secretary.

a. Written notice of the intent to appeal must be received by the department within ten business days from the date of the denial letter.

b. The full appeal must be received by the department no later than 30 calendar days from the date of

the denial letter. Appeals must be in writing and must detail specific reasons the denial should be partially or completely reconsidered or overturned.

i. Upon a showing of reasonable cause, the assistant secretary may extend the deadline for submission of the full appeal.

c. The assistant secretary, at his discretion, may hold a hearing in connection with the appeal.

2. Upon review of the appeal and consideration of the hearing, if applicable, the assistant secretary shall take one of the following actions:

a. sustain, in full or in part, the denial;

b. overturn, in full or in part, the denial.

3. The assistant secretary's final written decision to any appeal must be issued no later than 90 days after receiving the full appeal.

E. Claiming or Transferring the Tax Credit

1. All tax credits issued pursuant to R.S. 47:6019 must be registered and conform to all requirements of the Tax Credit Registry, as provided in R.S. 47:1524, in order to be claimed on a return or transferred.

2. Persons who are awarded tax credits may elect to sell their unused tax credits to one or more individuals or entities. The tax credits may be transferred or sold by a taxpayer or any subsequent transferee an unlimited number of times. However, the transfer of the credit does not extend the carry forward period of the credit.

3. Transferors and transferees shall submit to the department in writing a notification of any transfer or sale of tax credits within ten business days after the transfer or sale of such credits. The notification shall be accompanied by a tax credit transfer processing fee of $200. The notification shall include the transferor's tax credit balance prior to transfer, the credit identification number assigned by the state historic preservation office, the remaining balance after transfer, all federal and Louisiana tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, and any other information requested by the department. Failure to comply with this notification provision will result in the disallowance of the tax credit until the parties are in full compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:6019.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:2023 (November 2018).

§1921 Louisiana Youth Jobs Tax Credit

A. General Description

1. The Youth Jobs credit provides an income and franchise tax credit for businesses that hire one or more eligible youth, as defined herein, on or after July 1, 2021. The credit is allowable on a one-time basis for each eligible youth hired.

2. To be eligible for the credit, a business must employ an individual who:

a. meets the definition of an eligible youth, as defined herein, on or after July 1, 2021;

b. has worked in a full-time or part-time position, as defined herein, for at least three consecutive months at the business seeking to utilize the credit.

3. For a business seeking to utilize the credit for the amounts authorized for a full-time position, as provided in Paragraph D.2., an individual must have worked for three consecutive months in a full-time position in order to be eligible for the amounts so authorized.

4. The credit shall be earned in the year in which the eligible youth completes the third consecutive month of work in either a full-time or part-time position. Under no circumstances may a business earn more than one credit per eligible youth.

5. The credit shall be allowed against the income tax for the taxable period for which the credit is earned and against the franchise tax for the taxable period following the period in which the credit is earned. If the tax credit allowed pursuant to R.S. 47:6028 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent liability for a period not to exceed five years.

6. A taxpayer shall not receive any other incentive for the job creation or hiring of an eligible youth for which the taxpayer has received a tax credit pursuant to this Section, including but not limited to the provisions of R.S. 25:1226, 47:6023, 6026, 6033 or 51:1787, and 2451.

B. Definitions

Department—the Louisiana Department of Revenue

Eligible Youth—an individual who:

a. has attained the age of 16 but not yet attained the age of 24.

b. is unemployed prior to being hired by a business that will apply for a credit pursuant to the provisions of this Section.

c. will be working in a full-time or part-time position that pays wages that are equivalent to the wages paid for similar jobs, with adjustments for experience and training.

d. meets at least one of the following criteria:

i. is at least 18 years old, is no longer in school, and does not have a high school diploma, HiSET or GED credential, or high school equivalency diploma;

ii. is a member of a family that is receiving assistance from the Family Independence Temporary Assistance Program;

iii. is a member of a family that is receiving benefits through the Supplemental Nutrition Assistance Program;

iv. is a member of a family that is receiving assistance from the Kinship Care Subsidy Program;

v. is a member of a family that is receiving assistance or benefits under the Temporary Assistance for Needy Families Program;

vi. has served time in jail or prison or is on probation or parole;

vii. is pregnant or is a parent;

viii. is homeless;

ix. is currently or was in foster care, extended foster care, or the custody of the Department of Children and Family Services;

x. is a veteran;

xi. is the child of a parent who is currently incarcerated or was released from incarceration within the past two years;

xii. lives in public housing or receives housing assistance such as a Section 8 voucher.

Full-Time Position—a position in which a person works at least 32 hours per week.

Part-Time Position—a position in which a person works at least 20 hours per week but less than 32 hours per week.

C. Application

1. Beginning January 1, 2022, taxpayers seeking to utilize the youth jobs tax credit for taxable periods beginning on or after January 1, 2021 must annually apply for and be deemed eligible for the credit by the department. The application period for calendar year 2021 shall begin on March 1, 2022 and conclude on April 30, 2022. Thereafter, the application period shall begin on January 1 and conclude on February 28 of the subsequent calendar year. Applications may not be submitted and will not be accepted prior to the application period. Taxpayers must electronically submit a Louisiana Youth Jobs Tax Credit Application (Form R-90004) to the department for review. Each application must include an employee-completed Louisiana Youth Jobs Tax Credit Employee Certification (Form R-90004-B) for each employee claimed, which includes the qualifying employee's date of birth, date of hire, and satisfied employment criteria of the eligible youth, as defined herein, as well as all other required information. After exercising due diligence to ensure compliance with the requirements provided herein, qualifying taxpayers must maintain supporting documentation which can be produced upon request of the department to substantiate the qualification of an eligible youth. Completed applications should be submitted to YouthJobsCredit@La.gov. A taxpayer is deemed eligible upon satisfactorily demonstrating that it has met the requirements of Subsection A of this Section during the calendar year.

D. Approval

1. For calendar year 2021, the department shall notify each taxpayer that submitted a timely and complete application as to whether the application has been approved or denied as to each youth employee no later than July 1, 2022. For all application periods subsequent to calendar year 2021, the department shall send such notice no later than May 1 following the close of the application period. If approved, the tax notice letter shall include Form R-90004 indicating the amount of credit earned and the taxable periods against which the nonrefundable credit(s) may be used. If denied, the letter shall so provide the reasons for denial.

2. Pursuant to R.S. 47:6028, an approved application shall authorize a taxpayer for eligibility for one or more nonrefundable credit(s) with a carryforward of five years equal to $750 or $1250 for each eligible youth employed in either a part-time or full-time position, respectively, unless subject to proration, for the tax period deemed eligible. In the event the taxpayer is subject to proration due to the credit cap provisions, the taxpayer shall only be eligible for a credit equal to the pro rata amount for the tax period deemed eligible.

3. For each calendar year, beginning with the March 1-April 30, 2022 application period, the department shall not approve credits in excess of $5,000,000. For purposes of administering the credit cap, the department shall count each approved eligible youth employed either part-time or full-time at a value of $750 or $1250, respectively, or if subject to proration, the pro rata value. Eligible applications shall be approved for the credit by the department on a first-come, first-served basis as determined by the received date of a completed Louisiana Youth Jobs Tax Credit Application. An application shall not be considered complete until all information requested by the department has been received.

4. All applications received on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on the same business day exceeds the total amount of available tax credits, tax credits shall be approved on a pro rata basis.

5. In the event it is determined by the department that the taxpayer has not met the requirements of Subsection A of this Section, any amounts approved are subject to disallowance and any amounts allowed to offset tax are subject to recapture by the department.

E. Claiming the Credit

1. Taxpayers claiming tax credits on a return must include Form R-90004. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:6028.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:504 (March 2022).

Chapter 29. Natural Resources: Severance Tax

§2901. Severance Tax on Timber, Pulpwood and Minerals Other Than Gas and Oil

A. In General

1. The severance tax imposed by R.S. 47:631 is an excise tax upon the privilege of severing any natural resources from the soil or water. All resources found in a natural state which are of any commercial value whatsoever are natural resources and are subject to the severance tax.

2.a. *Severance* means the separation of the natural resource from the soil or water, or its removal from its natural position.

For example, the dredging of sand from a river; the cutting of timber; or the mining or removal of a mineral from its natural location.

b. Severance does not refer to the refinement of a natural resource after its removal.

3. *Severer* means any person engaged in the operation of severing natural resources from the soil or water, whether that person is the owner of the soil or water; or other person severing from the soil or water of another; or the owner of a natural resource severing from the soil or water of another.

4. The tax is due by the severer, whether the natural resource is used by him or sold to another. If it is used by the severer, the tax is due by the severer. If it is sold, the tax is due by the severer; or by the purchaser, if for any reason it is not paid by the severer. If the natural resource is sold to the state or to the federal government, the tax is still due because the liability for the tax falls primarily on the severer and not on the purchaser. The tax is due on all natural resources removed from the state after severance and must be paid to the state of Louisiana. There is no provision of the law to exempt the parish, municipality, nor any board or agency of the state of Louisiana from the payment of this tax. However, the tax is not due or owed by a town, parish, or other political subdivision of the state which engages in severing sand or any other natural resource for its own use. Among the resources included are all forms of timber, pulpwood, and minerals such as sulphur, salt, coal, lignite, and ores; also marble, stone, sand, shells, and other natural deposits; and the salt content in brine.

B. Reports and Payment of Tax

1. By Severers

a.i. Every person severing any natural resource from the soil or water of the state must file a report, on forms obtained from the Department of Revenue, on or before the last day of the month following the month during which the natural resource is severed. It is necessary that the report be filed in duplicate. The tax due shall become delinquent after the last day of the month in which the tax is due and payable.

For example, the tax due for products severed in October will become delinquent on the first day of December if not paid on or before November 30.

ii. Delinquent reports and tax shall be subject to penalties, interest, and other additional costs. The report, together with payment for the tax due thereon, is required to be delivered (by mail or in person) to the cashier's division of the Department of Revenue showing the following information in the spaces provided therefor:

(a). parish in which resource is severed and the month during which severed;

(b). the name and address of the person or corporation making the report;

(c). the product severed, the quantity and amount of tax;

(d). all the information in the schedules on the reverse side of the report form, where applicable.

b. In cases where there were no operations during the month, a report must be filed indicating “no operations.” Each report must be signed by the reporting taxpayer or officer of the corporation under declaration that it is made under the penalties imposed for perjury.

2. By Purchasers. On or before the last day of the month following the month to which the tax is applicable, purchasers and other persons dealing in any natural product severed from the soil or water in Louisiana shall deliver to the cashier's division of the Department of Revenue a monthly report on forms procured from the department. The report must be signed under the declaration that is made under the penalties imposed for perjury and must show on the reverse side the names and addresses of all persons from whom they have purchased any natural product during the month, together with the total quantity of each natural product. At the time of making the report, the purchaser or other dealer shall pay to the secretary the amount of tax deducted or withheld at the time of the purchase. If, for example, the seller had paid the severance tax, none would be due by the purchaser; however, the purchaser must file a monthly report showing the name and address of each person from whom the purchases were made, as well as the quantity and kind of product purchased.

C. Types of Product and Tax Rates

1. Timber. Severance tax must be paid on all trees and timber severed from the soil or water in Louisiana. Timber may be cut in Louisiana and transferred to another state to be made into lumber or other products, but the severance tax must be paid to the state of Louisiana regardless of the use after severance. In cases where the timber is cut by private interests in national forests, the usual practice is to scale and pay for the timber prior to cutting, and the purchaser or severer is thus liable for the severance tax. Whether the timber is scaled before or after cutting, the severance tax is collected from the purchasers on timber cut by them in national forests located in Louisiana. The rate, per ton, is established by applying the statutory tax rate to the average stumpage market value determined annually by the Louisiana Forestry Commission and the Louisiana Tax Commission. Because of the fluctuating market from year to year, it is necessary that the taxpayer use the proper report

form applicable to the year for which his monthly report is being filed.

2. Pulpwood. The severance tax must also be paid on all trees and timber classified as pulpwood, both hardwood and pine. The rate per ton is established by applying the statutory tax rate to the annual average market value as determined by the Louisiana Forestry Commission and the Louisiana Tax Commission. Like timber, the pulpwood severance tax must be reported on the proper form for the year in which the monthly report is filed.

3. Sand

a. Sand is a noncohesive granular material consisting of particles finer than 10 mesh, 2.00 mm, but coarser than 200 mesh, 0.074 mm in size. For taxable purposes, sand is divided into three categories:

i. washed sand;

ii. river sand; and

iii. other sand.

b. Sand contained in a sand-clay gravel mixture or pit-run gravel mixture is specifically excluded from those three categories and the provisions applicable thereto. In the case of materials which have been blended from two or more sources, the determination as to whether the blended materials constitute sand, as defined below, must be made separately on the basis of the materials severed from each source. The severance tax rate on sand is $0.06 per ton of 2,000 pounds. If production records as well as sales records are kept on a cubic-yard basis, it would be necessary to convert cubic yards to tons for the purpose of reporting and paying the severance tax. The official conversion factors are based on 2,700 pounds per cubic yard, and the factors for the three categories of sand are shown below.

	Cubic Yards to Tons Conversion Factor
Washed Sand	1.35
River Sand (8% by weight allowance included)	1.24
Other Sand (8% by weight allowance included)	1.24
Computation of tax: cubic yards x conversion factor = tax	

c. Washed Sand. In the case of washed sand, the entire weight will be considered to be taxable without any allowance for foreign substances.

d. River Sand. River sand or fill material removed from the Mississippi River, or batture, or other rivers and bodies of water will be deemed to be taxable in the absence of the submission of written proof that more than 15 percent by weight of such material consists of foreign substances (silt and other foreign matter). An exclusion from the tax of 8 percent of the entire weight severed will be allowed for silt without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of 8 percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds 8 percent by weight.

e. Other Sand

i. Other sand will be considered to be subject to tax if it constitutes 85 percent by weight or more of the materials extracted, as defined under *sand* above. An exclusion from the tax of 8 percent of the entire weight severed will be allowed for foreign substances without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of 8 percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds 8 percent by weight.

ii. It is the responsibility of the severer, purchaser, and user, to establish, to the satisfaction of the secretary, that soil on which the sand severance tax is not being paid does not constitute sand, as defined above. For this purpose, the secretary may require the submission of representative samples from each separate source and such other data as he may consider appropriate. It is also the responsibility of the severer, purchaser, and user to maintain adequate records as to the quantity, quality, and taxable status of such materials by source.

4. Shells. The two principal kinds of shell are clam and reef or oyster. The shells shall be reasonably free from objectionable matter much as sticks, mud, clay lumps, or other foreign materials. Severance tax on shells shall be paid on actual weight including moisture and foreign matter up to, but not in excess of, 12 percent. The rate of tax is $0.06 per ton of 2,000 pounds. For the purpose of reporting and paying the severance tax, where the production and sales records are kept on a cubic-yard basis, it is necessary to utilize the conversion table shown below.

	Conversion Factor
Shells (reef or oyster) 1500 lbs. per cu. yd.	0.75
Shells (clam) 1750 lbs. per cu. yd.	0.875
Computation of tax: cubic yards x conversion factor = tons x rate = tax	

5. Stone. Generally, crushed stone is recognized as consisting of clean, tough, sound, durable particles of stone. The severance tax rate on stone is $0.03 per ton of 2,000 pounds. Where production and sales records are kept on a cubic-yard basis, it is necessary to convert to tons for severance tax reporting and paying purposes. The conversion table is shown below.

	Conversion Factor
Stone (crushed) 2700 lbs. per cu. yd.	1.35
Computation of tax: Cubic yards x conversion factor = tons x rate = tax	

6. Marble. Generally, marble is defined as any limestone, granular to compact in texture, capable of taking polish or of being used for fine architectural work. Marble (proper) differs from common limestone in being more or less crystallized by metamorphism. The severance tax rate on marble is $0.20 per ton of 2,000 pounds.

7. Minerals. There is a severance tax on the salt content in brine (commonly referred to as salt brine)

extracted or produced in solution from the soil or water, when the same is used in the manufacture of other products and is not marketed as salt. The severance tax rates for the minerals in this Section are as follows.

Sulphur	$1.03 per long ton of 2,240 pounds
Salt	$0.06 per ton of 2,000 pounds
Salt content in brine	$0.005 per ton of 2,000 pounds
Coal	$0.10 per ton of 2,000 pounds
Lignite	$0.12 per ton of 2,000 pounds
Ores	$0.10 per ton of 2,000 pounds

AUTHORITY NOTE: Adopted in accordance with R.S. 47:631 and 633.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, Severance Tax Section, October 1970, promulgated LR 13:111 (February 1987), amended by the Department of Revenue, Severance Tax Division, LR 23:1704 (December 1997).

§2903. Severance Taxes on Oil; Distillate, Condensate or Similar Natural Resources; Natural Gasoline or Casinghead Gasoline; Liquefied Petroleum Gases and Other Natural Gas Liquids; and Gas

A. Definitions

Allocation of Value—inasmuch as oil and/or condensate is accounted for on a lease basis, rather than on an individual well basis, the gross value received for runs from a lease shall be allocated to the wells within the lease on the basis of the pro rata barrels run from each well; it being the intent of this Section to apportion value received to all producing wells in a lease without regard to the tax rate applicable to each well.

Condensate—liquid hydrocarbons, other than natural or casinghead gasoline, referred to as condensate, distillate or other natural resources, which will remain in a liquid state, under atmospheric conditions of pressure and temperature, recovered by ordinary production methods from a gas well as classified by the Office of Conservation. This also includes liquid hydrocarbons recovered from separators or scrubbers situated at inlets to plants, compressors, dehydrators, and metering stations.

Department—the Department of Revenue.

Gas—gaseous phase hydrocarbons recovered by separation from either an oil well or gas well.

Gas Tax Rate—the gas tax rate as adjusted annually in accordance with R.S. 47:633(9)(i) will be rounded to the nearest 1/10 of 1 cent. When rounding, if the fourth decimal digit is five or greater, the rate shall be rounded up to the nearest tenth; if the fourth decimal digit is less than five, the rate shall be rounded down to the nearest tenth.

Incapable Gas Well—a well classified by the Office of Conservation as a gas well which has been determined by the secretary to be incapable of producing an average of 250,000 cubic feet of gas per day, under operating conditions, throughout the entire taxable month.

Low Pressure Oil Well—a well classified by the Office of Conservation as an oil well which has been determined by the secretary to have a wellhead pressure of 50 pounds per square inch gauge or less, under operating conditions, whether it be tubing flow or casing flow, throughout the entire taxable month. An oil well producing oil by any artificial method, such as gas lift, pumping or hydraulic lift shall be presumed, in the absence of a determination to the contrary by the secretary, to have a wellhead pressure of 50 pounds per square inch gauge or less under operating conditions.

Natural Gas Liquids—natural gas liquids, butane, propane, ethane and methane extracted as the result of additional processes employed in the mechanical processes as outlined in §2903.A.*Natural or Casinghead Gasoline*.

Natural or Casinghead Gasoline—liquid hydrocarbons recovered from gas (subsequent to the ultimate separation and/or scrubbing of the gas stream) by specifically applied mechanical processes of absorption, adsorption, compression cooling, cryogenics and refrigeration to the entire volume of *gas* from which these liquid hydrocarbons are recovered. This includes liquid hydrocarbons recovered from hydrex and HRU units.

Oil—liquid hydrocarbons recovered by initial separation from a well classified as an oil well by the Office of Conservation.

Payout—the payout of the well cost for a horizontal well as referred to in R.S. 47:633(7)(c)(iii), a deep well as referred to in R.S. 47:633(9)(d)(v), and a new discovery well as referred to in R.S. 47:648.3 occurs when gross revenue from the well, less royalties and operating costs directly attributable to the well, equals the well cost as approved by the Office of Conservation. Operating costs are limited to those costs directly attributable to the operation of the exempt well, such as direct materials, supplies, fuel, direct labor, contract labor or services, repairs, maintenance, property taxes, insurance, depreciation, and any other costs that can be directly attributed to the operation of the well. Operating costs do not include any costs that were included in the well cost approved by the Office of Conservation.

Secretary—the Secretary of the Department of Revenue.

Stripper Field—a field in which all crude oil production is from certified stripper oil wells.

Value—with respect to oil and/or condensate, the value shall be the higher of the gross receipts received from the first purchaser by the producer or the posted field price.

a. *Gross Receipts*—the total amount of payment:

i. received from the first purchaser in an arm's length transaction; or

ii. received from the first purchaser or transferred from the first purchaser by recognized accounting methodology, in a non-arm's length transaction. Gross receipts shall include bonus or premium payments when made by the purchaser to the owner, all advanced payments, and any other thing of value such as exchanges, barter, or reimbursement of costs. Advanced payments are not taxable until the oil and/or condensate for which such payments are made are actually severed and delivered to the purchaser.

b. *Posted Field Price*—a statement of crude oil prices circulated among buyers and sellers of crude petroleum and is generally known by buyers and sellers within the field as being the posted price. The posted field price is the actual price of crude petroleum advertised for a field. The area price is a statement of crude oil prices circulated among buyers and sellers of crude petroleum listing prices for different areas of the state, usually listed as north Louisiana and south Louisiana, and generally known among buyers and sellers within the area as the posted price. This area price is the beginning price for crude petroleum of an area before adjustments for kind and quality (including, but not limited to, gravity adjustments) of the crude petroleum. When no actual posted field price is advertised or issued by a purchaser, the area price less adjustments for kind or quality (including, but not limited to, gravity adjustments) becomes the posted field price.

c. *Arm's Length Transaction*—a contract or agreement that has been arrived at in the open market place between independent and nonaffiliated parties with opposing economic interests.

d. *Non-Arm's Length Transaction*—a contract or agreement between subsidiaries and/or related parties and/or affiliates.

e. *Value in Arm's Length Transaction*—in an arm's length transaction, the value shall be the gross receipts of all things of value received directly or indirectly by the producer.

f. *Value in Non-Arm's Length Transaction*—in a non-arm's length transaction, the value shall be derived by taking the following into consideration:

i. the gross receipts of all things of value received directly or indirectly by the producer;

ii. if the producer or a subsidiary, related party, or an affiliate of the producer, is the purchaser, look to the gross proceeds from contemporaneous arm's length transactions by such purchaser for the purchase of significant quantities of like quality oil or condensate in the same field, or if necessary, the same area;

iii. the prices paid by independent and nonaffiliated parties for significant quantities of like quality oil or condensate produced in the same field or, if necessary, the same area; and

iv. other relevant information, including information submitted by the producer concerning the unique circumstances of producer's operations, product or market.

g. The secretary, in the absence of supporting documentation or arm's length transaction, may adjust a producer's reported value to conform with the above mentioned standards.

h. *Transportation Costs*—there shall be deducted from the value determined under the foregoing provisions the charges for trucking, barging, and pipeline fees actually charged the producer. In the event the producer transports the oil and/or condensate by his own facilities, $0.25 per barrel shall be deemed to be a reasonable charge for transportation and may be deducted from the value computed under the foregoing provisions. The producer can deduct either the $0.25 per barrel or actual transportation charges billed by third parties but not both. Should it become apparent the $0.25 per barrel charge is inequitable or unreasonable, the secretary may prospectively redetermine the transportation charge to be allowed when the producer transports the oil and/or condensate in his own facilities.

B. Certification for Reduced Tax Rates. A taxpayer may qualify for the lesser tax rates levied in R.S. 47:633(7)(b) and (c), and R.S. 47:633(9) by certifying and reporting production and test data, on forms prescribed by the secretary.

1. Oil. Oil production is certified for reduced severance tax rates provided by R.S. 47:633(7)(b) or (c)(i)(aa) by individual well. To receive the reduced tax rate on the crude oil production from an oil well, an application must be filed with the secretary on or before the twenty-fifth day of the second month following the month in which production subject to the reduced rate applies.

a. After a well has been certified for the reduced tax rate, it is necessary to file continuing certification forms on or before the twenty-fifth day of the second month following the months of production.

i. It is not necessary to include stripper wells that are certified with a “B” prefix code on the continuing certification forms.

ii. Failure to file or delinquent filing of the continuing certification forms may result in certification denial for the month's production that the report is delinquent or not filed.

b. Wells cannot be certified as both a stripper and an incapable oil well.

c. Recertification is required whenever the well operator changes.

d. All wells are subject to redetermination of their reduced rate status based on reports filed with the Department and the Office of Conservation. When a well no longer meets the qualifications for the reduced tax rate for which it was certified, the full tax rate becomes due.

2. Gas. Gas production is certified for reduced severance tax rates provided by R.S. 47:633(9)(b) and (c) by individual wells. To receive the reduced severance tax rate on natural gas or casinghead gas production, an application must be filed with the secretary on or before the twenty-fifth day of the second month following the month in which production occurs.

a. After a well has been certified for the reduced tax rate, it is necessary to file continuing certification forms on or before the twenty-fifth day of the second month following the month of production.

i. It is not necessary to include incapable gas wells that are certified with an "F" prefix code on the continuing certification forms.

ii. Failure to file or delinquent filing of the continuing certification forms may result in certification denial for the month's production that the report is delinquent or not filed.

b. The well cannot be certified as both an incapable gas well and an incapable oil well.

c. If the well changes from one tax rate status to another a new certification is required.

d. Recertification is required whenever the well operator changes.

e. All wells are subject to redetermination of their reduced rate status based on reports filed with the Department and the Office of Conservation. When a well no longer meets the qualifications for the reduced tax rate for which it was certified, the full tax rate becomes due.

C. Determination of Taxable Volume—Liquids. It is the duty of the severer to measure the volume of oil, condensate or similar natural resources immediately upon severance or as soon thereafter as these hydrocarbons come into being in the form on which the tax is imposed.

1. In any arm's length transaction involving oil, condensate or similar natural resources individually or in a commingled combination, the method of measurement utilized by the first purchaser and the seller for determining the total volume involved and the volumes applicable to the properties involved is acceptable and may be used for the determination of the volumes to which the appropriate tax rates apply.

2. In the absence of an arm's length transaction or for any other reason where the secretary deems that the method of measurement is prejudicial to the state's best interests, he shall prescribe an acceptable method of measurement.

3. When liquid hydrocarbons bearing various tax rates are commingled without proper prior measurement as prescribed below, the entire commingled volume shall be taxed at the highest tax rate applicable to any oil or condensate present in the commingled volume.

4. Proper measurement prior to commingling oil and condensate shall be as outlined below.

a. Stock Tank Measurement. When oil, condensate or similar natural resources are produced into stock tanks, the tanks shall be strapped on a 100 percent basis. All measurements, gravity determination, temperature corrections to 60°F, and determinations of basic sediment and water (BS and W) shall be made in accordance with procedures outlined in the latest American Petroleum Institute (API) code covering measuring, sampling, testing of crude oil, and the American Society for Testing Materials—Institute of Petroleum (ASTM-IP) petroleum measurement tables.

b. Liquid Metering Devices. When oil and condensate are not stock tank measured but must be measured at pressures above atmospheric pressure, such liquids shall be measured by means of a liquid metering device. The meter shall be calibrated at least once every 90 days and records of calibration and all other pertinent test results shall be kept on file for the same period of time as the prescriptive period relative to taxes and must be available for examination by representatives of the department. The taxpayer may pay tax on the metered volume or allocated meter volume at the meter measurement pressure corrected to 60°F. When a flash factor is required to convert the volume at the meter measurement pressure to the volume at atmospheric pressure, the flash factor may be obtained by either utilizing the equilibrium vaporization flash calculation method or the differential vaporization process.

c. Well Tests. When crude oil and/or condensate are not stock tank measured or measured by liquid measuring devices, the use of well tests, split stream tests, full stream tests or other acceptable and recognized methods of determining the liquid volume of full well stream shall be employed as a measurement device for allocation purposes.

5. When oil and/or condensate are commingled with a liquid hydrocarbon bearing a lesser tax rate, the oil and/or *condensate* shall be taxed on the basis of value received for the entire commingled product.

a. When oil and/or condensate bearing various tax rates are commingled prior to separate measurement, the commingled volume shall be taxed at the highest tax rate applicable to any oil or condensate present in the commingled volume. The separate measurement requirement is met when one of the products is properly measured prior to commingling.

D. Determination of Taxable Volume—Gas. It is the duty of the severer to measure the volume of gas immediately upon severance or as soon thereafter as the substance comes into being in the form on which the tax is imposed.

1. Gas produced from an individual gas well, regardless of whether the well is capable or incapable, shall be measured by means of a meter or well tests acceptable to the secretary. Metering may be accomplished by the backout method, whereby the volume produced by one of two or more wells may be ascertained by subtracting from the combined metered volume the measured volumes from the rest of the wells. All measurements shall be made at a pressure base of 15.025 pounds per square inch absolute and at a temperature of 60°F with corrections made for deviations from Boyle's law when measurement pressures exceed 200 pounds per square inch gauge.

2. Gas produced from individual oil wells may be determined by an allocation of the total metered volume based on gas/oil ratios or solution oil ratios acceptable to the secretary. Records pertaining to volume determinations shall be kept on file for examination and verification by representatives of the secretary.

3. When gas volumes bearing various tax rates are commingled, the volumes bearing each different tax rate must be determined prior to commingling as outlined in

§2903.D.1 or 2. When such commingling occurs and it is determined by the secretary or his representative that the prescribed measurement requirements have not been met, the entire commingled volume shall be taxed at the highest rate applicable to any gas present in the commingled volume.

E. Application of the Tax on Gas. All gas other than gas expressly exempted from the tax under the provisions of R.S. 47:633.9 is subject to the tax. The determination of whether gas lift gas is taxable or exempt shall be made in the same manner as formation gas.

1. Gross gas production shall be an accumulation of the total dispositions of formation gas from a well and/or lease. Gas exhausted from a gas lift installation, commonly called "re-cycled gas," and commingled with formation gas shall not be included in the volume of gas produced from the underground formation. Dispositions shall include, by way of illustration but not by way of limitation, gas used for field operations, within or without the field, gas vented into the atmosphere, gas used elsewhere for gas lift, gasoline and natural gas liquids extracted (which must be converted to gas), and gas delivered to a processing plant, sales or deliveries.

2. Gas which has not previously borne tax or been subject to tax shall not be allowed as an exclusion or tax credit upon injection, but will be allowed as an exclusion when ultimately reproduced. Thus, gas produced in another state or in federal offshore areas would not qualify for an exclusion or tax credit upon injection into the formation in the state of Louisiana.

3. Gas which has previously been allowed as an exclusion or tax credit at the time of injection shall be taxed at the time of reproduction, notwithstanding the fact that it may have been originally produced outside the state.

4. Gas produced without the state of Louisiana which has been injected into the earth in the state of Louisiana will be allowed as an exemption to the extent that the exemption will not exceed the production from the same formation. Adequate records must be maintained by the taxpayer so as to identify the nontax paid injected gas at the time of reproduction and qualify for the exclusion.

5. A credit claimed by a taxpayer on gas injected into a formation in the state of Louisiana will be limited to any gas severance tax liability imposed against him during the same period for gas produced by him. Credit shall not be allowed against taxes owed in taxable periods subsequent to that in which the credit occurred. A taxpayer claiming this credit will be required to submit a worksheet detailing the source of gas by company, parish, field and lease comprising the volume on which the credit is claimed.

6. When capable and incapable gas volumes are commingled and gas is subsequently withdrawn from the commingled mass and used for a purpose which makes the gas exempt from the severance tax, it will be presumed that the ratio of the volumes of capable and incapable gas remaining in the commingled mass will be in the same ratio as before withdrawal.

7. Carbon Black

a. Carbon black exclusions may be allocated to leases on a contractual basis; provided, however, that such gas is physically capable of being consumed as carbon black. In the absence of contractual limitations, the allocation of plant fuel and carbon black shall be on an equitable and reasonable basis.

b. Whenever sales and/or deliveries are made for plant fuel and/or carbon black usage the consumer of such plant fuel and the transporter or seller of the gas used for carbon black shall be required to submit a report monthly to the department showing 100 percent entries into its gas streams involved and an allocation of the plant fuel and/or carbon black usage withdrawn from the stream back to the sources entering the commingled mass.

8. Drip Points

a. No additional severance tax is due on scrubber liquids recovered subsequent to a point at which the gas severance tax has been paid, provided, however, such recovery has been made from a pipeline gas stream owned and operated by someone other than the producer of the gas and the scrubber liquids are recovered after the gas has changed ownership, and the producer receives no further thing of value for the resource entering the pipeline.

b. When severance tax is due and paid on scrubber liquids, natural and/or casinghead gasoline recovered from gas subsequent to a point at which the gas severance tax on the gas has been previously paid, a credit will be given for the gas shrinkage volume resulting from the recovery of these scrubber liquids and/or natural and casinghead gasoline. This gas severance tax credit shall be made on an actual vapor equivalent or at 1,260 cubic feet of gas per barrel of liquid recovered.

9. Gas used or consumed as fuel in the operation of a recycling or gasoline plant for purposes other than the production of natural resources in the state of Louisiana shall not be exempt from the tax. The extraction or fractionation of liquefied petroleum gases (LPG) or natural or casinghead gasoline does not constitute production of natural resources.

F. Exclusions from the Gas Severance Tax

1. Gas injected into the formation in the state of Louisiana.

2. Gas produced without the state of Louisiana which has been injected into the earth in the state of Louisiana.

3. Gas vented or flared from oil and gas wells provided such gas is not otherwise sold. There shall be no exclusion allowed for gas flared at gasoline or recycling plants if such gas is attributable to raw gas volumes which are sold by the producer prior to plant processing.

4. Gas used for fuel in connection with the operation and development for or production of oil and gas in the field where produced, provided such gas is not otherwise sold; and gas used for drilling fuel in the field where produced even though sold for that purpose.

5. Gas used in the manufacture of carbon black.

6. Gas attributable to United States government royalty.

7. Gas accounted for as measurement differences.

G. Reports and Returns

1. All returns and reports shall be made on forms prescribed by the secretary or on forms substantially similar which have been approved for use by the secretary. Returns and reports shall be completed and filed in accordance with instructions issued by the secretary.

2. The secretary is empowered to require any person engaged in severing natural resources, or any other person held liable for severance taxes, to furnish necessary information pertaining thereto for the proper enforcement, and verification of taxes levied in R.S. 47:631 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:633, 47:648.3, and 47:1511.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, Severance Tax Division, August 1974, amended LR 3:499 (December 1977), amended LR 20:1129 (October 1994), repromulgated LR 20:1299 (November 1994), amended by the Department of Revenue, Severance Tax Division, LR 23:1167 (September 1997), LR 24:2321 (December 1998), Department of Revenue, Policy Services Division, LR 29:951 (June 2003), LR 32:1615 (September 2006), repromulgated LR 33:1876 (September 2007).

Chapter 31. Petroleum Products: Gasoline Tax

§3101. Government Exemptions

A. *Delivered in Lots of 6,000 Gallons or More*—6,000 gallons or more of gasoline shall be ordered at one time, which order shall be evidenced by writing, as provided in §3101.F and that delivery shall be made at the rate of not less than 6,000 gallons during a 72-hour period.

B. *Armed Forces of the United States*—the national military establishment, including the Department of the Army, Department of the Navy, and Department of the Air Force of the United States Government and all of the branches, agencies, and instrumentalities of those departments.

C. *For Aviation Purposes*—aviation gasoline purchased by the national military establishment for use in propelling aircraft, whether purchased for use at airfields or airports of the national Military Establishment or purchased elsewhere.

D. *United States Government*—shall include the agencies, departments and instrumentalities thereof, but shall not include private persons, firms, corporations or associations of persons acting as agent for the United States Government or any of its departments, agencies or instrumentalities.

E. *Ships of the United States Navy or Coast Guard*—in order to give expression to the intent and purpose of the above mentioned statutes, the phrase will be deemed to include any self-propelled motor craft or vessel owned or operated by the United States government.

F. To substantiate claims for tax exemptions or refunds, the dealer is hereby required to obtain and keep on file for the inspection of the secretary (formerly called the collector) of the Department of Revenue and Taxation purchase orders of invoices, or written evidence thereof, showing either the time and amounts of delivery or the use to be made of the gasoline, whichever is the basis of the exemption, in conformity with this regulation, which orders, invoices or written evidence thereof shall be signed by a representative of the department, agency or instrumentality of the government claiming the exemption. This written evidence may be in the form of a signed rubber stamp certificate on the documents, showing the time and amount of delivery or the use to be made of the gasoline.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:715.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, August 1949.

§3103. Bonded Jobbers

A. Wholesalers or Jobbers

1. A *bona fide wholesaler* or *jobber* means any person, firm, corporation or association of persons whose principal business is purchasing gasoline or other motor fuels in bulk quantities from unrelated or unaffiliated bonded manufacturers for subsequent sale to unrelated or unaffiliated retail dealers and industrial or commercial consumers. There must be title transfers from the manufacturer to the wholesaler or jobber and from the wholesaler or jobber to the retail dealer and/or the industrial or commercial consumer. The term bona fide wholesaler or jobber is not to be construed so as to include consignees or commissioned agents who merely have custody of gasoline or other motor fuels belonging to manufacturers. R.S. 47:721(B) is not to be deemed to include those who principally obtain gasoline and other motor fuels from bonded manufacturers in bulk quantities and make deliveries directly to their customers where no losses can occur.

2. R.S. 47:721(B)(1) is to be construed as meaning that the wholesaler or jobber maintain a bulk plant in Louisiana at which there are storage facilities of 30,000 gallons or more and actually used for the storage of gasoline and other motor fuels.

B. The provisions of R.S. 47:721(B) are not applicable to bonded wholesalers or jobbers who obtain gasoline or other motor fuels outside this state on a F.O.B. point of origin basis. Under these circumstances a dealer as defined in 47:712 applies and the tax collectible under the provisions of 47:721(A).

C. Bonded Manufacturer. The term *bonded manufacturer* is deemed to be any person, firm, corporation or association of persons who meet the definition of a dealer as defined in 47:712, has posted a surety bond as required by 47:725 and files monthly motor fuels tax reports in accordance with 47:722.

D. Authorization to qualified wholesalers or jobbers to make tax-free purchases from a manufacturer shall commence on the first day of the month following the month in which a surety bond is received and accepted.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:721.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, Petroleum, Beverage, and Tobacco Tax Section, August 1972.

§3105. Purchase, Storage and Use of Refund Gasoline by Farmers, Fishermen and Operators of Aircraft

A. A gasoline tax refund registration form must be filled out and filed with the secretary (formerly referred to as collector of revenue) before purchasing any gasoline on which a tax refund will be claimed.

B. If a claimant does not submit a refund claim during a period of 12 consecutive months, 60 days after the end of such period, his registration form will be voided and removed from our files, unless we are notified that the claimant expects to make a claim in the near future. When a registration form has been voided for this reason, a new one must be submitted before purchasing gasoline on which a refund will be claimed.

C. Claims for refund must be filed with the secretary (formerly referred to as collector) within six months after the date of the purchases. You are not required to wait six months to file a refund claim, therefore, it is recommended that a claim be filed every two or three months, depending on the gallons to be purchased. For example, invoices dated January 14 must be claimed on or before July 14, February 18 invoices by August 18, etc.

D. Not more than one claim should be filed for any particular period and all claims must be signed by the claimant or his authorized agent. When submitting a claim, only one Form R5334 should be filled out and returned to the Department of Revenue and Taxation. State refund invoices which are issued by authorized dealers must be attached to this form. A seller's invoice must also be submitted with the state refund invoice. All state refund invoices must be marked “paid” by the dealer before a refund can be made.

E. Claims that are returned for correction must be corrected and returned to this office within 30 days.

F. Adequate records must be kept by refund claimants to disclose the nature of work performed, number of gallons used, and the boat, tractor or engine in which the gasoline was used.

G. Refund gasoline must be colored purple by the dealer and stored in a tank, barrel or other container that is used for no other purpose and such container must be distinctly marked “Refund Gasoline” in letters at least 3 inches in height. If gasoline in refund container is found to be uncolored, applicant is subject to the loss of refunds on all invoices purchased prior to the date of violation.

H. *Farm Tractor* and *Farm Machinery* shall mean and include all motor propelled or motor operated mechanical devices used on a farm in tilling the soil and production of crops, but shall not include any vehicle licensed for use on the public highways.

I. *Commercial Fishing Boat* shall mean any water craft used exclusively in the occupation of fishing for profit.

J. When a refund claim includes gasoline used for refundable purposes on a farm other than the one operated by the claimant, generally called *custom work*, a list must be attached showing the names and addresses of the persons on whose farms the gasoline was used, the kind of work done, the equipment used, the number of acres worked and gallons of gasoline used on each farm.

K. Refund gasoline can be used for the following purposes:

1. to operate or propel farm tractors and farm machinery used to prepare land for planting, to plant, cultivate and harvest crops, to transport seed, fertilizer and other necessities to the field, to gather crops and haul them to a place of storage on the farm and in stationary motors used for agricultural purposes;

2. in propelling aircraft;

3. to operate or propel a commercial fishing boat;

4. to operate or propel a boat used to transport children to or from public or parochial schools.

L. It is illegal to use refund gasoline that has not been colored purple by the dealer and in any equipment not used for the above purposes or in any vehicle licensed for highway use, regardless of where or for what purpose the vehicle may be used (except aircraft).

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1681 through 47:1691.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation prior to 1975.

§3107. Sale of Refund Gasoline by Dealers

A. All persons, firms, corporations or associations of persons desiring to refund gasoline must secure a refund distributor's permit before selling any gasoline on which a tax refund is to be claimed. The application for a permit must be made to the secretary (formerly referred to as collector of revenue), Baton Rouge, Louisiana.

B. Refund gasoline distributors' permits and Louisiana gasoline tax refund invoice books are not transferable and the permits and refund invoice books must be returned to the secretary (formerly referred to as collector of revenue) when a permit holder ceases business or discontinues the sale of refund gasoline.

C. Refund invoices must be issued at the time of purchase and only to purchasers who state they have registered with the secretary (formerly referred to as collector of revenue) by filing a gasoline tax refund registration form and that the gasoline will be used for refundable purposes, and must be colored purple by the

dealer as provided by law. Those purposes are to operate or propel any commercial fishing boat, any boat used to transport children to or from public or parochial schools, and farm tractor or farm machinery used in the actual tilling of the soil and production of crops, or in stationary motors used for agricultural purposes, or in propelling aircraft.

D. Aviation gasoline sold for use in propelling aircraft need not be colored purple and can be delivered in any quantity. Gasoline to be used for all other refundable purposes must be properly colored before the refund invoice is issued, and delivery must be in quantities of 50 gallons or more.

E. Dye for coloring refund gasoline shall be purple in color and will be supplied to all permit holders by the secretary (formerly referred to as collector of revenue) upon request. One container of dye will be sufficient to color 50 to 55 gallons of gasoline. Other size containers sufficient to color larger quantities of gasoline are available.

F. Refund gasoline must not be delivered into any storage tank, barrel or other container unless such container has been plainly marked "Refund Gasoline" in letters at least 3 inches high and unless the gasoline has been colored purple by the dealer. Any dealer guilty of not complying with the rules and regulations will be subject to the penalties provided in the refund laws.

G. Duplicate refund invoices are not to be issued under any circumstances. If a refund invoice has been issued and later becomes lost, or destroyed, the distributor may issue the claimant a copy of his regular invoice. On the fact of this copy, the dealer shall give the number of the refund invoice that was issued for the purchase and sign his name. In no case shall such an invoice be prepared unless the refund invoice listed was actually issued when the gasoline was delivered and the gasoline was properly colored.

H. Residents of Louisiana must qualify with this office by submitting a registration form before purchasing gasoline on which a tax refund will be claimed. Aircraft operators from outside the state should be requested to submit a registration blank when their first purchase is made, unless they state one has already been submitted.

I. Severe penalties are provided for any violation of these regulations. Also failure to comply can result in the rejection of your customer's claims. All personnel who sell or deliver refund gasoline should be thoroughly instructed in the above requirements.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1681 through 47:1691.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation prior to 1975.

Chapter 33. Petroleum Products: Special Fuels Tax

Subchapter A. Retail Dealers of Special Fuels

§3301. Definitions

Retail Outlet—every person or dealer who sells special fuels at retail and delivers such fuel into the fuel supply tanks of motor vehicles or into a storage tank or drum with a capacity of less than 1,000 gallons when such tank has been transported to the facility by the purchaser. *Retail outlet* shall also mean and include pumps which have a rate of flow of 40 gallons per minute or less, regardless of whether the pump is located on the property of a bulk plant, service station, or truck stop. For the purpose of administering this Part, the terms service station, truck stop, garage, and retail dealer shall have the same meaning as retail outlet.

Wholesaler—any person or supplier who sells or delivers special fuels to a retail dealer in this state for resale, or sales or deliveries to a user when the fuel is delivered by the supplier into bulk storage tanks located on the user's property or property leased by him. Sales made by a wholesaler or supplier from a pump which has a rate of flow of 40 gallons per minute or less shall be considered retail sales.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:801.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 12:688 (October 1986).

§3303. Collection and Payment of Tax

A. The tax levied by R.S. 47:802(A) shall be collected and/or paid by suppliers or wholesalers on all special fuels sold or delivered by them when sold to a dealer, service station, garage, truck stop, or retail outlet. A supplier or wholesaler may be exempted from collecting and/or paying the tax on sales or deliveries to retail outlets that have tax-free storage used to fuel off-highway vehicles or drums; however, before such deliveries or sales can be made, the following conditions must be met:

1. the retail outlet shall have a storage tank no larger than 3,000 gallons;

2. the tank must be separate from the tax-paid storage tank;

3. all fuel pumped from the tax-free storage tank shall be metered and the meter shall have a totalizer;

4. the pump shall have a rate of flow no faster than 15 gallons per minute;

5. the pump shall be in a location separate and away from any tax paid pumps; tax-paid and tax-free pumps shall not be located on the same service isle;

6. the pump shall be marked "not for highway use" in letters of not less than 2 1/2 inches high; and

7. all tax-free sales shall be recorded with the following information:

a. name and address of purchaser;

b. number of gallons sold;

c. date of sale;

d. how the fuel will be used;

e. total cost of fuel sold.

B. If the wholesaler makes any tax free sales or deliveries to retail outlets not meeting the above requirements, then the wholesaler shall be held liable for all taxes, penalty, and interest that are due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:803.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 12:688 (October 1986).

§3305. Records Required; Invoices; False or Inadequate Records a Violation

A. Every retail outlet shall be required to secure a license before commencing to sell tax-paid or tax-free special fuels. The retailer shall make a written request to the secretary of the Department of Revenue and Taxation for the license. Before the license can be approved, a representative of the Department of Revenue and Taxation shall determine, by physical inspection, that the applicant meets all requirements.

B. Special fuels sold and/or delivered into the fuel supply tank of a motor vehicle shall be from the tax-paid tank. When such deliveries are made, the required record shall be a serially numbered invoice issued in not less than duplicate counterparts on which shall be mechanically printed or stamped with a rubber stamp the name and address of the retail dealer making such delivery. The invoice shall provide space for the name and address of the purchaser, the date of delivery, the number of gallons, the kind of special fuels delivered, the state highway license number of the motor vehicle, and the total mileage of the motor vehicle into which delivered, such mileage to be evidenced by odometer or hub-meter reading, or in the case of interstate passenger buses registered with the Interstate Commerce Commission, by such documentation acceptable by the secretary. The invoice shall reflect that the tax has been paid or accounted for on each product delivered. One counterpart of the invoice shall be kept by the retail dealer making such delivery as a part of his record, for the period of time as provided for in Article VII, Part 1, Section 16, of the Louisiana Constitution. Another counterpart shall be delivered to the operator of the motor vehicle and carried in the compartment of the motor vehicle for inspection by the secretary or his representatives until the fuel it covers has been consumed. Special fuels sold or delivered by a retail outlet for off highway use may be from a tax-free tank. When such deliveries are made, the required record shall be a ledger showing the name and address of the purchaser, the date of delivery, number of gallons sold, total cost of fuel sold, and how or where the fuel will be used. This record shall be kept for the period of time as provided for in Article VII, Part 1, Section 16, of the Louisiana Constitution and it shall be made available to the secretary or his representative upon request.

C. In addition to the required invoices and ledgers, all retail outlets licensed for special fuels shall be required to take an inventory of the tax-paid and tax-free special fuels on hand at the end of each month, along with a reading of each pump totalizer. This shall be made part of the permanent records and shall be kept for the period of time as provided for in Article VII, Part 1, Section 16, of the Louisiana Constitution, and it shall be made available to the secretary or his representative upon request.

D. Any violation of these record-keeping provisions shall be cause for revocation of the license issued hereunder. In addition, any retail outlet pumping tax-free fuel into the fuel supply tank of a motor vehicle, or not keeping the required records, shall pay the tax on all the fuel placed in his tax-free storage tank within that prescribed period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:806.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Section, LR 12:688 (October 1986).

§3307. Sale of Dyed Special Fuels

A. All suppliers and dealers of special fuels who have separate facilities for storing dyed special fuels on which no fuel tax has been paid, other than liquefied petroleum gas or compressed natural gas, shall clearly mark the storage facility with notice that the fuel is dyed and/or chemically marked. Such marking shall conform to requirements of R.S. 47:804(D) or as provided by 26 U.S.C. 4082 and the regulations promulgated thereunder. Dyed special fuels are to be used for nontaxable purposes only.

B. Any supplier or dealer of special fuels or any other person who shall sell or offer to sell dyed and/or chemically marked special fuels for any use other than a nontaxable use shall be in violation of R.S. 47:812 and shall be subject to a penalty. The penalty increases with subsequent violations.

C. Exception: Fuel sold for use in those vehicles which are subject to state tax and allowed to use dyed fuel on the highway under 26 U.S.C. 4082 or the regulations adopted thereunder. This use shall not be considered a violation of R.S. 47:812.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:812.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Division, LR 22:460 (June 1996).

Subchapter B. Users of Special Fuels

§3351. Provisions Relating to Users of Special Fuels

A. No interstate user of special fuels who has operations in Louisiana shall commence operations without first procuring a license for that purpose from the secretary of the Department of Revenue and Taxation, together with a surety bond guaranteeing the payment of any and all taxes, penalties, and interest due. The name and address shown on the cab doors must be in agreement with the name and

address on the surety bond and the monthly tax report. In a lease agreement, the surety bond and monthly report shall be required of whoever furnishes the fuel. The name and address of the user must be on both cab doors and the vehicle must have a working odometer or hub meter at all times.

B. Every interstate user must keep satisfactory records of:

1. the miles traveled in all operations within and outside the state of Louisiana;

2. the fuel purchased and used in propelling motor vehicles both within and outside the state of Louisiana:

a. purchases of special fuels from licensed dealers (service stations and truck stops) must be recorded on special fuels invoices and the original submitted with user report when applying for a refund or upon request;

b. copies of invoices recording bulk purchases from suppliers must be submitted with quarterly user report. Gallons purchased from suppliers must be shown by invoice on the user's tax report in addition to total gallons removed from bulk storage facilities and placed in fuel supply tanks of motor vehicles;

c. special fuels invoices showing odometer reading and license number, together with other required information must be carried in the cab of the truck as evidence of the source of the tax-paid fuel in the fuel supply tank of the vehicle;

d. the totalizer meter reading on the measuring device of any tax-paid bulk storage tank maintained by all users in the state of Louisiana and the inventory of tax-paid fuel on hand must be recorded at the beginning of operations on the first day of every month.

C. Miles per gallon are to be determined by:

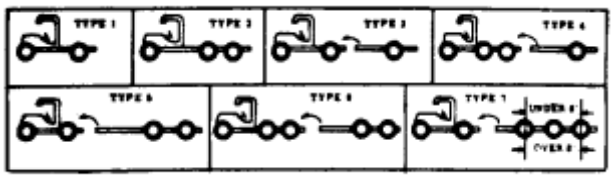
1. the total miles traveled divided into the total gallons placed in the fuel supply tanks of the motor vehicles:

a. entire operations as a whole in all states; or

b. computed by vehicle;

2. miles per gallon factor will be set by the Secretary of the Department of Revenue and Taxation if records are not complete. The factor set by the secretary is based on the number or axles on the vehicle.

	Diesel	LPG
Type 1	5 MPG	5 MPG
Type 2	5 MPG	5 MPG
Type 3	5 MPG	5 MPG
Type 4	5 MPG	3 MPG
Type 5	5 MPG	3 MPG
Type 6	4 MPG	2 1/2 MPG
Type 7	4 MPG	2 1/2 MPG



D. Reports and supporting schedules must accurately reflect the miles traveled, gallons put in vehicle, gallons purchased and gallons consumed in all states in which the user operates, together with all other information as follows:

1. business master file number must be indicated by user requesting refund;

2. user license number must be shown in proper space;

3. name and address (must agree with name and address indicated on surety bond and on cab doors of vehicles);

4. type of fuel consumed must be indicated and separate reports submitted for diesel fuel and LPG;

5. purchase information:

a. each bulk purchase must be listed and supported by a copy of the purchase invoice;

b. purchases from service stations or truck stops must be listed in total by station;

c. gallons removed from tax-paid storage must be shown and added to service station purchases to arrive at gallons placed in fuel supply tanks in Louisiana;

6. quarterly beginning and ending inventories must be shown to determine withdrawals from storage;

7. any user requesting a refund must furnish complete information concerning other states in which he operates;

8. tax report must be signed by an authorized agent as being true and accurate. Any evidence of the submission of a refund claim that is fraudulent either by information included on report or any supporting evidence will result in the entire claim for refund being voided at the secretary's discretion. Any person found guilty of filing a fraudulent claim shall be fined up to $1,000 or imprisonment not to exceed two years, or both, at the discretion of the court.

E. Refunds are permitted whenever a bonded interstate user of special fuels pays tax to another state on fuel exported from Louisiana and is bonded and files reports in all states in which he operates in accordance with the requirements of these states. The user's exportation of tax-paid fuel must exceed the importation in order to qualify for a refund. Refunds will be reduced according to special fuels tax owed, and not remitted to another state as required. Certified copies of user reports to other states must be supplied upon request as supporting evidence of payments to those states.

F. Users requesting a refund must submit a Quarterly User's Report of Special Fuels indicating the states in which they operate and where user reports are filed as required.

Miles traveled, gallons consumed and gallons purchased for each state in which they operate must be shown, together with copies of fuel purchase invoices from suppliers and original invoices of fuel purchased from Louisiana dealers to verify tax-paid special fuels purchased in Louisiana. Tax-paid purchases of special fuels must be delivered by a supplier into the properly marked bulk storage facilities of the user or purchased from a licensed dealer (service station or truck stop) of special fuels.

G. Users requesting a refund must submit the originals of the special fuels invoices which record the purchase of special fuels from a service station or truck stop with the Quarterly User's Report of Special Fuels. An *original invoice* means the first or top sheet of an invoice, bearing the original inked imprint, issued by a seller to a purchaser covering the product or products sold, except where the use of a credit card is authorized, the name and address may be carbon-imprinted. Invoices from service stations or truck stops should be submitted within the current quarter. Any invoices dated 30 days prior to the beginning of the current quarter will be disallowed. Invoices recording purchases of special fuels in bulk must also accompany the Quarterly User's Report of Special Fuels as evidence of the source of the tax-paid special fuels. Transactions shall be recorded indelibly without any alterations. Any erasures, changes, or corrections on invoices, such as change in date, gallonage, or name may result in prosecution or rejection of the entire claim. When corrections are necessary, these shall be certified to by the dealer in an affidavit. Any incomplete invoice will be disallowed. The original invoice shall be dated, serially numbered and provide spaces for the following information:

1. the name and address of the dealer must be preprinted or mechanically imprinted;

2. name and address of user recorded on invoice must agree with name and address indicated on bond and cab doors of vehicles;

3. odometer or hub meter reading and license number;

4. number of gallons of special fuels purchased, together with price per gallon and total price of gallons purchased.

H. Properly filed claim for refund must be submitted with the Quarterly User's Report of Special Fuels. Any claim for refund not submitted within six months of the date that the report is due will be disallowed. Refund claims for users who have bulk purchases will be approved and returned to the users who in turn will forward the original approved refund certificate to their suppliers for credit. The supplier will attach these approved refund certificates to his Supplier's Monthly Report of Special Fuels as a deduction. No refunds will be made for less than $2. In no case will the refund exceed the gallons paid to other states unless user can prove that some operations in some other states do not affect Louisiana. Refunds may be less than the gallons paid to other states because reports to some states may be computed on a different basis from that required in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:800 through 47:815.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Petroleum, Beverage, and Tobacco Tax Section, LR 5:25 (February 1979), amended LR 8:101 (February 1982).

§3353. Invoice Requirements

A. The required form of a special fuels invoice shall include an invoice numbered in series to be used in numerical sequence. The required invoice shall be issued in not less than an original and two copies on which shall be printed or stamped with a rubber stamp, the name and address of the supplier, dealer or user making such delivery, and on which shall be shown in spaces designated for this purpose, the date of delivery, name of user, the number of gallons, and kind of special fuels so delivered, the total mileage recorded on the speedometer or hub meter of the motor vehicle into which the fuel was delivered, and the state highway license number and unit identification number of said motor vehicle. In the case of liquefied petroleum gas, the metered gallons must be printed in a space designated on the special fuels invoice used by the supplier. One copy of the invoice shall be kept by the supplier, dealer, or user making such delivery as a part of his record and maintained and filed separately from any and all other sales invoices for a period of two years. Another copy of the special fuels invoice shall be delivered to the operator of the motor vehicle and carried in the cab compartment of the motor vehicle for inspection by the secretary (formerly called the collector) or his representatives, until the fuel it covers has been consumed.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:806(B)(2).

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, December 1969.

§3355. Refunds or Credits; Undyed Diesel Fuel Used for Other than Highway Purposes

A. The intent of R.S. 47:802.1 is to provide a mechanism for a credit or refund of taxes paid on fuel purchased for nontaxable use only when untaxed dyed fuel is not available.

1. A registration form must be completed and submitted to the Secretary of the Department of Revenue and Taxation for approval prior to first purchasing any tax-paid special fuel for a nontaxable use when dyed fuel is not available, if the user intends to obtain a credit or file for a refund of special fuel taxes paid on fuel purchased for nontaxable use. Upon approval, a permit certificate will be furnished to the applicant.

2. Users may assign, to the approved licensed suppliers who sold or delivered the fuel to the user, the right to their refund of the taxes paid on special fuels. The licensed supplier to whom assignment is made must have made application to and received approval from the Department of Revenue and Taxation prior to being able to issue a credit to the user for the amount of tax. Approved licensed suppliers must claim the credit on the return filed for the reporting period in which the fuel was purchased and credit given. Users who opt to assign the right to their refund

to the approved licensed suppliers who sold or delivered the fuel to the user must submit a new registration for approval prior to filing their own refund claims.

3. Users who file their own refund claims must file the claims with the secretary within 30 days after the end of the quarter in which the fuel purchases were made. The claims must set forth the amount of fuel purchased during the quarter with the amount of tax paid, the original fuel invoices, the licensed suppliers from whom purchased, and the purpose for which the fuel was used. The claim must also contain, on a form to be supplied by the department, a list of highway and nonhighway vehicles in which fuel was used. Fuel used to power reefers, power take-off units or similar auxiliary equipment is not eligible for refund or credit when these items are powered off the main fuel tanks.

4. If a claimant does not submit a claim during a period of 12 consecutive months, 60 days after the end of such period, his registration will be voided and removed from the files, unless notification is received that claimant expects to make a claim in the near future. When a registration has been voided for this reason, a new registration must be submitted before purchasing special fuels on which a refund will be claimed.

5. Not more than one claim may be filed for any particular period and all claims must be signed by the claimant or his authorized agent. When submitting a claim, only the designated claim form should be completed and returned to the Department of Revenue and Taxation. A seller's invoice must be submitted with the claim. In order to be acceptable for review, all invoices submitted must have the amount of special fuel taxes paid marked by the dealer before a refund can be made.

6. Claims that are returned to the claimant for correction must be corrected and returned to the Department of Revenue and Taxation within 30 days.

7. Adequate records must be maintained by refund claimants to disclose the nature of the work performed, number of gallons used, and the type of vehicle or equipment in which the special fuel was used. Each refundable purchase of tax paid fuel intended for a nontaxable use must be invoiced by the dealer separately.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:802.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Division, LR 22:461 (June 1996).

§3357. Use by State Agencies, Parish and Municipal Governments, and Other Political Subdivisions

A. Clear, dyed or chemically marked fuel purchased by state agencies, parish and municipal governments and other political subdivisions intended for on-road use is subject to state fuel tax.

B. When dyed fuel is not available, clear fuel intended for off-road use may be purchased without state tax from a contracted supplier upon presentation of a certificate issued by the Louisiana Department of Revenue and Taxation authorizing said purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:803.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Division, LR 22:461 (June 1996).

§3359. Sales; Uses of Dyed Fuel

A. All users who have separate facilities for storing dyed special fuels on which no fuel tax has been paid, other than liquefied petroleum gas or compressed natural gas, shall clearly mark the storage facility with notice that the fuel is dyed and/or chemically marked. Such marking shall conform to requirements of R.S. 47:804(D) or as provided by 26 U.S.C. 4082 and the regulations promulgated thereunder. Dyed special fuels are to be used for nontaxable purposes only.

B. Any supplier, dealer or user of special fuels or any other person who shall sell or offer to sell dyed and/or chemically marked special fuels for any use other than a nontaxable use shall be in violation of R.S. 47:812 and shall be subject to a penalty. The penalty increases with subsequent violations.

C. Exception: Fuel sold for use in those vehicles which are subject to state tax and allowed to use dyed fuel on the highway under 26 U.S.C. 4082 or the regulations adopted thereunder. This use shall not be considered a violation of R.S. 47:812.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:812.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Division, LR 22:461 (June 1996).

§3361. Use by Farmers

A. In the case of farmers who operate farm use trucks which use undyed special fuels other than liquefied petroleum gas and compressed natural gas in operating for both taxable and nontaxable purposes, the secretary shall, when requested, reach an agreement with the farmer wherein the amount of fuel used in each truck shall be estimated and the tax paid each month on the basis of the estimate.

B. The minimum estimate will be no less than 75 gallons per month per vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:814.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Excise Taxes Division, LR 22:462 (June 1996).

§3363. Use of Dyed Special Fuel by Fire Trucks

A. Before purchasing untaxed dyed special fuel to be used for taxable purposes in fire trucks as defined in R.S. 47:801(13), the fire department or district must submit a Registration Application with the Department of Revenue to obtain a direct payment “FD” number for reporting untaxed dyed special fuel purchases and remitting the applicable state tax on the fuel used for taxable purposes.

B. The application must be made on a form as prescribed by the secretary and include the following information:

1. the vehicles and equipment for which application is being made;

2. the geographical location and boundaries of the fire district including a map of the fire district;

3. a list of service stations and retail fuel outlets providing special fuel located within the fire district complete with their addresses; and

4. the availability of bulk fuel storage within the fire district to which the fire trucks are authorized access.

C. After an inspection by representatives of the department, if the qualifications are met, an "FD" number and certificate will be issued to the applicant that will allow the fire department or district to purchase dyed special fuel for the operation of fire trucks as defined in R.S. 47:801(13).

D. Holders of "FD" numbers shall file a report with the department on a monthly basis and provide the information so required in accordance with R.S. 47:803.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Policy Services Division, LR 28:2372 (November 2002).

Chapter 35. Petroleum Products: Provisions Common to Taxes on Gasoline or Motor Fuel and Lubricating Oils

§3501. Designated Routes

A. Anyone, other than common or contact carriers licensed by the Interstate Commerce Commission and who files monthly reports under provision of R.S. 47:783, who transports gasoline upon Louisiana highways into or from a state which has a lower tax rate than Louisiana, may do so only on designated routes authorized by the secretary.

1. The interstate transportation of gasoline on highways other than those designated by the secretary is strictly prohibited unless special authority to use alternate routes has been obtained from the secretary, who, at his discretion, may deny such requests.

2. The transportation of gasoline from any state into Louisiana on any highway is prohibited except:

a. when the carrier is bonded in Louisiana as a dealer or jobber of gasoline; or

b. when the payment of the tax has been assumed by the out-of-state supplier who is bonded as a dealer; or

c. when the gasoline being transported by common and contract carrier is consigned to or title is held by a dealer or jobber of gasoline.

B. Responsibilities of Bulk Carriers of Gasoline

1. Request to Transport Gasoline on Designated Routes

a. A written request to the secretary must be made 10 days prior to any interstate movements of gasoline. Any request for deviation from assigned designated route must be made five days prior to movement of gasoline. The request is to be sent to the Excise Tax Section (formerly called the Petroleum, Beverage and Tobacco Tax Section), Box 201, Baton Rouge, Louisiana 70821, and must include the following information:

i. name and address of the person or company who will be transporting the gasoline;

ii. points of origin of gasoline;

iii. points of destination of gasoline;

iv. number of trucks that will be transporting the gasoline from or into Louisiana;

v. routes normally used at present time.

b. Upon receipt of application, if in order, authorization cards will be issued by the secretary. This authorization is continuous until revoked, withdrawn, or surrendered.

2. Authorization Cards. Authorization cards will be issued for all vehicles transporting gasoline into or from Louisiana. A card must be kept at all times in each vehicle while transporting gasoline into or from Louisiana. This card cannot be transferrable from one transporter to another. If this authorization is revoked, withdrawn, or surrendered, these cards must be returned to the secretary.

3. Requirements for Transporting Bulk Gasoline on the Louisiana Highways by All Vehicles Other Than Common or Contract Carriers

a. To properly identify gasoline being transported on Louisiana highways, a person must have in his possession, a currently dated invoice, bill of lading, or manifest which must show the following information:

i. the sellers' and purchasers' name and address;

ii. the origin of the gasoline being transported;

iii. the destination or destinations of the gasoline;

iv. the designated routes to be followed when importing or exporting gasoline;

v. the quantity of gasoline.

b. Also those vehicles involved in the interstate transportation of gasoline from or to a state which has a lower tax rate than does Louisiana must have authorization cards from the secretary, designating the route or routes and must be in agreement with the route or routes shown on the invoice, bill of lading, or manifest.

4. Penalty for Failure to Comply

a. Any person transporting gasoline shall, at the request of the secretary of the Department of Revenue and Taxation or his authorized agents or any weights or standard police officers of the Department of Transportation and Development, produce and offer for investigation, one of the documents referred to in §3501.B.3. Failure to produce one of these documents at the time of inspection or if when

produced it fails to disclose the information required, shall be prima facie evidence of a violation.

b. Any person found to be in violation of the statutory provisions and these regulations shall be fined $5,000 for the first offense, and $10,000 for each succeeding offense, or forfeiture and seizure of the vehicle and its cargo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:786.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Petroleum, Beverage, and Tobacco Tax Section, LR 5:24 (February 1979).

Chapter 39. Public Utilities and Carriers: Transportation and Communications Tax

§3901. Provisions Relating to the Transportation and Communications Tax

A. This license tax is levied for the privilege of engaging in the public utility business carried on wholly in this state, and not a part of interstate commerce.

B. Exclusions. This tax shall not apply to the following:

1. for the privilege of engaging in interstate commerce, or engaging in interstate commerce, any business relating to interstate or foreign commerce in which any person, firm, association or corporation may be engaged in addition to its business in this state;

2. gross receipts derived from any business or operations conducted on navigable waters of the United States are excluded from the provisions of this Chapter.

C. Definitions. The words defined in R.S. 47:1003 have the meaning ascribed to them in that Section unless the context clearly indicates otherwise.

Gross Receipts—the total amount of billing for services rendered and all receipts from business beginning and ending within the state.

a. *All Receipts from Business*—is not limited to revenues received from the portion of business covered in the various classes of business as defined in R.S. 47:1003. Once a taxpayer is defined as a public utility, the tax is based upon all gross receipts from any business engaged in.

b. Exception. Gross receipts from the transportation of passengers or freight or property originating at and destined to points within the corporate limits of the same city or town or within a 7-mile zone adjacent to such city or town are excluded. The city or town is not limited to the taxpayer's principal place of business.

D. Businesses Partly Taxable. The provisions of this Chapter shall apply to any person who is or may be engaged in any business other than public utilities as defined under R.S. 47:1003(1), a portion of which is covered by or included in the various classes of business defined in R.S. 47:1003, but only on that portion of the gross receipts which is covered by or included in and not exempted by R.S. 47:1003.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1001 through 47:1010.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, Petroleum, Beverage and Tobacco Tax Section, February 1972.

Chapter 41. Public Utilities and Carriers: Natural Gas Franchise Tax

§4101. Imposition of Tax

A. This tax shall apply to any corporation engaging in the business of transporting natural gas by pipeline for hire, sale or use. The tax is equal to 1 percent of the gross receipts from the operation of its franchises or charters in this state. Gross receipts are as defined in R.S. 47:1032, 1033 and 1034, and these regulations pertaining thereto.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1031.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, June 1973.

§4103. Gross Receipts; General Definition

Gross Receipts as defined in R.S. 47:1032 is construed to embrace total operating revenues, as described in (but not limited to) the Federal Energy Regulatory Commission (formerly the Federal Power Commission) Uniform System of Accountants, and revenues from manufactured gas. Nonoperating (nonutility) revenues such as dividend and interest income, tax revenues, merchandising and jobbing receipts (i.e., sale and installation of equipment), and rentals from land, buildings, or other non-utility property are not to be included in taxable gross receipts. For purposes of determining gross receipts under §§4103 and 4105, cost of gas purchased for resale is deductible. In the absence of gross receipts, R.S. 47:1034 and regulations applicable thereto shall apply.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1032.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, June 1973.

§4105. Gross Receipts; Interstate Business

A. The mileage as classified and/or defined by the Federal Energy Regulatory Commission (formerly the Federal Power Commission) as transmission lines (and reported for the prior year) shall be used to determine the total and Louisiana mileage and to ascertain the average gross receipts per mile.

AUTHORITY NOTE: Adopted in accordance with R.S. 1033.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, June 1973.

§4107. Gross Receipts; Transportation for Own Use

A. Where there are no actual receipts upon which to base the tax, the base will be the cost of the natural gas delivered at the point of use as determined from the books of the owner.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1034.

HISTORICAL NOTE: Adopted by the Department of Revenue and Taxation, June 1973.

Chapter 43. Sales and Use Tax

§4301. Uniform State and Local Sales Tax Definitions

A. General. Words and phrases shall be read with their context and the specific section of law to which they are applicable. They shall be construed according to the common usage of the language. Technical words and phrases, and such others as may have acquired a peculiar meaning in the field of taxation shall be construed according to such peculiar meaning. The word *shall* is mandatory and the word *may* is permissive. Unless otherwise clearly indicated, words used in singular include the plural and words used in the plural include the singular.

B. Words, terms and phrases defined in R.S. 47:301(1) through R.S. 47:301(27), inclusive, have the meaning ascribed to them therein and as further provided in §4301.C.

C. All examples included in the text of these rules and regulations are for illustration only and in no case should they be construed to impose a limitation.

Business—

a. Business covers any activity reasonably expected to result in gain, benefit or advantages, either directly or indirectly; the fact that operations resulted in a loss or did not provide the expected benefits or advantages would not eliminate an activity from the business classification. It is intended that some degree of continuity, regularity or permanency be involved so that the doing of any single act pertaining or related to a particular business would not be considered engaging in or carrying on that business; a series of such acts would be so considered.

b. Continuous employment, occupation, or profession engaged in for livelihood which occupies the majority of time and attention, or activity in which time and capital are invested on future outcome are within the meaning of *business* just as barter or exchange of things, rights or services for value are within the meaning of *business*. It is not necessary for any activity to constitute the sole occupation to remain within the intended definition.

c. The term *business* does not include isolated and occasional sales by persons who do not hold themselves out as engaged in business. This exclusion clearly applies to sales made by the owners of property who had acquired the property for use or consumption, and is not engaged in selling similar property on a repeated or continuing basis.

d. Whether an activity constitutes the carrying on of a business demands an analysis of the continuing nature of the activity, and may change with respect to any particular person. By way of example, trustees or receivers conducting a continuing retail merchandising activity, even though solely by court order, would be construed to be in the merchandising business, while the sale conducted by the same trustees or receivers in order to liquidate the business pursuant to a later court order would not be construed to be carrying on a business. Further, the occasional sale of used equipment made by a person engaged in the equipment rental business would not be construed to constitute the business of selling equipment, but if the same lessor of equipment frequently, routinely or continuously offered used equipment for sale, then he would be construed to be engaged in that business.

Collector—

a. In reference to *state sales* or *use tax*:

i. *Collector*—the secretary and the secretary's duly authorized assistants. Any duly authorized representative of the collector, when acting under his authority and direction, has the same powers and responsibilities as the collector, but only to the extent so delegated.

ii. *Secretary*—the Secretary of the Department of Revenue of the state of Louisiana.

b. In reference to *local sales or use tax*:

i. *Collector*—the director, tax administrator, commission, or collector of revenue for the jurisdiction and includes the collector's duly authorized assistants. Any duly authorized representative of the collector, when acting under his authority and direction, has the same powers and responsibilities as the collector, but only to the extent so delegated.

ii. Article VII, Section 3 of the Constitution of Louisiana and R.S. 47:337.14 provide that sales and use taxes levied by a political subdivision shall be collected by a centralized parish wide collector or commission.

c. The authority to make assessments, impose or waive penalties, enter into agreements legally binding upon the taxing authority relative to extensions of time, for filing, running of prescriptive periods, installment payments of tax liability, and the filing and release of assessments and liens has been delegated extremely sparingly. Most employees of the taxing authority do not have authority to perform these functions on behalf of the collector. Questions involving any of those legal actions should be addressed directly to the collector, who has sole power to delegate his authority in those areas.

d. No action taken by any employee shall be binding upon the collector unless specific authority has been delegated to the employee for the type of action taken.

Commercial Farmer—

a. Commercial Farmer is defined by R.S. 47:301(30) to mean persons, partnerships or corporations who:

i. are occupationally engaged in producing food or agricultural commodities for sale or for further use in producing food or such commodities for consumption or sale;

ii. regularly engage in the commercial production for sale of vegetables, fruits, crops, livestock and other food or agricultural products; and

iii. report farm income and expenses on a federal Schedule F or similar federal tax form, including but not limited to, Forms 1065, 1120 and 1120S under a North American Industry Classification System (NAICS) Code beginning with 11.

b. For purposes of this definition, agricultural products shall mean any agronomic, aquacultural, floricultural, horticultural, maricultural, silvicultural, or viticultural crop, livestock or product.

c. For purposes of this definition livestock means any animal, except dogs and cats. This definition includes bees, cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white tailed deer, farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

d. A person, partnership or corporation shall not be considered a commercial farmer if their livestock or crops are produced or maintained for reasons other than commercial use, such as recreational or personal consumption.

e. In order to file a Schedule F or similar federal tax form, a farm must be operated for profit. If farming activity is not carried on for profit, as defined in 26 CFR 1.183-2, then expenses must be itemized on a Schedule A.

f. The department will issue certifications to commercial farmers upon application and satisfaction of all legal requirements.

Cost Price—

a. *Cost price* is defined by R.S. 47:301(3) to mean the lesser of:

i. the reasonable market value of the tangible personal property at the time it becomes susceptible to the use tax; or

ii. the actual cost of the article subject to the use tax liability;

iii. the lesser of the two values applies, regardless of the manner by which the property was acquired, whether by purchase, by manufacture, or otherwise, and regardless of whether acquired within the taxing jurisdiction or outside the taxing jurisdiction.

b. The statutory requirement for a comparison between reasonable market value and actual cost necessarily demands that both elements being compared be on a comparable basis.

c. For purposes of the comparison, the reasonable market value of tangible personal property is the amount a willing seller would receive from a willing buyer in an arms length exchange of similar property at or near the location of the property being valued. The amount which would be realized from a forced sale is not acceptable as the market value for this purpose.

d. In arriving at actual cost of tangible personal property for the purpose of the required comparison, all labor and overhead costs which are billed to the purchaser of the property, except for separately stated installation charges, are included. In the case of property manufactured; fabricated and/or altered to perform a specific function prior to the tax incident, every item of cost must be included. Thus, material, labor, overhead, and any other cost of any nature whatsoever must be included. However; labor, overhead, and other costs which represent services rendered to the property by the owner or his employees are not to be included. *Employees*, are defined to mean personnel who are on the property owner's payroll on a permanent basis, and not for the sole purpose of completing the immediate tasks of rendering their services to the property in question, and for which all payroll taxes are withheld and remitted by the property owner. The only transportation charges which are to be included in the cost are the transportation charges which can be identified as part of the acquisition cost of materials, and only in cases wherein the transportation was either performed or arranged by the vendor of the materials.

e. Although the point of tax incidence is at the location of use, the transportation charges for transporting the property from the owner's location of storage to the point of tax incidence is not included in the cost.

f. In the case of property withdrawn from stock by a manufacturer holding similar property for resale, no element of profit will be added to cost in calculating the amount to be used in comparison with market value.

g. Since installation is not included as a taxable service, the cost of installing tangible personal property should not be included in cost price if such cost were separately billed or accounted for at the time of installation so as to afford positive identification. In the absence of separate billing or accounting for installation costs, they will be included in arriving at actual cost. R.S. 47:301(3)(c) specifically provides that the separately stated charge made by oil field board road dealers for the initial furnishing and installation of board roads shall not be included in the cost price of the rental or sale.

h. Under R.S. 47:301(3)(i), machinery and equipment is excluded from cost price if the property is used to manufacture tangible personal property for sale to another or is used directly in the production, processing, and storing of food, fiber, or timber for sale; is used predominantly and directly in the manufacturing process or in the actual manufacturing for agricultural purposes; and is eligible for depreciation for federal income tax purposes. The exclusion is subject to a phase-in between July 1, 2004, and June 30, 2010. The exclusion applies only to manufacturing businesses that have been assigned, by the Louisiana Department of Labor, North American Industrial Classification System (NAICS) codes within the

agricultural, forestry, fishing, and hunting Sector 11 or the manufacturing Sectors 31 through 33 as they existed in 2002. Businesses that are not registered with the Louisiana Department of Labor or that have not been assigned these NAICS codes are not eligible to claim this exclusion. The exclusion applies to state sales or use tax and local sales or use tax if the political subdivision has adopted this exclusion by ordinance.

i.(a). *Manufacturing*—putting raw materials through a series of steps that brings about a change in their composition or physical nature in order to make a new and different item of tangible personal property that will be sold to another. The manufacturing process begins when a raw material is introduced into the first machine or item of equipment that begins the change of the composition or physical nature of the raw materials into another product. The manufacturing process ends when the final product for sale has been placed into the packaging that will normally be delivered to the final consumer.

(b). *Manufacturing for Agricultural Purposes*—the activities involved in the production, processing, and storing of food, fiber and timber for sale. Manufacturing for agricultural purposes begins when the soil or field is prepared for planting and ends when the harvested product is removed from the farm.

ii.(a). For machinery or equipment used to manufacture tangible personal property for sale, *used predominantly* means that more than 50 percent of the property's use is in the process of causing a change in the composition or physical nature of the raw materials that are to become a final product for sale.

(b). For machinery or equipment used to produce, process, and store food, fiber, or timber for sale, *used predominantly* means the property is used more than 50 percent of the time in the production, processing, and storing of food, fiber, or timber for sale. Equipment that remains idle between growing seasons is considered used for the production, processing, and storing of food, fiber, or timber during that time.

iii.(a). For a manufacturer of tangible personal property for sale, *used directly* describes the manner in which the machinery or equipment used in a plant facility alters the physical characteristics of the product during the manufacturing process. *Used directly* means that the machinery and equipment must have an immediate effect upon those products manufactured for ultimate sale to another person. Machinery and equipment used to manufacture intermediate products for internal use, such as manufacturing tools, internally consumed energy, and processing chemicals do not qualify for the exclusion.

(b). For a manufacturer of food, fiber, or timber for sale, *used directly* describes the manner in which the machinery or equipment is involved in the manufacturing for agricultural purposes. *Used directly* means that the machinery and equipment must have an immediate effect upon the production, processing, or storing of food, fiber, or timber. Examples of machinery and equipment used directly in manufacturing for agricultural purposes include machinery and equipment for planting, cultivating, fertilizing, spraying, harvesting, producing, processing, and storing of food, fiber, or timber for sale. This exclusion includes materials used in the construction of facilities used to store the food, fiber, or timber for sale. Machinery and equipment used directly in manufacturing for agricultural purposes does not include facilities used to store equipment.

iv. *Eligible for Depreciation*—the machinery or equipment is a principal component of the manufacturing process and has a substantially useful life beyond the taxable year, although it does not have to be capitalized and depreciated to qualify for exclusion. Examples of property considered eligible for depreciation are robotic welding machines in a vehicle manufacturing plant; pumps, valves, and compressors in a petrochemical plant; and tractors, trailers, and harvesting equipment on a commercial farm. Examples of items that do not qualify include nuts, bolts, gaskets, lubricants, filters, and fuel.

v. The following also qualify for exclusion as manufacturing machinery and equipment:

(a). computers and software that control, communicate with or control other computer systems that control, or control heating or cooling systems for machinery or equipment that manufactures tangible personal property for sale. Computers and software used for inventory and accounting systems or that control non-qualifying machinery and equipment do not qualify for the exclusion;

(b). machinery and equipment necessary to control pollution at a plant facility where pollution is produced by the manufacturing operation. For purposes of this exclusion, machinery and equipment necessary to control pollution includes equipment that reduces the volume, toxicity, or potential hazards of the waste products generated by the manufacturing operation or transforms the waste product for reuse in the manufacturing operation; and

(c). machinery and equipment used to test or measure raw materials, the property undergoing manufacturing, or the finished product, when such test or measurement is a necessary part of the manufacturing process. This includes machinery and equipment used to test the quality or quantity of the product for sale before, during, or after the manufacturing process.

vi. Persons acting as mandataries (agents) of manufacturers can claim the exclusion on purchases of qualifying machinery and equipment that will ultimately be used by a business assigned an eligible NAICS code by the Department of Labor. The mandatary must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072 (Manufacturer's Designation of Mandate), to the seller at the time of purchase.

vii. Repairs to manufacturing machinery and equipment to keep the property in an ordinarily efficient working order generally do not qualify for exclusion under R.S. 47:301(3)(i) because neither the labor nor the materials

used in these repairs are eligible for depreciation for federal income tax purposes. However, the purchase of tangible personal property used in the repair would qualify for the exclusion provided the property is a major component of the manufacturing process and has a substantially useful life beyond the current period.

viii. Charges for labor and materials that are classified as capital improvements under Internal Revenue Service Regulations may be excluded as follows.

(a). Charges for labor are excluded from tax when performed on qualifying manufacturing machinery and equipment that is movable property at the time of the capital improvement. The vendor that provides the labor is allowed to treat the materials used as purchased for resale. All materials that are incorporated into qualifying machinery and equipment during the capital improvement qualify for exclusion from tax.

(b). Materials incorporated into qualifying manufacturing machinery and equipment that is immovable property at the time of the capital improvement are eligible for exclusion as follows.

(i). In instances when a manufacturer purchases materials that will become a component part of qualifying machinery or equipment, the materials are excluded from tax.

(ii). A repair vendor's purchases of materials that will become component parts of qualifying machinery or equipment are excluded from tax if the vendor has been designated as a mandatary of a manufacturer. The vendor must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the department's Form R-1072, to the seller at the time of purchase. Manufacturers that supply this form to their mandataries must maintain a schedule of the tangible personal property used in these capital improvements.

(c). Purchases of spare machinery and equipment, such as compressors, pumps, and valves, qualify for the exclusion provided these items satisfy the definition of machinery and equipment provided in R.S. 47:301(3)(i). Spare machinery and equipment, such as bolts, nuts, gaskets, oil, etc., which cannot be depreciated for federal income tax purposes, do not qualify for the exclusion.

Dealer—

a. State and local sales or use tax is imposed upon the sales of tangible personal property within a taxing jurisdiction, the use, consumption, distribution and the storage for use or consumption within a taxing jurisdiction of tangible personal property, the lease or rental within a taxing jurisdiction of tangible personal property, and upon the sales of certain services. The tax in each instance is collectible from the dealer.

b. In view of the total reliance of the sales tax statutes upon the dealer for collection of the tax, the law meticulously ascribes to the term *dealer* the broadest possible meaning relevant to the taxes imposed by the taxing jurisdictions. R.S. 47:301(4) clearly holds either party to any transaction, use, consumption, storage, or lease involving tangible personal property and either the performer or recipient of services liable for payment of the tax through the broad statutory definition of *dealer*.

c. R.S. 47:301(4) includes as a *dealer* every person who manufactures or produces tangible personal property for sale at retail, use, consumption, distribution or for storage to be used or consumed in a taxing jurisdiction. Thus, the firm which manufactures or produces a product used or consumed by it in the conduct of its business becomes a dealer for sales and use tax purposes, even though none of that particular product is offered for sale.

d. Any person who imports property into a taxing jurisdiction, or who causes property to be imported into a taxing jurisdiction is a dealer for purposes of the sales and use tax whether the property is to be used, consumed, distributed, or for storage to be used or consumed in the taxing jurisdiction, or is intended for resale.

e. Persons who sell tangible personal property, who hold such property for sale, or who have sold tangible personal property are dealers. Similarly, any person who has used, consumed, distributed or stored tangible personal property for use or consumption in a taxing jurisdiction is defined as a *dealer*, unless it can be proved that sales or use tax has previously been paid to the taxing jurisdiction to the extent required by state and local sales or use tax law on the particular item.

f. Both the lessor (or rentor) and the lessee (or rentee) are defined as *dealer*s by the statute, as are both the person who performs services of a nature subject to tax and the person for whom the services are performed. See R.S. 47:301(14) and LAC 61:I.4301.C.*Sales of Services* for a list of the services subject to the tax.

g. *Dealer* also includes any person engaging in business in a taxing jurisdiction. See R.S. 47:301(1) and LAC 61:I.4301.C.*Business* for the definition of *business*. *Engaging in business* is further defined to include the maintaining of an office, distribution house, sales house, warehouse or other place of business, either directly, indirectly, or through a subsidiary or through a seller authorizing an agent, salesman or solicitor to operate within a taxing jurisdiction or by permitting a subsidiary to authorize the solicitation activity. Engaging in business also includes making deliveries of tangible personal property into a taxing jurisdiction by any means other than by a common or contract carrier. Qualification to do business within a taxing jurisdiction is not among the considerations of whether a person is engaged in business for this purpose. Neither is it material whether the place of business or personnel are permanent or temporary in nature.

h. Persons who sell tangible personal property to operators of vending machines are dealers.

i. For state sales or use tax purposes, such sales are taxable *sales at retail* as defined under R.S. 47:301(10)(b) and LAC 61:I.4301.C.*Retail Sale or Sale at Retail*. A vending machine operator is also a dealer,

however, his sales of tangible personal property through coin-operated vending machines are not retail sales.

ii. For local sales or use tax purposes, such sales are sales for resale. A vending machine operator is a dealer and must report his sales of tangible personal property through coin-operated vending machines as retail sales.

i. R.S. 47:301(4)(i) also includes in the definition of *dealer* any person who makes deliveries of tangible personal property into a taxing jurisdiction in a vehicle which is owned or operated by that person.

Drugs—

a. R.S. 47:301(20) applies a broader definition of *drugs* than the term indicates in common usage, for purposes of applying the exemption from state sales or use tax, which is offered under R.S. 47:305(D)(l)(j) and (s). This definition encompasses not only pharmaceutical remedies and chemical compounds, but also medical devices which are prescribed for use in the treatment of any medical disease. Devices which do not properly fall into the already established categories of orthotic or prosthetic devices or patient aids, could qualify for this category of tangible personal property. Examples of these would be pace-makers and heart catheters.

b. Except as otherwise provided, the exemption for drugs and medical devices does not apply to local sales or use tax.

Gross Sales—

a. *Gross Sale*—the total of the sales prices for each individual item or article of tangible personal property subject to state or local sales or use tax with no reduction for any purpose, unless specifically provided by statute.

b. The only deductions allowed from the total of the sales prices of all items of tangible personal property subject to tax are those provided in R.S. 47:301(13), R.S. 47:315, and R.S. 47:337.34.

c. R.S. 47:301(13)(a) permits the total sales price of an article of tangible personal property to be reduced by the part of the selling price represented by an article traded in. The allowed deduction is not to exceed the market value of the item traded in. For this purpose, the market value is the amount a willing seller would receive from a willing buyer in an arms length exchange of similar property at or near the location of the property being traded.

d. R.S. 47:315 and R.S. 47:337.34 allow the total of sales prices of all items of tangible personal property subject to the tax to be reduced by the selling price of any article of property returned to the seller in such manner as to cancel the transaction. Repossessions of property sold on the installment basis because of failure by the purchaser to make agreed installment payments do not constitute a return of merchandise allowable as a deduction from gross sales and the sales price for the subsequent sale of repossessed property is fully taxable and must be included in gross sales.

e.i. For sales of certain property specifically exempted from all or a part of the state sales or use tax, see R.S. 47:301(10) with respect to isolated or occasional sales made by a person not engaged in the business of making such sales, R.S. 47:305 with respect to the sales of livestock, poultry and other farm products by the producer and the sales of agricultural products as a raw material for further processing before the sale at retail to the ultimate consumer, R.S. 47:305(D) and R.S. 47:305.1 through R.S. 47:305.52 for various other exemptions.

ii. For purposes of local sales or use tax, only those exemptions referenced in R.S. 47:337.9, R.S. 47:337.10, and R.S. 47:337.11 of the Uniform Local Sales Tax Code will apply.

Hotel—

a. The term *hotel* has been defined under R.S 47:301(6) to be somewhat more restrictive than normally construed relative to the size of the establishment. Those establishments engaged in the business of furnishing sleeping rooms, cottages or cabins to transient guests that consist of six such accommodations at a single business location meet the statutory definition. If an establishment has fewer than six sleeping rooms, cottages or cabins at a single business location for transient guests, the establishment is not a hotel for purposes of state and local sales or use tax. The statutory definition of *hotel* excludes facilities with fewer than the specified number of accommodations from collection of state and local sales or use tax.

b.i. In determining whether an establishment furnishes hotel services to transient guests, it is determined that a guest who transacts for the services of a hotel, regardless of the length of time that the hotel services are used, is considered a transient guest and the transaction is subject to sales tax. Where a hotel provides permanent residences to permanent occupants, the transaction is not subject to state and local sales or use tax. For the transaction to be considered a rental as a permanent residence to permanent occupants, the physical properties of the space must provide the basic elements of a home, including full-sized and integrated kitchen appliances and facilities. Additionally, the occupant must use the facilities of the hotel as a home with the intent to permanently remain. When all conditions of the above two standards are met, the occupant may be considered non-transient for the purposes of the state and local sales or use tax. A lease with a hotel for a period of not less than one year will be considered as evidence in support of permanent residency status, when the area rented contained the required physical properties of the hotel accommodations at the beginning of the lease. Proof that hotel rental contained the requisite physical properties of the hotel accommodations within a unit continuously rented by one person or family for a period greater than one year will be considered as evidence in support of permanent residency status. The department may require additional evidentiary support of claims of non-transient status.

ii. For the purposes of state and local sales and use tax collections under R.S. 47:301 et seq., a guest of a hotel is a natural person.

Lease or *Rental*—

a. General. The lease or rental of tangible personal property for a consideration in Louisiana is a transaction that is subject to the sales or use tax. The term *lease or rental* means the grant to another of the right to use and possess tangible personal property for a period of time and for a consideration without the transfer of title to the property. In a lease transaction, the lessee obtains possession or use of the tangible personal property, so that the lessee has enjoyment of the property during a certain time period. Re-leases or sub-leases and re-rentals or sub-rentals are also considered as leases or rentals.

b. Statutory Exclusions. Some arrangements or agreements for the use of tangible personal property are specifically excluded in R.S. 47:301(7) (b) through (h) from the definition of *lease or rental*. The types of arrangements or agreements that are not defined as leases or rentals are:

i. the lease or rental for re-lease or re-rental of property to be used in connection with the operating, drilling, completion, or reworking of oil, gas, sulfur, or other mineral wells. The lease or rental for re-lease or re-rental of casing tools, pipe, drill pipe, tubing, compressors, tanks, pumps, power units, and other drilling or related equipment qualifies for exclusion if the property is to be used for one of the specified purposes. The re-lease or re-rental to the ultimate user is not exempt;

ii. the lease or rental of property to be used in the performance of contracts with the United States Navy for the construction or overhaul of U.S. Naval vessels;

iii. the lease or rental of airplanes or airplane equipment by commuter airlines domiciled in Louisiana;

iv. the lease or rental of items that are reasonably necessary for the operation of free hospitals in Louisiana;

v. the lease or rental of certain limited items of educational materials for classroom instruction by approved private and parochial elementary and secondary schools;

vi. the lease or rental by Boys State of Louisiana, Inc., and Girls State of Louisiana, Inc., of materials for use by those organizations in their educational and public service programs for youth; and

vii. the lease or rental of motor vehicles by motor vehicle dealers and manufacturers for use in furnishing to customers in the performance of dealers' or manufacturers' warranty obligations or when the applicable warranty has lapsed and the leased or rented motor vehicle is provided at no charge;

viii. the lease or rental of machinery and equipment used predominantly and directly in the process of manufacturing tangible personal property for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale. The meanings of *manufacturing*, *used predominantly*, and *used directly* provided in LAC 61:I.4301.C.*Cost Price*.h apply. This exclusion applies to state sales or use tax and local sales or use taxes if the political subdivision has adopted this exclusion by ordinance.

c. Transactions involving both the providing of tangible personal property and the performance of a service.

i. A lease or rental does not include providing tangible personal property with an operator who provides some additional service for a fixed or indeterminate period of time when the essence of the transaction is the performance of a service. The essence of the transaction is to provide a service when obtaining the tangible personal property is not an end in and of itself but rather furnishes the mechanism through which a service is provided.

ii. In order to determine the essence of a transaction involving both the performance of a service and the providing of tangible personal property, the facts and circumstances of each transaction must be examined. The following factors suggest, but are not necessarily conclusive, that the essence of the transaction is for the performance of a service:

(a). in order for the tangible personal property to perform as designed, the owner's operator maintains control over the property. This level of control by the owner's operator involves more than maintaining, inspecting, or setting-up the property;

(b). the contract between the owner of the property and the person receiving the services and property provides for the performance of a specific job that requires services for a certain number of hours or until completion of a specific job;

(c). the performance of the job using the tangible personal property is conducted in a manner determined by the owner of the property;

(d). the owner of the tangible personal property is responsible for choosing the particular piece of property to be used in the transaction; or

(e). the owner of the tangible personal property has a standard business practice of not allowing customers to rent the property separately from the services provided.

d. Revenue Sharing Arrangements. Agreements, joint ventures, arrangements, or partnerships between exhibitors (movie theater operators) and film distributors place significant restrictions on the use of the movies and on the proceeds from the use of the movies. These agreements are more in the nature of revenue sharing agreements and would not qualify as leases or rentals because of the restrictions placed on the party using the tangible personal property. An example of this arrangement would be an agreement between an exhibitor and a film distributor that not only stipulates that the proceeds from the showing of the film are to be shared, but also specifies the amount to be charged to the movie patron, the number of and/or the time of showings, or the types or sizes of the facilities where the film is shown.

Local Sales or Use Tax—a sales or use tax imposed by a political subdivision whose boundaries are not coterminous with those of the state under the constitution or laws of the state authorizing the imposition of a sales and use tax.

Person—

a. The term *person* includes:

i. natural persons; and

ii. artificial persons, including, but not limited to, corporations, limited liability companies, estates, trusts, business trusts, syndicates, cities and parishes, parishes, municipalities, this state, any district or political subdivision, department or division thereof, any board, agency, or other instrumentality thereof, acting unilaterally or as a group or combination, as well as receivers, referees in bankruptcy, agricultural associations, labor unions, firms, copartnerships, partnerships in commendam, registered limited liability partnerships, joint ventures, associations, singularly or in the plural, who have the legal right or duty, whether explicit, implied or assumed, to perform any of the transactions described in this Chapter.

b. A natural or artificial person's classification as exempt under any other tax statute has no effect on that person's status under the sales tax law. For example, a religious, charitable, educational, scientific, civic, social or fraternal organization, including hospitals and similar institutions, may be statutorily exempted from other taxes but remain classified as persons for sales tax purposes.

c. R.S. 47:301(8) provides exclusions from the definition of person for purchases made by certain entities. Although these entities are not responsible for paying sales and use taxes on some or all of their purchases, they must collect and remit sales tax on their taxable sales transactions.

i. The two entities granted exclusions from paying state and local sales and use tax on all of their purchases are:

(a). the state of Louisiana, its parishes, its municipalities, its special districts, its political subdivisions, and any other agencies, boards, commissions, or instrumentalities of the state or its political subdivisions;

(b). the Society of the Little Sisters of the Poor. Before claiming exemptions, the Society must obtain a certificate of authorization from the Sales Tax Division of the Department of Revenue.

ii. The two entities granted exclusions from paying sales and use tax on some of their purchases are:

(a). regionally accredited independent institutions of higher education that are members of the Louisiana Association of Independent Colleges and Universities. Purchases, leases, or rentals of tangible personal property or purchases of taxable services by these institutions that are directly related to the educational missions of eligible institutions are excluded from state sales or use tax. Purchases, leases, and rentals directly related to the educational mission of the eligible institution are interpreted broadly to include those transactions required to construct, maintain, or supply classrooms, libraries, laboratories, dormitories, athletic facilities, and administrative facilities. Examples include purchases of supplies, equipment, utilities, leases or rentals of equipment, and repair services to university property;

(b). churches and synagogues exempt under *Internal Revenue Code* Section 501(c)(3) are excluded from paying state and local sales and use tax on purchases of bibles, songbooks, or literature used for religious instruction classes. Eligible institutions must obtain certificates of authorization from the Taxpayer Services Division of the Department of Revenue.

d. The exclusion from the definition of person is granted only for purchases made by these entities on their own behalf. Representatives of these entities making purchases for the entity may also be excluded from the definition of person when their purchases are deemed the equivalent of an acquisition by the entity itself. The most common examples of representatives purchasing on behalf of these entities are:

i. mandataries (agents) purchasing materials or leasing or renting equipment for immovable property construction contracts; and

ii. employees purchasing lodging services while traveling on official business of the entity.

e. The following elements establish an immovable property contractor's purchases as the legal equivalent of a R.S. 47:301(8) entity's purchases so as to exclude the transactions from sales and use tax. Additionally, due to the federal government's immunity from state taxation under The Supremacy Clause, U.S. Const. Art. VI, §2, federal contractors satisfying the following criteria are also entitled to the exclusion from the definition of person. The following criteria assume that the R.S. 47:301(8) entity is an immovable property contractor with an agency agreement with a government department or agency.

i. The government department or agency must acquire title to the property at the time of purchase. Except as otherwise provided in the contract between the parties, the risk of loss must be with the governmental entity.

ii. There must be a signed agreement authorizing the contractor to act as purchasing agent for the entity. The department's form, Designation of Construction Contractor as Agent of a Governmental Entity, may be used for this purpose, or a custom agreement may be substituted if it includes all terms and conditions listed in the form prepared by the department. The form is available at any department office and through the department's web site at: www.rev.state.la.us. Copies of the signed agreement must be made available to tax authorities and vendors upon request. Purchases by the designated agent will be recognized as those of the government entity if all parties to the contract strictly follow the terms of the agreement.

f. The following elements establish when the renting of a hotel room to an employee of a R.S. 47:301(8) entity is legally equivalent to the entity's purchase of the service. Additionally, due to the federal government's immunity from state taxation under The Supremacy Clause, U.S. Const. Art. VI, §2, federal employees are also entitled to the exclusion from the definition of person when renting hotel rooms in the state. Since most purchases of lodging services for persons excluded by R.S. 47:301(8) are made by government employees, the following criteria are drafted from the perspective of those entities.

i. Renting a hotel room to an employee of the United States government, the state of Louisiana, or a political subdivision of the state of Louisiana who is traveling on official business is considered a sale of a service to the government employer regardless of the form of payment to the hotel, provided the lodging services are obtained by the employee at the direction of the employer and accounted to and reimbursed by the government agency.

ii. The exclusion must be documented in one of the following ways:

(a). with a copy of the employee's written travel orders certifying that the government employer will reimburse the actual lodging expenses incurred. The travel orders must be on government letterhead or forms and signed by an authorized representative of the government entity other than the employee engaging the hotel services. The orders must state that the employee is authorized to secure a room for a specific time period at a specific hotel or at a hotel within a defined travel area;

(b). if written travel orders are unavailable or if the travel orders are incomplete or insufficient to satisfy all of the requirements in §4301.C.*Person*.f.ii.(a), an exemption certificate signed by the employee and the authorized agent of the governmental agency other than the employee will certify the transaction's exempt status. The hotel can accept the department's certificate entitled Certificate of Governmental Exemption from the Payment of Hotel Lodging Taxes or one used by federal agencies, provided the form states that the employee's expenses are reimbursed by the employer in the actual amount incurred.

iii. Hotels must retain this documentation to support a sales tax deduction for room rentals to government employees on official business. Failure to do so will cause the deduction to be disallowed unless the hotel can provide competent independent evidence to certify the exemption's validity. The exemption will also be disallowed if it is determined that the documentation was obtained fraudulently or that the hotel knew the documentation was invalid when the employee presented it.

iv. This exclusion is not allowed on hotel room charges incurred by other nations, other states and their political subdivisions, or their employees.

Political Subdivision—as provided in Article VI, Section 44(2) of the Constitution of Louisiana, a *political subdivision* means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

Purchaser—

a. *Purchaser* is defined to include not only persons who acquire tangible personal property in a transaction subject to state and local sales or use tax, but also any person who acquires or receives the privilege of using any tangible personal property, as in the case of property rented from others, or any person who receives services of a nature subject to tax.

b. The term is construed to complement *dealer* as defined in R.S. 47:301(4) and the collector may proceed against either for any tax due.

Retail Sale or *Sale at Retail*—

a. The major tax levied by state and local sales or use tax is imposed upon retail sales or sales at retail which contemplates the taxing of any transaction by which title to tangible personal property is transferred for a consideration, whether paid in cash or otherwise, to a person for any purpose other than for resale.

b. While specific exclusions are provided in R.S. 47:301(10) with respect to sales of materials for further processing into articles for resale and with respect to casual, isolated, or occasional sales, and exemptions are provided for sales of particular items or classes of property by R.S. 47:305 and R.S. 47:305.1 through R.S. 47:305.52, the intent of the law is to classify every sale made to the final user or consumer for any imaginable purpose, other than for resale, as a retail sale or a sale at retail. For purposes of R.S. 47:301(10), whether a transaction is exempt from taxation by statute, jurisprudence, or by constitution has no bearing on classification of the transaction.

c. Sales made by and to vending machine operators are subject to tax as follows.

i. For purposes of state sales or use tax, sales of tangible personal property to operators of coin-operated vending machines are sales at retail. Thus, dealers who resell tangible personal property through coin-operated vending machines are treated as consumers of the articles of property they purchase for resale by vending machine and are liable for sales or use tax on their acquisition cost of the articles. The resale of the property through vending machines is not a retail sale and is not subject to state sales or use tax.

ii. For purposes of local sales or use tax, the sale of property through vending machines is a retail sale subject to sales tax.

d. Sales of materials for further processing into articles of tangible personal property for subsequent sale at retail do not constitute retail sales. This exemption does not cover materials which are used in any process by which tangible personal property is produced, but only those materials which themselves are further processed into tangible personal property. Whether materials are further processed or simply used in the processing activity will depend entirely upon an analysis of the end product. Although any particular materials may be fully used, consumed, absorbed, dissipated or otherwise completely disappear during processing, if it does not become a recognizable and identifiable component which is of some benefit to the end product, it is not exempt under this provision. The fact that a material remained as a recognizable component of an end product by accident because the cost of removal from the end product was prohibitive or for any other reason, if it does not benefit the property by its presence, it was not material for further processing and the sale is not exempt under this provision.

e. It is not the intention of state and local sales or use tax law to impose a tax on an isolated or occasional sale, frequently termed a *casual sale*, except with respect to the sale of motor vehicles, which are specifically covered by R.S. 47:303(B) and R.S. 47:337.15(B)(2). The primary consideration in determining whether a sale meets exemption requirements is whether the seller is in the business, or holds himself to be in the business, of selling merchandise or tangible personal property of similar nature, and not solely upon the frequency of the transactions. As examples, a firm engaged in the retail grocery business who sold a cash register originally acquired for their own use is not engaged in the business of selling cash registers, and the sale would be exempt; an office machine firm who sold carpeting acquired for their own use is not in the business of selling carpets, and the sale would be exempt; the periodic sale of articles by auction to recover storage, repair or labor liens unpaid by the owner of the property are exempt, provided the person forcing the sale does not hold himself out to be in the business of selling such merchandise. If the person causing the sale of property by auction takes title to the property prior to sale, it will be presumed that he has become engaged in the business and the sales will be taxable.

f. For state and local sales or use tax purposes, R.S. 47:301(10)(o) excludes the sale or purchase of equipment used in fire fighting by bona fide volunteer fire departments from the definition of *retail sale or sale at retail*. This applies to all equipment and special apparel necessary for fighting fires including communications systems, rubber suits, boots, helmets, axes, ladders, buckets, and the furnishings of a firehouse necessary for its operation such as sleeping and cooking facilities. Items purchased solely for the entertainment or recreation of volunteer firemen and meals or services furnished to a firehouse do not qualify for exclusion.

Retailer—

a. The term *retailer* as used in state and local sales or use tax law not only covers persons engaged in the *business* (as defined in R.S. 47:301(1) and LAC 61:I.4301.C.*Business*) of making retail sales or sales at retail (as defined in R.S. 47:301(10) and LAC 61:I.4301.C.*Retail Sale* or *Sale at Retail*, but also includes any person engaged in the business of transferring title to tangible personal property for a consideration to others for their use or consumption, or for distribution or for storage to be used or consumed within a taxing jurisdiction.

b. The term does not include persons who make isolated or occasional sales and who do not hold themselves out to be in the business of selling the particular kind or type of property involved in a casual sale.

Sale—

a. R.S. 47:301(12) defines a *sale* as receiving or giving consideration in return for:

i. transferring title or ownership of tangible personal property;

ii. transferring possession of tangible personal property when the seller retains legal title to the property as security to ensure full payment of the selling price;

iii. fabricating tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication work; and

iv. furnishing, preparing or serving tangible personal property that is consumed on the premises of the seller.

b. Fabricating or fabrication, for sales tax purposes, means to make, build, create, produce, or assemble components of tangible personal property, or to make tangible personal property work in a new or different manner.

c. A sale includes, but is not limited to, transactions where:

i. tangible personal property is transferred on a conditional basis (i.e., the customer has the option of returning the property and obtaining a refund of the sales price); and

ii. payment is made in a form other than money, as in a barter agreement, an exchange of property, or a promissory note.

d. When tangible personal property, like food, is served on the vendor's premises, the vendor is required to charge sales tax for:

i. the total price of preparing and serving the food even if these charges are billed separately; and

ii. tips and gratuities, if the vendor fails to separately list these charges on the bill, or if any portion of these amounts (except reimbursement for credit card processing fees) is retained by the vendor. Sales tax is not charged on tips and gratuities if they are separately stated and the total amounts collected are distributed to the employees that prepare and serve the food.

e. When tangible personal property, like food, is served at the customer's premises, sales tax is not charged for preparing and serving the food, provided these charges are separately stated from the *sale* of the food.

Sales of Services—

a. State and local sales or use tax law basically treats the furnishing of services and permission to use certain kinds of property the same as the sale of merchandise, and the law classifies those items as sales of services. Only those services specifically itemized under the provisions of R.S. 47:301(14)(a)-(g), are subject to state and local sales or use tax law. Telecommunications services defined in R.S. 47:301(14)(i) are subject only to state sales or use tax law.

b. The entire amount charged to a customer for any of the taxable items listed in R.S. 47:301(14)(a)-(g) is taxable if billed in a lump sum. Although the law provides many exemptions, unless they are specifically identified and segregated in billings to customers, the entire charge will be

subject to the tax. Whether the consideration paid for sales of services is in the form of cash or otherwise is immaterial.

c. R.S. 47:301(14)(a) includes the furnishing of sleeping rooms, cottages, or cabins by hotels as sales of services. *Hotels* have been defined in R.S. 47:301(6) and the regulation issued under LAC 61:I.4301.C.*Hotel*. If an establishment meets the definition of a *hotel* under these laws, all charges for the furnishing of rooms in that establishment, other than to permanent full-time occupants, constitute sales of services.

d. Under the provisoes of R.S. 47:301(14)(b) charges for admissions to places of amusement, entertainment, recreation, or athletic events, except those sponsored by schools, colleges, or universities, are classified as sales of services and as such are taxable. Note that only those events which are sponsored by schools, colleges, and universities are exempt. The same admissions charged by charitable, religious, social and other organizations are taxable, unless specifically exempted under some other provision.

i. Fees or other consideration and dues paid for the privilege of obtaining access to clubs are similarly classified as sales of services under this particular section of the law. Such dues, fees, or other consideration are taxable even though some personal services may be rendered by the owner of the club after access thereto has been obtained. Dues, fees, or other consideration paid for the privilege of having access to places of amusement, entertainment, athletic, or recreational facilities are also included in the definition of sales of service.

ii. The cost of stock or certificates of membership required to be purchased prior to becoming a member of a club is not included in sales of services if the club member has the prerogative of disposing of the stock or certificate of membership when he ceases to utilize the club or facilities. If a member is required to surrender his stock or certificate of membership upon leaving a club, then the purchase price is considered nothing more than a fee for his participation and is classified as sales of services.

e. R.S. 47:301(14)(c) includes the furnishing of storage or parking privileges by auto hotels or parking lots as taxable sales of services. Parking lots are held to include facilities for the parking of transient trailers. For purposes of this determination, trailers will be presumed to be transient unless the parking space is engaged for a period in excess of 30 consecutive days at any one time and provided the trailers have not been removed from their wheels and placed on permanent foundation. Some hotels advertise free parking facilities for their guests and it is presumed that the room rate charged the guests is sufficiently high to cover the cost of parking, in which event the charge would be taxed under the provisions of R.S. 47:301(14)(a). This charge is taxable under R.S. 47:301(14)(a) if included in the room rate or under R.S. 47:301(14)(c) if billed separately.

f. R.S. 47:301(14)(d) provides that the furnishing of printing or overprinting, lithograph and multilith, blue printing, photostating, or other similar services of reproducing written or graphic matter, shall be included under sales of services. Generally, the activities of persons engaged in this type of business fall within two basic categories. The first is the production of tangible personal property, whereby raw materials are converted into items such as circulars, books, envelopes, folders, posters and other types of merchandise which are sold directly to their customer. These transactions fall within the definition of *sales* at R.S. 47:301(12) and are taxable as sales of tangible personal property. The materials used by the printer in the production of the end product are covered by the exemption provided in R.S. 47:301(10), and are exempt to the printer at the time of purchase by him. In addition, R.S. 47:305.44 and R.S. 47:337.9(D)(20) provide an exemption for raw materials and certain consumables which are consumed by a printer. The second basic business activity engaged in by printers which subject them to the provisions of the sales tax law is the furnishing of services. This classification covers printing done on materials furnished by the printer's customers which are returned to the customer upon completion of the printer's service. In cases where plates, mats, photographs, or other similar items are used in the performance of either a pure service as intended by R.S. 47:301(14)(d) or whether in the production of tangible personal property, if those materials are delivered to the printer's customer and a charge therefore is made, this transaction constitutes a sale of tangible personal property and is taxable. In cases where the materials are delivered to the customer and no charge is made, it is presumed that the charge for services or the charge for other printed matter delivered to the customer is sufficiently high to include the billing for those materials.

g. *Revised Statute* 47:301(14)(e) defines laundry, cleaning, pressing, and dyeing services; including the cleaning and renovation of clothing, furs, furniture, carpets, and rugs; as taxable services.

i. Sales of services under R.S. 47:301(14)(e) includes cleaning, pressing, and dyeing objects made primarily of materials like fabric, fur, leather, or cloth by cleaners, laundries, washaterias, and other cleaning establishments. Examples of taxable services include cleaning the following items:

(a). clothing;

(b). furniture;

(c). carpets;

(d). linens;

(e). pillows; and

(f). draperies.

ii. Cleaning objects made primarily of metal, wood, plastic, glass, or other nonfabric material are not subject to tax under R.S. 47:301(14)(e). Examples of services that are not taxable include cleaning the following items:

(a). automobiles;

(b). barges;

(c). pipes;

(d). tanks; and

(e). jewelry.

iii. Cleaning services performed to restore tangible personal property to a proper working condition, as when cleaning the inner workings of a watch or the fuel injectors in an engine, are considered repairs under R.S. 47:301(14)(g) and subject to tax.

iv. Taxable cleaning services under R.S. 47:301(14)(e) do not include transactions when customers personally operate cleaning equipment for a fee. An example of this would be patrons' use of commercial coin-operated washing machines at a laundromat. However, taxable leases or rentals exist when customers acquire possession or use of the cleaning equipment in accordance with R.S. 47:301(7). An example of this would be the rental of a carpet shampooer for use at home.

v. *Revised Statute* 47:301(14)(e) also defines the furnishing of storage space for clothing, furs, and rugs as *sales of services*. All charges pertaining to the furnishing of storage space for these items are included in the taxable amount regardless of whether the operator is engaged solely in furnishing storage space or the activity is incidental to another *business*.

h. R.S. 47:301(14)(f) defines the furnishing of cold storage space and preparing tangible personal property for cold storage as services subject to sales and use tax.

i. *Cold Storage Space*—a space that is artificially frozen or refrigerated to prevent the stored items from perishing or deteriorating.

ii. *Furnishing of Cold Storage Space*—transactions in which cold storage space is provided to customers for a consideration when the owner or operator of the cold storage space designates specific areas or volumes of space for the customers' use. The customers are required to compensate for the space allotted regardless of the degree of use of the space.

iii. Transactions that are not considered the furnishing of cold storage space for sales tax purposes include:

(a). storage space in air-conditioned warehouses or mini-storage units that are cooled to a normal room temperature level; and

(b). storage space in facilities where the possession of customers' property is transferred to the owner or operator of a cold storage space for retention and safekeeping as in a bailment or deposit transaction.

iv. *Preparing Tangible Personal Property for Cold Storage*—all activities necessary to prepare the product to be stored for cold storage. This includes but is not limited to packaging, wrapping, containerizing, cleaning or washing.

(a). Preparing tangible personal property for cold storage is included in sales of services only if it is incidental to the operation of cold storage facilities.

(b). Separately stated charges for handling the property to be placed in or removed from the facility are not subject to the sales tax. If handling charges are included in the price for the furnishing of cold storage space or preparing tangible personal property for cold storage, tax is due on the entire amount.

i. R.S. 47:301(14)(g)(i) includes as sales of services the furnishing of repairs to tangible personal property. By clear illustration in the statute, both repair and routine servicing of all kinds of tangible personal property are included as taxable services. For state sales or use tax purposes only, repairs performed within Louisiana on tangible personal property are taxable sales of services except for repaired property which is returned to a customer located in another state by common carrier or by the repair dealer's vehicle. The charge for repairs to property returned to a customer's location in the offshore area are taxable regardless of the mode of transportation. Repair services performed outside the state of Louisiana to property which is normally or permanently located here except for its removal for repair, would not be taxable for state sales or use tax purposes. However, if property is shipped outside the state for repairs, any additions made thereto may subject the property to the use tax imposed by R.S. 47:302(A)(2) upon its return to the state. If personnel normally attached to a repair installation within the state go outside the state, for instance, to a location offshore which is clearly outside the limits of the state of Louisiana to perform repairs, those repairs are not taxable.

i. Prepaid repairs such as maintenance contracts and other similar transactions are included in sales of services, if the tangible personal property to which they apply is located in Louisiana and the agreement calls for any necessary repairs to be performed at the location of the property.

ii. R.S. 47:301(14)(g)(ii) provides that tangible personal property, for purposes of sales of services, shall include machinery, appliances, and equipment which have been declared immovable under the provisions of Article 467 of the Louisiana Civil Code. It also includes things incorporate into land, buildings, or other construction, which have been separated from the land, buildings, or other construction. Similarly, the component parts of buildings and other construction, as defined by Article 466 of the *Louisiana Civil Code*, are movable property when they are separated from the building or other construction, and repairs thereto are includable in taxable sales of services.

Sales Price—

a. R.S. 47:301(13)(a) defines *sales price* as the total amount, including cash, credit, property, or services, that is received or paid for the sale of tangible personal property. Any part of the sales price that is related to costs incurred by the vendor to bring the product to market or make the product available to customers becomes part of the tax base and is subject to sales tax even if a separate charge is made on the invoice.

i. Costs included in the sales price are:

(a). materials used;

(b). resale inventory;

(c). freight or shipping costs from the supplier to the vendor, or from the vendor to the customer where the transportation by the vendor is an essential or necessary element of the agreement of sale, as would normally be true in transactions for the sale and delivery of ready-mixed concrete or similar products:

(i). these transportation expenses are incurred by a seller in acquiring tangible personal property for sale or in transporting tangible personal property to the place of sale and form part of the seller's overhead; and

(ii). cannot be excluded from the taxable sales price even when separately stated to the purchaser;

(d). utilities;

(e). insurance;

(f). financing for business operations;

(g). labor;

(h). overhead;

(i). service costs:

(i). handling charges are considered service costs; and

(ii). are distinguishable from charges for transportation under the definition of sales price and related court decisions;

(j). costs incurred by a vendor that are charged for the procurement, or purchasing, of tangible personal property on behalf of the customer; and

(k). excise taxes imposed on the producer, processor, manufacturer or importer, as these taxes become a part of the dealer's cost.

ii. The following are examples of charges not considered part of the sales price because they are not related to costs incurred by the vendor to bring the product to market:

(a). freight, shipping, or delivery charges from the vendor or the vendor's agent directly to the customer after the sale has taken place when the following two conditions are met:

(i). the seller of the tangible personal property separately states the charges for the actual delivery or transportation of the sold property from the place of the sale to the destination designated by the purchaser;

(ii). on the invoices for the sale and transportation of tangible personal property, the place of the sale of the property, and the fact that the transportation is rendered subsequent to the sale and purchase and for the buyer's account, must be clearly determinable;

(b). federal retailers' excise tax that must be collected from the consumer or user:

(i). if these taxes are billed to the user or customer separately, they should be excluded from the tax base;

(ii). however, if the retailers' excise tax is not billed separately, the total selling price, including the excise tax, is taxable.

iii. R.S. 47:301(13)(a) specifically excludes the following charges from the definition of *sales price* provided they are separately stated:

(a). the market value of an item traded in on the sale, as specified in R.S. 47:301(13)(a):

(i). the trade-in item must be one the vendor would normally accept in the course of business and must be similar to the item being purchased. An example of this is trading in a motorcycle on the purchase of a pickup truck;

(ii). exchanging an item that is not similar to the item being purchased will be treated as a barter or exchange agreement as described in R.S. 47:301(12). An example of this would be the owner of a clothing store providing suits to the owner of an appliance store in return for a dishwasher. In this instance, each selling party must report the transaction on his sales tax return;

(iii). the transfer of ownership of the trade-in must occur simultaneously with the sales transaction;

(iv). the trade-in value must be established prior to the sale;

(b). interest charges not exceeding the legal interest rate to finance the sale;

(c). service charges for financing, up to 6 percent of the amount financed;

(d). cash discounts allowed by the vendor if the customer takes advantage of the discount;

(e). labor to install the tangible personal property;

(f). charges by a seller for installing property that he has sold:

(i). installing includes the charge by the seller of movable property for setting up that property on or the attachment of that property to other movable or immovable property that is already owned or possessed by the purchaser;

(ii). examples of the types of installation charges that are excludable from sales price under this provision are the charges for setting up an appliance in a home or business, or the first-time attachment of a new mobile telephone, new radio, or new speakers to a customer-owned vehicle that previously was without such property;

(iii). exclusion is not intended, however, for the charges for removal and replacement of worn or malfunctioning components of movables, such as the removal and replacement of tires and batteries in vehicles. These types of services constitute repairs to movables that

are defined in R.S. 47:301(14)(g) as taxable "sales of services";

(g). charges to set up the property on the taxpayer's premises;

(h). charges for remodeling or repairing the property sold if:

(i). these services are provided prior to the sale;

(ii). the vendor sends the property to another dealer or service provider for remodeling or repair and pays sales taxes on these taxable services; and

(iii). the services are separately itemized and identified in the billing to the customer;

(iv). if the remodeling or repairing is performed by the vendor either:

[a]. prior to the sale; or

[b]. after the sale but before the customer takes possession of the item;

[c]. then these would be costs of the vendor incurred to bring the product to market or make a product available to customers and would become part of the tax base;

(v). any services performed after the property is in the possession of the customer are taxable under R.S. 47:301(14).

iv. In all instances where an expense is required to be separately stated, the effect of combining the charge with another taxable item included in the sales price will subject the entire amount to sales tax.

v. R.S. 47:301(13)(b) provides an exclusion from sales price for the amounts of cash discounts and rebates that manufacturers and vendors of new vehicles offer to purchasers of vehicles.

(a). The exclusion will apply both to the discounts and rebates that are based on vehicle make and model, as well as to the discounts and rebates that are based on customer usage of manufacturer-issued credit cards.

(b). In order for this exclusion to apply, the customer must assign the discount or rebate to the selling dealer of the vehicle, so that the discount or rebate results directly in a reduction of the price to be paid for the vehicle.

(c). In cases where a customer accepts a rebate or discount in cash, and does not assign the amount to the selling dealer as a deduction from the listed retail price of the vehicle, the exclusion from sales price will not apply.

vi. R.S. 47:301(13)(c) excludes from taxable sales price the first $50,000 paid for new farm equipment used in poultry production.

(a). This exclusion applies only to the price of property that is identifiable at the time of sale as being for use in poultry production.

(b). The exemption is available only to commercial producers who sell poultry or the products of poultry in commercial quantities.

(c). The portion of the sales price of any item of commercial farm equipment in excess of $50,000 will be included in the taxable sales price.

vii. R.S. 47:301(13)(e) excludes the value of payments made directly to retail dealers by manufacturers seeking a reduction in the price retail dealers charge for the manufacturers' products. These payments, often called buy downs, are applied by the retail dealer to the selling prices of the manufacturer's products. Retail dealers must collect the tax on the discounted sales price after applying the manufacturers' payments.

viii. In cases where all or a part of the purchase price of tangible personal property is paid to the selling dealer by the presentation of a coupon, the determination of the taxable sales price will depend on the type of coupon that is presented.

(a). Manufacturer's coupons that the selling dealer accepts from the customer and can be redeemed through a manufacturer or coupon agent are not allowed as a reduction of the sales price. Because the retailer's total compensation includes the amount paid by the customer after presenting the coupon and the amount reimbursed by the manufacturer for the coupon's face value, the tax is based on the actual selling price of the item before the discount for the coupon.

(b). The retailer's own coupons, which the selling dealer is unable to redeem through another party, provides a cash discount that can be excluded from the sales price. The sales tax on a sale involving this type of coupon will be computed on the price paid after an allowance for the selling dealer's coupon discount.

ix. R.S. 47:301(13)(f) provides that sales price excludes any consideration received, given, or paid for the performance of funeral directing services. The term *funeral directing services* is defined and further discussed at R.S. 47:301(10)(s):

(a). no exclusion from taxation is allowed on the sale, lease, or rental, of tangible personal property by funeral directors to customers; or

(b) on the purchase, lease, use, consumption, distribution, or storage for use of tangible personal property by funeral directors in connection with their performance of professional services.

x. R.S. 47:301(13)(k) excludes machinery and equipment used predominantly and directly in the process of manufacturing tangible personal property for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale from the sales price. For purposes of sales price, the interpretations provided under LAC 61:I.4301.C.*Cost Price*.h will apply. This exclusion applies to state sales tax and local sales taxes if the political subdivision has adopted this exclusion by ordinance. To

determine sales price subject to tax, this exclusion is deducted from the total amount charged to the customer after allowances for trade-ins and before any exemptions provided elsewhere in the law.

b. R.S. 47:301(13)(d) provides that, in the case of the sale by a manufacturer of refinery gas or other petroleum byproducts that are to be used by the purchasers as other than feedstock, the taxable sales price shall be the greater of:

i. the actual sales price of the byproducts; or

ii. the average monthly spot market price per thousand cubic feet of natural gas delivered into pipelines in Louisiana, as reported by the Natural Gas Clearing House at the time of such sale.

State Sales or *Use Tax*—a sales or use tax imposed by the state under Chapters 2, 2-A, or 2-B of Subtitle II of Title 47 of the Revised Statutes of 1950, as amended, or by a political subdivision of the state whose boundaries are coterminous with those of the state.

Storage—for state sales or use tax purposes only, since storage for use or consumption of tangible personal property is taxed under the provisions of R.S. 47:302, R.S. 47:321, and R.S. 47:331, the term *storage* is defined herein to exclude storage of property which will later be sold at retail and taxed because of the sale. The term does not require the keeping of property in a warehouse but includes the keeping or retention or stockpiling of property in any manner whether indoors or out. If property has come to rest in this state and will later be used or consumed here, it meets the definition of *storage*.

Tangible Personal Property—

a. R.S. 47:301(16)(a) defines *tangible personal property* as personal property that can be seen, weighed, measured, felt, touched, or is perceptible to the senses. The Louisiana Supreme Court has ruled that tangible personal property is equivalent to corporeal movable property as defined in Article 471 of the *Louisiana Civil Code*. The *Louisiana Civil Code* describes corporeal movable property as things that physically exist and normally move or can be moved from one place to another. Examples of tangible personal property include but are not limited to:

i. durable goods such as appliances, vehicles, and furniture;

ii. consumable goods such as food, cleaning supplies, and medicines;

iii. utilities such as electricity, water, and natural gas; and

iv. digital or electronic products such as “canned” computer software, electronic files, and “on demand” audio and video downloads.

b. The following items are specifically defined as *tangible personal property* by law:

i. for state sales or use tax purposes only, prepaid telephone cards and authorization numbers; and

ii. for state and local sales or use tax purposes, work products consisting of the creation, modification, updating, or licensing of canned computer software.

c. Repairs of machinery, appliances, and equipment that have been declared immovable under Article 467 of the *Louisiana Civil Code* and things that have been separated from land, buildings, or other constructions permanently attached to the ground or their component parts as defined by Article 466 of the *Louisiana Civil Code* are treated as taxable repairs of tangible personal property under R.S. 47:301(14)(g).

i. Things are considered separated from an immovable when they are detached and repaired at a location off the customer's immediate property where the immovable is located or at the repair vendor's facility, even if that facility is on property owned, leased, or occupied by the customer. If the thing is detached from the immovable and repaired on the customer's immediate property, it is not considered separated from the immovable and the repair would not be subject to tax.

ii. The customer's immediate property is the tract of land that is owned, leased, or occupied by the customer where the immovable is located.

iii. Tracts of land owned, leased, or occupied by the customer that are separated only by a public road or right-of-way from the land where the immovable is located are also considered the customer's immediate property.

d. Tangible personal property does not include:

i. incorporeal property such as patents, copyrights, rights of inheritance, servitudes, and other legal rights or obligations;

ii. work products presented in a tangible form that have worth because of the technical or professional skills of the seller. Work products are considered non-taxable technical or professional services if the tangible personal property delivered to the client is insignificant in comparison to the services performed and there is a distinction between the value of the intangible content of the service and the tangible medium on which it is transferred. These do not include items that have intrinsic value, like works of art, photographs, or videos. Also, documents that are prepared or reproduced without modification are considered tangible personal property. Examples of sales of technical or professional services that are transmitted to the customer in the form of tangible personal property include but are not limited to:

(a). audience, opinion, or marketing surveys;

(b). research or study group reports;

(c). *business* plans; and

(d). investment analysis statements;

iii. property defined as immovable by the Louisiana Civil Code.

e. Items specifically excluded from the definition of *tangible personal property* include:

i. stocks, bonds, notes, or other obligations or securities;

ii. gold, silver, or numismatic coins of any value;

iii. platinum, gold, or silver bullion having a total value of $1,000 or more;

iv. proprietary geophysical survey information or geophysical data analysis furnished under a restrictive use agreement even if transferred in the form of tangible personal property;

v. parts and services used in the repairs of motor vehicles if all of the following conditions are met:

(a). the repair is performed by a dealer licensed by the Louisiana Motor Vehicle Commission or the Louisiana Used Motor Vehicle and Parts Commission;

(b). the repair is performed subsequent to the lapse of an original warranty that was included in the taxable price of the vehicle by the manufacturer or the seller;

(c). the repair is performed at no charge to the owner; and

(d). the repair charge is not paid by an extended warranty plan that was purchased separately;

vi. pharmaceuticals administered to livestock used for agricultural purposes as defined by the Louisiana Department of Agriculture and Forestry under LAC 7:XXIII.103; and

vii. work products of persons licensed under Title 37 of the Louisiana Revised Statutes such as legal documents prepared by an attorney, financial statements prepared by an accountant, and drawings and plans prepared by an architect or engineer for a specific customer. However, if these items are reproduced without modification, they are considered tangible personal property and subject to sales or use tax.

f. Manufactured or mobile homes purchased in or delivered from another state to Louisiana after June 30, 2001, are excluded from the definition of *tangible personal property* for state sales or use taxes. Manufactured or mobile homes purchased in or delivered from another state to Louisiana after December 31, 2002, are excluded from the definition of *tangible personal property* for *local sales or use tax*es when the buyer certifies the manufactured or mobile home will be used as a residence.

i. For state sales taxes, the entire price paid for used manufactured or mobile homes and 54 percent of the price paid for new manufactured or mobile homes are excluded from the definition of *tangible personal property* and not subject to tax.

ii. For local sales taxes when the buyer certifies the manufactured or mobile home will be used as a residence:

(a). after December 31, 2002, and before January 1, 2004—25 percent of the price paid for used manufactured or mobile homes and 13 1/2 percent of the price paid for new manufactured or mobile homes are excluded from the definition of *tangible personal property* and not subject to tax;

(b). after December 31, 2003, and before January 1, 2005—50 percent of the price paid for used manufactured or mobile homes and 27 percent of the price paid for new manufactured or mobile homes are excluded from the definition of *tangible personal property* and not subject to tax;

(c). after December 31, 2004, and before January 1, 2006—75 percent of the price paid for used manufactured or mobile homes and 40 1/2 percent of the price paid for new manufactured or mobile homes are excluded from the definition of *tangible personal property* and not subject to tax; and

(d). after December 31, 2005—the entire price paid for used manufactured or mobile homes and 54 percent of the price paid for new manufactured or mobile homes are excluded from the definition of *tangible personal property* and not subject to tax.

iii. Manufactured or mobile homes are structures that are transportable in one or more sections, built on a permanent chassis, designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include plumbing, heating, air-conditioning, and electrical systems. The units must be either 8 body feet or more in width or 40 body feet or more in length in the traveling mode, or at least 320 square feet when erected on site. These size requirements may be disregarded if the manufacturer voluntarily certifies to the distributor or *dealer* at the time of delivery that the structure conforms to all applicable federal construction and safety standards for manufactured homes.

iv. Manufactured or mobile homes do not include modular homes that are not built on a chassis, self-propelled recreational vehicles, or travel trailers.

g. The sale or purchase of custom computer software on or after July 1, 2002, and before July 1, 2005, is partially excluded, and on or after July 1, 2005, completely excluded, from the definition of *tangible personal property* under R.S. 47:301(16)(h). This exclusion applies to state sales tax, the sales tax of political subdivisions whose boundaries are coterminous with the state, and the sales tax of political subdivisions whose boundaries are not coterminous with the state that exempt custom computer software by ordinance as authorized by R.S. 47:305.52. Custom computer software is software that is specifically written for a particular customer or that adapts prewritten or "canned" software to the needs of a particular customer.

i. Before July 1, 2002—purchases of prewritten or canned software that are incorporated into and resold as a component of custom computer software before July 1, 2002, are considered purchases of tangible personal property for resale. Use tax is not due on these purchases and any sales tax paid is eligible for tax credit against the tax collected on the retail sale of the custom software.

ii. Phase-In Period—the sales tax exclusion for custom computer software will be phased in at the rate of 25 percent per year beginning on July 1, 2002. During the phase-in period, purchases of prewritten or canned software that are incorporated into and resold as a component of custom computer software will be considered a purchase for resale according to the applicable sales tax exclusion percentage in effect at the time of sale. The custom software vendor must pay sales tax on the purchase price of the canned software and may claim tax credit for the percentage that is resold as tangible personal property. If 75 percent of the sales price of the custom computer software is taxable, the vendor is allowed a tax credit for 75 percent of tax paid on the canned software purchase. Conversely, if sales tax was not paid by the custom software vendor on the purchase of canned software that is incorporated into custom software, use tax will be due on the percentage that is not considered to be a purchase for resale. The sales tax exclusion percentage will increase each year during the phase-in period and guidelines on the phase in of this exclusion will be published in a revenue ruling.

iii. July 1, 2005—the purchase of prewritten or canned software that is incorporated into and resold as a component of custom computer software sold on or after July 1, 2005, will be considered the purchase of tangible personal property for the personal use of the custom software vendor and subject to sales or use tax.

h. The first purchase of digital television conversion equipment by a taxpayer that holds a Federal Communications License issued pursuant to 47 CFR Part 73 is excluded from the definition of *tangible personal property* for state sales tax and local sales tax if the local authority adopts this exemption by ordinance.

i. *Digital Television Conversion Equipment*—items listed in R.S. 47:301(16)(i).

ii. *First Purchase*—the first purchase of each item from the categories of digital television conversion equipment listed in R.S. 47:301(16)(i).

iii. License holders may obtain a credit for sales taxes paid on the first purchase of digital television conversion equipment made after January 1, 1999, and before June 25, 2002, by submitting a request on forms prescribed by the Department of Revenue. Guidelines for claiming the credit will be published in a revenue ruling.

iv. License holders may obtain an exemption certificate from the Department of Revenue and make first purchases of qualifying digital equipment on or after June 25, 2002, without paying state sales tax or local sales tax in those local jurisdictions that elect to provide an exemption for these purchases. Sales tax paid on first purchases of qualifying digital equipment on or after June 25, 2002, may be refunded as tax paid in error.

v. License holders must submit to the Department of Revenue an annual report of the purchases of digital equipment for which exclusion has been claimed that includes all information required by the Department to verify the value of exclusion claimed. Guidelines for submitting this report will be published in a revenue ruling.

Taxing Authority—the state of Louisiana, a statewide political subdivision, and any political subdivisions of the state authorized to levy and collect a sales or use tax by the Constitution or laws of the state of Louisiana. The state of Louisiana and political subdivisions whose boundaries are coterminous with those of the state are state taxing authorities. Political subdivisions whose boundaries are not coterminous with those of the state are local taxing authorities.

Taxing Jurisdiction—the geographic area within which a taxing authority may legally levy and collect a sales or use tax.

Use—

a. *Use* under state and local sales or use tax law is intended to include not only the commonly accepted concept of *use* but also to cover the consumption, the distribution, or the storage, or the exercise of any right of power over tangible personal property. Since tax is imposed on the sale of tangible personal property, *use* has been defined to specifically exclude property sold at retail in the regular course of business.

b. Neither does use apply to materials or property which are combined with other materials to form an article of tangible personal property which will subsequently be sold at retail. In this instance, the tax on those materials will be collected on the retail sale. It is necessary, however, that materials excluded from the definition of use because they were consumed in creating a new piece of tangible personal property be identifiable in new property and not merely expended during the course of the processing. All such expended materials have been used by the processor or manufacturer and are taxable to him at the time of purchase by him.

Use Tax—the tax paid under state and local sales or use tax law for the use, consumption, distribution, or storage for use, distribution, or consumption within a taxing jurisdiction in lieu of sales taxes. This is the tax required to be paid if no sales tax has been paid on tangible personal property which is used, consumed, distributed, or stored for use within the taxing jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554, 2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 30:2870 (December 2004), LR 31:697 (March 2005), LR 32:111 (January 2006), LR 32:865 (May 2006), LR 44:2022 (November 2018).

§4302. Pollution Control Devices and Systems Excluded from the Definition of "Sale at Retail"

A. This Section describes the conditions under which certain sale or lease transactions involving tangible personal property used for pollution control purposes may be excluded from the definition of *sale at retail* for purposes of the 3 percent tax levied by this Chapter and the Louisiana Tourism Promotion District. It contains the qualifications which must be met by the property under consideration, the requirements which are imposed upon the applicant for the tax relief granted under this Act, and the procedures to be followed in applying for the relief.

B. Definitions. For purposes of this Section, the following terms shall have the meaning ascribed herein.

Act or This Act—Act 1019 of the 1991 Regular Session of the Louisiana Legislature.

Industrial Application—use, construction, or installation of a pollution control device or system by a business which is primarily engaged in the exploration for or mining of minerals, the manufacture or processing of raw materials into tangible personal property for resale, or the processing, treatment, disposition, control or containment, of polluting materials produced by another business.

Pollution—the environment of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of such environment. Pollution includes solid waste, hazardous waste, sludge, chemical waste, radiological wastes, noise, and any other pollutants resulting from industrial emissions, discharges, or releases into air, water, or land.

Pollution Control Device or System—any one or more pieces of tangible personal property which is intended and installed for the purpose of eliminating, preventing, treating, or reducing the volume or toxicity or potential hazards of industrial pollution of air, water, groundwater, noise, solid waste, or hazardous waste in the state of Louisiana and which has been approved by the Department of Environmental Quality and the Department of Revenue and Taxation for the tax relief granted by this Act.

C. Qualifications. To qualify for the tax relief provided under this Act, a pollution control device or system must comply with the following requirements.

1. It must demonstrate to the Department of Environmental Quality its efficacy to a particular process or application. The equipment must be approved by both the Department of Environmental Quality and the Department of Revenue and Taxation in order to be excluded from the definition of *sale at retail* for state sales and use tax purposes.

2. It (or the applicant) must demonstrate either:

a. a net decrease in the volume or toxicity or potential hazards of pollution as a result of the installation of the device or system; or

b. that installation is necessary to comply with federal or state environmental laws or regulations.

3. It must be intended for use in an industrial application. Use in residential, commercial, recreational, or other applications do not qualify.

D. Restrictions. This exclusion and the tax relief provided under this Act does not apply to:

1. modifications to processes carried out primarily for reasons other than the reduction of pollution;

2. installation or replacement of existing process units carried out primarily for reasons other than the reduction of pollution;

3. vehicles used to assist in operations.

E. Application and Documentation

1. Applicants seeking relief under this Act must submit an application to the Department of Revenue and Taxation for a certification of the pollution control device or system.

2. The respective departments may require the applicant to provide cost estimates, engineering drawings, equipment specification sheets, and any other documentation necessary to establish the identity and value of the property qualifying for the exclusion. The documentation must be sufficient to enable the Department of Environmental Quality to establish the efficacy of the pollution control device or system, and to allow the Department of Revenue and Taxation to ascertain the allowable tax relief.

3. After receiving certification from the Department of Environmental Quality, a certificate of tax exclusion and/or refund of taxes paid on approved pollution control equipment will be issued by the Department of Revenue and Taxation. Applicants must assemble and consolidate all invoices on purchases made by themselves and their subcontractors. Refunds will not be issued to subcontractors.

a. Owners and/or operators of qualifying pollution control devices or systems may apply for certification and refund of taxes paid on or after September 6, 1991, and prior to the date of certification.

b. In order for a pollution control device or system to qualify as tax free at the time of purchase, applicants must have received a certification of approval from the Department of Environmental Quality and the Department of Revenue and Taxation prior to the purchase or lease of the equipment. The applicant, or contractors who are duly authorized to act as an agent of the applicant, may present an approved certification in lieu of the tax at the time of purchase.

c. If the application for the tax exemption on the pollution control device or system cannot be processed and approved before purchases are made or property is imported into the state for the project, the state sales or use tax shall be paid at the time of purchase or importation. Tax refunds will be issued upon approval of the project and the filing of proper claims. Applicants filing for refunds will have purchased and installed, or intend to install, the pollution control device or system.

4. The owner and/or operator must report the final cost of the pollution control devices or systems to the Department of Revenue and Taxation. Audits and inspections may be performed by the respective departments to ascertain the efficacy of the equipment. The tax refund will be forfeited if the pollution control device or system does not meet the requirements of this Act.

5. Approval of the equipment for a sales tax refund does not relieve the applicant from obtaining any other permits otherwise required for the pollution control device or system, including permits to install or construct prior to start of construction.

6. Each application for tax relief must be signed by an officer, principal, or other person authorized to act in the behalf of the applicant, and must be accompanied by a certification affidavit executed by the owner and/or operator and a certification affidavit executed by a professional engineer. Both certification affidavits will be prepared on the application form supplied by the Department of Revenue and Taxation.

F. Confidentiality. Applications and all documentation and cost information which are submitted to the Department of Revenue and Taxation under this Act are considered confidential taxpayer information under the provisions of R.S. 47:1508. Information which pertains to pollution control devices or systems costs will be maintained only at the office of the Department of Revenue and Taxation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301(10)(l).

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 18:1414 (December 1992).

§4303. Imposition of Tax

A.1. R.S. 47:302(A) imposes a tax at the rate of 2 percent upon the sale at retail or the use, consumption, distribution or storage for use or consumption in this state of each article of tangible personal property, as each of those terms are defined in R.S. 47:301. R.S. 47:321(A) and R.S. 47:331(A) each impose an additional 1 percent tax on the same basis, making the combined state sales tax rate 4 percent. If Louisiana sales tax has been paid upon the transfer of title to tangible personal property, then there will be no tax on the use, consumption, distribution, or storage for use or consumption of the item in this state by the purchaser, since R.S. 47:302 provides that there shall be no duplication of the tax.

2. Each and every item of tangible personal property sold at retail in this state is subject to the tax imposed by this Chapter unless a specific exemption is set forth in the statute. The tax is computed on gross sales and must include each and every retail sale. When tangible personal property is used, consumed, distributed, or stored for use or consumption in this state on which, for any reason whatsoever, no Louisiana sales tax has been paid, then the tax will be imposed on such use, consumption, distribution or storage. The tax paid under this provision is commonly referred to as *use tax* as distinguished from *sales tax*. R.S. 47:302(A)(2) provides that the use tax will be 2 percent of the cost price of each item or article of tangible personal property subject to the use tax, and R.S. 47:321(A) and R.S. 47:331(A) provide for an additional 2 percent. It is important that R.S. 47:301(3) and the regulation issued under LAC 61:I.4301.C.*Cost Price* be thoroughly analyzed prior to arriving at the basis upon which the use tax will be computed.

B. Tax on Lease or Rentals

1. General Rule

a. *Revised Statute* 47:302(B) provides that the Louisiana lease tax shall be paid on leases "within this state" and R.S. 47:301(7) defines *lease* or *rental* as "the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter, for consideration, without transfer of the title of such property." Therefore, the Louisiana lease tax is due when a lessee possesses or uses leased tangible personal property within Louisiana, regardless of where the lessor and lessee entered into the lease contract or where the lessor transferred possession of the leased property to the lessee.

b. *Lease* also means *rental* for the purposes of this Subsection.

c. Lease payments on leases within Louisiana are subject to the tax rate provided in Title 47 of the Revised Statutes. The tax rate must be applied to each payment, whether made monthly or according to some other schedule.

d. A lessor of leased property, as a dealer and agent for the Department of Revenue (department), shall collect the lease tax from the lessee of the leased property. The lessor must report lease payments on a cash-receipt basis, as provided in R.S. 47:306(A)(2).

e. Gross proceeds derived from the lease of tangible personal property within Louisiana are subject to the lease tax whether the leasing of tangible personal property is the established business of the taxpayer or is only incidental to the taxpayer's established business. Operating expenses and maintenance costs for keeping leased property in repair cannot be deducted from gross proceeds in arriving at the taxable base.

2. Exceptions to the General Rule

a. Revised Statute 47:305(E)(1) provides that: "nor is it the intention of this Chapter (Chapter 2 of Title 47 of the Revised Statutes) to levy a tax on bona fide interstate commerce."

i. The lease tax imposed under R.S. 47:302(B) is a tax levied under Chapter 2 of Title 47 of the Revised Statutes. Therefore, the lease tax is not due on the lease of tangible personal property for those periods of time that it is used in bona fide interstate commerce, whether the use in bona fide interstate commerce is in Louisiana or outside of Louisiana.

b. If the lessee used the leased tangible personal property both in bona fide interstate commerce (whether within or without Louisiana) and in intrastate commerce in Louisiana, the lease tax is due only on the portion of the

lease payments attributable to operational usage in Louisiana in intrastate commerce. What constitutes operational usage shall be based on industry custom and the type of property at issue (e.g., flight time, vehicle miles). If average operational usage in Louisiana intrastate commerce is equal to or less than 10 percent of total operational usage during a lease payment billing period, the leased property shall be deemed to be used exclusively in interstate commerce, and no lease tax shall be due for that period. Average operational usage in Louisiana intrastate commerce shall be determined by a ratio, the numerator of which is total Louisiana intrastate operational use, and the denominator of which is total operational use (both intrastate and interstate). If average operational usage in Louisiana intrastate commerce is equal to or greater than 90 percent of total operational usage during a lease payment billing period, the leased property shall be deemed to be used in Louisiana intrastate commerce, and lease tax shall be due on the entire lease payment for that period. Average operational usage in bona fide interstate commerce shall be determined by a ratio, the numerator of which is total bona fide interstate operational use, and the denominator of which is total operational use (both intrastate and interstate). Nothing in this Subparagraph shall be construed to prohibit the department from imposing a lease tax on leased property stored in Louisiana for use in intrastate commerce in Louisiana.

c. The lease tax is not due if the leased property is leased for use and actually used in an offshore area beyond the territorial limit of Louisiana. In order for this exclusion to apply, the leased property may not be used within Louisiana and the lessee must complete an LGST-9B sales tax exemption certificate stating that the leased property will be used in a specific offshore area. The definition of *use*, for the purposes of Paragraph 2, is found in R.S. 47:301(4)(d)(ii).

d. The department shall authorize lessees, who are registered with the department on a form to be provided by the department, and who used leased property in whole or in part outside Louisiana and/or in whole or in part in bona fide interstate commerce (whether within or without Louisiana), to issue exemption certificates to the lessors of the leased property for such use. A lessor receiving such an exemption certificate shall not be required to collect the lease tax for such leases, and lessees issuing such exemption certificates shall be responsible for reporting lease payments and paying the lease tax to the department for leases in accordance with the provisions of this regulation.

3. Treatment of the Tax Levied by Local Taxing Authorities for Inter-jurisdictional Lease or Rental Transactions

a. For the purpose of local sales or use tax levied upon the lease or rental of tangible personal property, the tax for the initial lease or rental period is due to the local taxing jurisdiction where the transfer of possession of the leased property occurs.

b. For subsequent lease or rental periods, when there is no additional transfer of possession, the tax is due to the local taxing jurisdiction where the property is primarily located. The primary location of the property is that location designated by the lessee and made known to the lessor from records maintained in the ordinary course of business.

c. Possession or use of the leased property in a local taxing jurisdiction where the property is not primarily located will subject the lessee to the taxes imposed by that local taxing jurisdiction. However, a credit will be allowed for the lease period for any tax previously paid to another local taxing authority under the provisions of Subparagraphs a or b of this Paragraph. It is the lessee's responsibility to report any additional tax due.

C. R.S. 47:302(C) imposes a tax of 2 percent of the total amount paid or charged for furnishing of the selected services set forth in R.S. 47:301(14). In addition to the 2 percent tax levied under the provisions of R.S. 47:302(C), an additional 2 percent tax is levied under the provisions of R.S. 47:321(C) and R.S. 47:331(C). Only those services defined as sales of services under the provisions of R.S. 47:301(14) are subject to the tax. In the case of all three tax imposition sections, only those services which are performed within the state of Louisiana are subject to the tax. Services performed outside the limits of the state, whether in another state or in a disputed zone offshore which is ultimately held to be outside the boundary of the state of Louisiana even though the normal base of operations may be within the state of Louisiana, are not subject to the tax.

D. The taxes imposed by R.S. 47:302 and by R.S. 47:321 and R.S. 47:331 are in addition to all other taxes, whether levied in the form of an excise tax, a license tax, a privilege tax, or a gross receipts tax, and shall be in addition to taxes levied under the provisions of Chapter 3 of Subtitle II of Title 47 which is the Louisiana occupational license tax law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:302, R.S. 47:337.2, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 13:107 (February 1987), amended LR 19:1033 (August 1993), amended by the Department of Revenue, Sales Tax Division, LR 23:1703 (December 1997), amended by the Department of Revenue, Policy Services Division, LR 30:2864 (December 2004).

§4305. Imposition of Tax

A. R.S. 47:321 adds an additional 1 percent tax to each of the taxes imposed by R.S. 47:302 with the exception that specific exemptions are provided for drugs, orthotic and prosthetic devices and patient aids prescribed by physicians or dentists for personal consumption or use and for food purchased under certain circumstances for personal consumption. This additional 1 percent tax is in addition to all other taxes levied on sales, excise, license, or privilege and in addition to the taxes levied under Chapter 3 of Subtitle 2 of Title 47 and shall be collected from the dealer and/or wholesaler as defined in Chapter 2 of Subtitle 2 of Title 47 as provided therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:321.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987).

§4307. Collection

A. Collection from Dealers

1. All of the taxes imposed under R.S. 47:302, R.S. 47:321, R.S. 47:331, and local sales or use tax ordinances are governed by these provisions. Every person engaged as a dealer, which R.S. 47:301 defines to be either party to a transaction creating a tax liability under state and local sales and use tax law, is made liable for collection of the tax. Dealer includes both the seller and the purchaser of tangible personal property, the person who uses, consumes, distributes, or stores tangible personal property in a taxing jurisdiction to be used or consumed there if an applicable state or local sales or use tax has not previously been paid thereon, the lessor or lessee, the rentor or rentee of tangible personal property rented or leased within the taxing jurisdiction, and the person who performs or furnishes any of the services covered by R.S. 47:301(14) or the person for whose benefit the services are furnished.

2. The importation of tangible personal property from outside of a taxing jurisdiction, to be used, consumed, distributed, or stored to be used or consumed in the taxing jurisdiction is treated the same as if the articles had been sold at retail for any of those purposes within the taxing jurisdiction, and such articles are thereby taxable to the person who causes them to be imported. The taxes levy immediately, and can be collected immediately. There shall be no tax on the importer, however, if all applicable taxes imposed under state and local sales or use tax law have been previously paid. Sections R.S. 47:303 and 47:337.15 clearly provide that there shall be no duplication of these taxes.

3. Solely for state sales and use tax purposes, if a tax similar to that imposed by R.S. 47:302, 321, and 331 is imposed by the state from which property is imported and if the state from which imported allows a credit to persons who import tangible personal property into that state for any sales or use tax which might have previously been paid to the state of Louisiana, a credit will be allowed against Louisiana's state sales and use tax for the tax paid to the other state. In order for the credit to be operative, both of the qualifying conditions must be met. The importer must have paid a similar tax upon either the sale or use of the same identical property in another state and the other state must allow a credit similar to this credit. The only exception to the double qualification standard is in the case of military personnel who are enlisted for two years or more who purchase automobiles outside the state of Louisiana while on their tour of active duty. In this instance, the credit will be allowed for the taxes paid the other state, whether or not that state allows a similar credit for Louisiana taxes paid.

4. Solely for state sales and use tax purposes, the use tax is based on either the cost of the tangible personal property being imported or its fair market value at the point at which it comes to rest in the state of Louisiana, whichever is the lesser of the two. Most frequently, the value upon which the Louisiana use tax is based will be less than original cost on which the taxpayer paid tax in the state of purchase. In those instances, credit will be allowed against the Louisiana use tax only in an amount equal to the tax rate paid to the other state, as distinguished from local government in the other state, applied to the value being taxed under the Louisiana law. No credit will be allowed against the Louisiana use tax for taxes paid to political subdivisions in another state or to foreign countries. In no event will a credit greater than the tax imposed by Louisiana on any particular piece of tangible personal property be allowed.

5. Solely for state sales and use tax purposes, in any case in which a taxpayer claims credit for a tax paid to another state, he must be in a position to prove payment of the tax before the credit will be allowed. The precise proof required will vary with the nature of the property and the circumstances surrounding its importation into the state.

6. For local sales or use tax purposes, the credit for taxes paid is governed by R.S. 47:337.86.

B. Collection of Tax on Vehicles

1. In view of the regulatory function performed by the vehicle commissioner in issuing license plates for the registration of vehicles and in issuing certificates of title to vehicles, R.S. 47:303(B) provides that all sales taxes levied state and local taxing authorities on the sale or use of vehicles shall be paid to the vehicle commissioner as the agent of the secretary or local collector, if so contractually provided, before a certificate of title or vehicle registration can be issued. The vehicle commissioner serves as agent for the collector only with respect to those vehicles required to be registered and/or titled with the vehicle commissioner. Generally, this covers all vehicles which have been found to be safe for highway use and can pass safety inspection. While R.S. 47:303(B) makes the vehicle commissioner the agent of the collector for purposes of collecting the taxes, the collector is the only proper party to defend or institute any legal action involving the taxes imposed with respect to any motor vehicle, automobile, motorcycle, truck, truck-tractor, trailer, semi trailer, motor bus, house trailer, or any other vehicle subject to the vehicle registration or title requirements. Conversely, the collector has no authority or jurisdiction whatever in the issuance of vehicle registration licenses or vehicle titles. This is the absolute domain of the vehicle commissioner.

2. The sales taxes levied by R.S. 47:302(A)(1), 47:321(A)(1), 47:331(A)(1), and the ordinances of political subdivisions is due at the time of registration or transfer of registration as required by the vehicle registration license tax law. The use taxes levied by R.S. 47:302(A)(2), 47:321(A)(2), 47:331(A)(2), and the ordinances of political subdivisions on the use of a vehicle in this state is due at the time first registration in this state is required by the vehicle registration license tax law. That law basically requires that a vehicle purchased in Louisiana be registered immediately upon purchase. Consequently, the sales taxes are due at the time of the purchase transaction. The vehicle registration license tax law basically provides that the vehicle shall be registered in this state immediately upon its importation for

use in Louisiana. The use taxes, therefore, become due when the vehicle has entered the state for use.

3. For purposes of the sales taxes, every vendor is required to furnish to a purchaser at the time of a sale, a sworn statement fully describing the vehicle including the serial number, the motor number, the type, year, and model of the vehicle, the total sales price, the amount of any allowance, and a full description of any vehicle taken in trade, the net difference being paid by the purchaser between the vehicle purchased and the one traded in, and the amount of sales or use tax to be paid. Every component of the vehicle attached thereto at the time of the sale and which is included in the sales price, including any labor, parts, accessories, or other equipment, are considered to be a part of the vehicle and not a separate item of tangible personal property. The vehicle commissioner has the right to examine the statement furnished to the purchaser at the time of the sale and in any case in which he determines that the total sales price or the allowance for the vehicle traded in do not reflect reasonable values, he may adjust either to reflect the fair market value of the vehicle involved. Generally, this will be done by reference to current values published by the National Automobile Dealers Association. This revaluation is solely for the purpose of determining the proper amount of sales or use tax due and in no way influences the prices agreed upon between the buyer and the seller. The vehicle commissioner also has the authority to require affidavits from either the vendor or the purchaser, or both, to support a contention that some unusual condition adversely affected the cited sales price. In any event, the minimum tax due shall be computed on the consideration cited as the difference paid by the purchaser between the vehicle purchased and the vehicle traded in.

4. In order for a transaction involving motor vehicles to qualify for trade-in treatment for sales/use tax purposes, the following additional conditions must be met.

a. Ownership of the trade-in vehicle must be transferred to the seller of the new vehicle simultaneously with or prior to the taking of delivery by the purchaser of the new vehicle from the seller.

b. In those cases where special equipment must be installed on the new vehicle or where delivery of the trade-in vehicle cannot be made, an additional period of time will be allowed for the installation of the special equipment or delivery of the trade-in vehicle provided the new vehicle and the trade-in vehicle cannot be in the purchaser's service at the same time.

c. The actual trade-in value of the trade-in vehicle must be established by the purchaser and the seller at or prior to the time of the transfer of ownership of same to the seller, provided such value must be established within 10 days after delivery.

d. The certificate of title to the trade-in vehicle must be in the name of the purchaser of the new vehicle.

e. In the event the new vehicle is not delivered to the purchaser at the time the trade-in vehicle is delivered to the seller, there must be an obligation on the part of the purchaser to take delivery from the seller of the new vehicle.

f. The records of both the seller and the purchaser must reflect a complete description of the transaction.

g. At the time of transfer of ownership of the new vehicle, the invoice from the seller must reflect not only the sales price of the new vehicle but also a complete description of the trade-in vehicle, including the amount of the actual trade-in value.

h. The sales or use tax due to state and local taxing authorities shall be computed on gross sales price of the new vehicle in the case of a sale, or on the cost price of the new vehicle in the case of a transaction subject to the use tax, less the previously established actual trade-in value of the trade-in vehicle.

i. In order to constitute a trade-in to be used as a method of reducing the sales or use tax, there must be a transfer of ownership and the value of the trade-in vehicle must represent a part of the purchase price of the new vehicle. A payment in cash, check or in any other form in lieu of a reduction in or a part of the purchase price of a new vehicle does not constitute a trade-in. The accounting principles used in arriving at the value of any given vehicle for sales or use tax purposes and for trade-in purposes must be consistent.

ii. In any case in which a governing body of any parish or municipality, or the school board of any parish or municipality, has imposed a sales or use tax on the sale or use of motor vehicles, the vehicle commissioner is authorized to enter into an agreement with the governing body by which the vehicle commissioner will collect the tax on behalf of the said parish, municipality, or school board. The vehicle commissioner is authorized to withhold 1 percent of all such taxes collected for parishes, municipalities, or school boards to be used by the commissioner to pay the cost of collecting and remitting the balance of the tax to the respective parishes, municipalities, and school boards. Such local taxes shall be paid to the vehicle commissioner in the same manner as the state sales or use taxes and no title or vehicle registration shall be issued until the taxes have been paid.

5. R.S. 47:303(B)(6) allows automobile lessors or renters that are subject to the Automobile Rental Tax imposed by R.S. 47:551 to transfer to their customers any local sales or use tax paid on automobiles purchased for their rental fleet. However, since July 1, 1996, R.S. 47:301(10)(a)(iii) has excluded automobiles purchased for subsequent lease or rental from local sales or use tax. Therefore, the transfer of local sales and use tax allowed by R.S. 47:303(B)(6) is obsolete and automobile lease or rental dealers are no longer allowed to collect this surcharge.

6. The sales tax exemption for isolated or occasional sales of tangible personal property provided by R.S. 47:301(10)(c)(ii) does not apply to sales of motor vehicles. R.S. 47:303(B)(4) provides that isolated or occasional sales

of vehicles are specifically defined to be sales at retail and subject to state and local sales or use tax.

7. The vehicle commissioner may require any dealer engaged in the business of selling motor vehicles, automobiles, motorcycles, trucks, truck-tractors, trailers, semi-trailers, motor buses, house trailers, or any other vehicle subject to the vehicle registration license tax law or the title registration law to furnish information relative to their sales on any periodic basis designated by the vehicle commissioner. The statements shall include the serial number, motor number, type, year, model of the vehicle sold, the total sales price, any allowance for trade-in, a description of the trade-in, the total cash difference to be paid by the purchaser, and any sales or use taxes to be paid. The vehicle commissioner is also authorized to secure whatever other additional information is necessary for proper administration of the tax.

8. R.S. 47:303(A)(3) allows a credit against the state use tax for taxes paid to another state provided the other state allows a similar credit for taxes paid to Louisiana. For credits allowed against taxes imposed by local taxing authorities, see R.S. 47:337.86.

9.a. Generally, a certificate of title or vehicle registration will not be issued to any purchaser for any vehicle on which state or local sales or use tax has not been paid. However, R.S. 47:303(B)(5) provides an exception for purchasers who paid the proper taxes due to the vehicle dealer at the time the vehicle was purchased, but the dealer did not remit the taxes to the vehicle commissioner. Under this provision, a motor vehicle purchaser who has not been issued a certificate of title or vehicle registration license within six months after the date of the sale, may submit a written request to the secretary showing that:

i. all state and local sales taxes and fees due by the purchaser were paid in good faith to the motor vehicle dealer at the time of purchase;

ii. the motor vehicle dealer has not yet remitted the taxes and fees to the vehicle commissioner;

iii. the motor vehicle dealer has refused or is unable to respond to a written demand by the purchaser for payment of the taxes and fees to the vehicle commissioner; and

iv. the certificate of title or vehicle registration license has not been issued within the six months after the date of the sale.

b. If the purchaser's request appears reasonable and the facts represented are found to be accurate, the secretary may authorize the vehicle commissioner to issue a certificate of title or a vehicle registration license. If the secretary denies the purchaser's request, the denial will be in writing and the purchaser may file an appeal with the Board of Tax Appeals within 60 days after the date of denial by the secretary.

C. Collection of Tax from Auctioneers

1. Generally, the sales tax law contemplates a situation in which the owner of property, or a person having title to property, sells tangible personal property to another person, thereby creating a taxable transaction. In this instance, the sales tax law places a liability upon the seller to collect the state and local sales or use tax from the purchaser and remit the tax to the appropriate collector. Because of this basic concept, special provisions have been included in R.S. 47:303(C) and 47:337.15(C) to cover sales which do not fall within that general method of doing business. In the case of auctioneers, the actual owner of the property turns it over to the auctioneer who conducts the sale and consummates the final transfer of title, as a third party, from the owner to the purchaser. He may well represent a number of property owners at one auction sale.

2. In view of the unique position occupied by auctioneers with relationship to the owner of the property being sold, R.S. 47:303(C) and 47:337.15(C) require that all auctioneers shall register as dealers and must display their registration certificates to the public as a condition of doing business in a taxing jurisdiction. The auctioneer is then held responsible for collecting all state and local sales or use tax on articles sold by him and is responsible for properly reporting and remitting the amount collected.

D. Collection of Tax on Motorboats and Vessels

1. R.S. 47:303(D) and 47:337.15(D) provide that the secretary of the Department of Wildlife and Fisheries shall not issue a certificate of registration on any boat or vessel which is purchased in, or imported into, Louisiana until satisfactory proof is presented showing that all state and local sales taxes have been paid. This will be in the form of a “tax payment certification for boat registration”, which is available through the boat dealer or at any office of the Department of Revenue.

2. In the case of a boat or vessel purchased from a Louisiana dealer, the certificate will be completed and signed by both the purchaser and the dealer, and will include the dealer's sales tax registration number.

3. In the case of a boat or vessel brought in from another state, the certificate must be completed and signed by the purchaser and a revenue deputy of the Department of Revenue and also by a tax collecting agent of the local collector where the purchaser resides. The proper use taxes will be due to the appropriate state and local taxing authorities, subject to credit for sales taxes paid in another state, as provided by R.S. 47:303(A) and 47:337.86.

4. In the case of a boat or vessel purchased from an individual owner who is not engaged in the business of selling boats or vessels, the certificate must be completed and signed by the purchaser and a revenue deputy of the Department of Revenue and by a tax collecting agent of the local collector where the purchaser resides. Sales of boats and vessels by individual owners will be regarded as isolated or occasional sales, and not subject to state and local sales or use tax. The purchaser, however, must provide sufficient documentation to support such a basis for exemption, such as a canceled check and a notarized bill of sale, or the prior

owner's certificate of registration showing his or her transfer of ownership to the purchaser.

5. The completed "tax payment certification" form will then be presented to an office of the Department of Wildlife and Fisheries to obtain a registration certificate.

E. Collection of Tax on Off-Road Vehicles

1. R.S. 47:303(E) and 47:337.15(E) point out clearly that off-road vehicles are subject to state and local sales or use tax and require that a certificate of title be obtained from the vehicle commissioner in the same manner as with other motor vehicles. The exclusion of motor vehicles from the isolated or occasional provision which appears in R.S. 47:303(B)(4) applies equally to off-road vehicles as it does to cars and trucks. Thus, a purchaser of an off-road vehicle from a person who is not registered with state and local taxing authorities to collect and remit sales taxes shall pay the proper sales taxes at the time the vehicle is titled.

2. Beginning September 1, 1986, all off-road vehicles which are of 1987 model or later manufacture must bear evidence of tax payment by displaying a decal issued by the vehicle commissioner. The decal will be required whether the off-road vehicle is sold as new or used, and must be renewed every two years. The fee for such decals shall be the same as that charged for license fees of other motor vehicles, whether the decal is for new issue, renewal, transfer of ownership, or replacement of a lost or illegible decal.

F. Collection of Tax on Memberships in Health and Physical Fitness Clubs. R.S. 47:303(F) and 47:337.15(F) concern the collection and remittance of sales taxes for memberships in health and physical fitness clubs due under R.S. 47:301(14)(b). Generally, the taxes imposed under state and local sales and use tax laws are to be reported and remitted for the period in which the sale of tangible personal property or the sale of taxable services occurred, regardless of whether or not the vendor has collected the proceeds or taxes from the customer. R.S. 47:303(F) and 47:337.15(F), however, provide that operators of health and physical fitness clubs may report and remit the taxes due on memberships for the period in which the proceeds are actually collected, for those sales of memberships which are payable over an extended period of time, on a monthly basis. Such extended payment plans typically include actual or imputed interest charges in each monthly payment. Only the membership dues are subject to the tax, so that the club operator may report as sales of services, and remit taxes on, only that portion of the proceeds which represents membership dues, according to the terms of the contract. Also, if the club operator uses a collection agency to collect the amounts due, the collection fees withheld from the proceeds are subtracted from the reported sales of services. When membership contractual payment plans are resold to a financial institution, only the net proceeds received by the club operator will be the amount reported as sales of services for that reporting period. The discount withheld by the financial institution will be regarded as interest, and will not be included in the taxable base.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:303, R.S. 47:337.2, R.S. 47:337.15, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 20:316 (March 1994), amended by the Department of Revenue, Policy Services Division, LR 29:2116 (October 2003), LR 30:2861 (December 2004).

§4309. Collection of Tax

A. R.S. 47:322 provides that all definitions, exemptions, exclusions, tax credits, penalties, or limitations presently contained in or hereinafter added to Chapter 2 as well as all rules and regulations issued by the secretary or which may be adopted in the future, shall apply to the additional 1 percent tax levied by R.S. 47:321 in the same manner and to the same extent as provided elsewhere in Chapter 2 of Subtitle 2 of Title 47.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:322.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987).

§4311. Treatment of Tax by Dealer

A. R.S. 47:304 governs the treatment of state sales and use tax and R.S. 47:337.17 governs the treatment of local sales and use tax that must be collected by dealers. Both statutes place the primary burden for operation of the sales tax system upon the seller of merchandise, the performer of taxable services, and the rentor or lessor of property, and require that he collect the tax from the purchaser, user or consumer. If a dealer fails or refuses to collect the tax, he not only becomes liable for payment of the tax, but also subjects himself to the possibility of being fined a maximum of $100 or imprisoned for a period of time not to exceed three months, or both.

B. This primary burden of collecting and remitting sales tax does not apply to the taxes on motor vehicles subject to the vehicle registration license tax, the collection of which is described in R.S. 47:303(B) (LAC 61:I.4307.B). However, dealers of off-road motor vehicles are charged with the responsibility for collecting and remitting the tax on sales of all such off-road vehicles, notwithstanding that they are also dealers of motor vehicles subject to registration and licensing by the motor vehicle commissioner. Dealers of off-road vehicles shall, in addition to collecting and remitting the tax to the collector, provide the purchaser with a notarized bill of sale, or other documentation, sufficient to prove that the proper taxes have been paid by the purchaser, and to enable the purchaser to obtain a certificate of title from the office of the motor vehicle commissioner.

C. Sellers, as far as practical, must separately list the sales tax from the selling price or payment for the goods or services sold. Sellers are prohibited from absorbing all or any part of the tax except when all of the following conditions are met.

1. Customers must be notified prior to the sale that the seller will remit the tax due to the appropriate taxing jurisdiction. Advertising through newspapers, magazines,

television or radio commercials, billboards, and in-store displays or brochures are considered adequate notification. Oral comments made to customers immediately prior to the sale are not adequate notification to satisfy this requirement.

2. The dealer must absorb the tax for all of the customers from a predetermined class of purchases. Privately agreeing to absorb the tax for a particular customer in order to secure a sale is prohibited.

3. The sales invoices or receipts given to customers must list the amount of tax that would have been collected and include a statement that the seller will pay the tax to the appropriate taxing jurisdiction on behalf of the customer.

D. Sellers that violate the provisions of LAC 61:I.4311.C are subject to fines and imprisonment as provided for in R.S. 47:304(F)(3) and R.S. 47:337.17(F)(3).

E. Certificates of exemption from state or local sales or use tax are obtainable from the appropriate collector by persons making purchases which may be exempt in whole or in part at the time of purchase or upon which the tax may be deferred until some later event which dictates taxability of the transaction. While primary responsibility for collection of the taxes rests upon the seller, the purchaser who furnishes the seller an exemption certificate will be held liable for any taxes subsequently found to be due.

F. In cases where the total amount of state or local sales or use tax collected for a sales tax filing period exceeds the percentage applicable to the particular type of merchandise or service, any such excess must be remitted to the appropriate collector.

G. For provisions relating to the amount of state sales or use tax collected by a dealer which may be withheld by him as compensation for collecting, accounting for, and remitting the tax to the secretary, see R.S. 47:306. The amount of compensation allowed for reporting local sales or use tax is governed by local ordinance.

H. R.S. 47:304 and R.S. 47:337.17 prohibit the use of tokens in the operation of the sales tax law and provides that the secretary shall prescribe schedules of the amounts to be collected from purchasers, lessees, or consumers with respect to each sale. Such schedules integrate the collection of the state and local sales or use tax, and their use is mandatory with respect to both dealers and political subdivisions that impose a sales or use tax. The mandatory tables required by R.S. 47:304 and R.S 47:337.17 will be prepared by the Department of Revenue at the request of any local taxing authority, to reflect the aggregate state and local sales or use tax rate. Any dealer, as well, may obtain these prepared tax rate schedules from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:304, R.S. 47:337.2, R.S. 47:337.17, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 30:2867 (December 2004), LR 31:1101 (May 2005).

§4351. Returns and Payment of Tax, Penalty for Absorption of Tax

A. General. All persons and dealers who are subject to state or local sales or use tax are required to file a tax return monthly, unless otherwise provided, and to remit the amount of tax due. Forms will be provided by the collector, and failure to receive a form will not relieve the dealer of the necessity to file and remit the tax due. For the purpose of collecting and remitting state and local sales or use tax, the dealer performs as the agent of the taxing authority.

1. After a dealer is properly registered for sales and use tax purposes, a sales tax identification number is assigned and the dealer is required to file monthly sales tax returns. Failure to file returns timely will cause the collector to issue an estimated proposed assessment. For those months when the dealer has no taxable sales or amounts to report, a return must still be filed marked “no sales or taxable amounts” and signed by the dealer. Monthly returns must be filed on or before the twentieth day of the month following the month in which the tax is due.

a. Taxpayers may request approval to file consolidated sales tax returns to report sales made from multiple locations on one consolidated monthly return.

b. The collector may require taxpayers to file separate tax returns if the taxpayer is located within a tax increment financing zone or in any other instance when tax data is required by taxpayer location.

2. The collector, for good cause, may extend, for a period not to exceed 30 days, the time for making any returns required under Chapter 2 of Title 47 of the Louisiana Revised Statutes of 1950, as amended, or the Uniform Local Sales Tax Code. Failure of the dealer to abide by the agreement and file returns and remittances as required will result in an immediate cancellation of the extension agreement by the collector.

3. The tax computed to be due by the dealer is payable at the time the return is due, and failure to do so will cause the secretary to issue a 30-day demand assessment as provided in R.S. 47:1568(B). Failure to file the returns on or before the due date, will subject the dealer to delinquency charges, loss of vendor's compensation and other charges as provided by law. See R.S. 47:1519 for information on electronic funds transfers (EFT).

4. Gross proceeds from rentals or leases shall be reported on the appropriate line of the return, and the tax shall be paid with respect thereto, unless an exemption is specifically authorized and explained on the return. Rental and lease proceeds shall be reported on the twentieth day of the month following the monthly or quarterly reporting period in which the proceeds were actually collected by the dealer, regardless of the period in which the lease or rental occurred.

5. The dealer is compensated for accounting for and remitting the state sales or use tax at the rate established by R.S. 47:306. Local ordinances govern the rate of compensation, if any, for accounting for and remitting local

sales or use tax. The amount of compensation is computed by multiplying the rate by the amount of tax due and deducting that amount from the total tax accounted for and payable to the collector, before taking credit for taxes already paid to a wholesaler.

6. Except as provided in R.S. 47:304(F)(1), R.S. 47:337.17(F)(1), and LAC 61:I.4311.C, dealers or sellers must separately list the sales tax from the price paid by the purchaser. Otherwise, the absorption of the tax by any retailer, wholesaler, manufacturer, or other supplier shall be punished in accordance with R.S. 47:304(F)(3) and R.S. 47:337.17(F)(3).

B. Exceptions. Not all dealers are required to file returns on a monthly basis.

1. After registration, all dealers will be required to file monthly tax returns.

2. Quarterly Filing. Solely for state sales or use tax purposes, after the dealer has filed tax returns for a few months and it is determined that their tax liability averages less than $500 per month, the dealer will be notified and required to file returns quarterly.

a. It is not necessary to apply for quarterly filing because once a determination is made by the secretary that quarterly filing is appropriate, the dealer will be notified.

b. Quarterly returns must be filed on or before the twentieth day of the first month of the next succeeding quarter.

c. Any dealer required to file on a quarterly basis, may apply for approval to file and pay taxes on a monthly basis.

i. Requests to file monthly must include justification for the exception.

ii. Monthly filing requests must be approved before the dealer may begin filing monthly.

d. Solely for filing local sales or use tax returns, R.S. 47:337.18(A)(1)(b)(i) requires dealers to file their tax returns quarterly if their tax due averages less than $30 per month.

3. Irregular Filing. Dealers with occasional sales or use tax purchases may apply for approval to file and pay taxes on an irregular filing basis.

a. Sales and use tax returns must be filed on or before the twentieth day of the month following the month in which the taxable transaction occurred.

b. Each line of the tax return must be completed and all nontaxable amounts should be identified.

4. Alternate Filing Periods

a. Dealers must apply for approval to file sales tax returns using an alternate method.

b. Approval will only be granted if the total filings do not exceed 12 filings in a 12-month period.

c. The number of short periods during a year must be greater than or equal to the number of long periods during that same year.

d. At the beginning of each year the dealer must, after obtaining approval for the alternate period filing method, file with the collector a calendar for the year showing the alternative filing periods for that year. Amendments to approved calendars must be submitted for approval prior to the affected periods. The taxpayer's account will be reviewed to determine if the taxpayer has correctly filed returns, according to the calendar submitted at the beginning of the year. If the taxpayer does not follow the approved alternate filing method, the returns for the year under review will be converted to a calendar month basis and the taxpayer's request to use an alternate period filing method for the subsequent year will be denied. Alternate period returns must be filed on or before the twentieth day following the close of the alternate filing period. Failure to file on or before this date will subject the dealer to delinquency charges, loss of vendor's compensation, and other charges as prescribed by law.

C. Advance Sales Tax. R.S. 47:306(B) was amended in 1965, to require all manufacturers, wholesalers, jobbers, suppliers, and brokers of tangible personal property to collect an advance payment of state sales or use tax on sales of all tangible personal property, and such payment is required only as a means of facilitating collection of the sales tax. Previous to this amendment, such sales of tangible personal property were considered exempt for taxation since under the statute, wholesale sales were not taxable. Accordingly, these new dealers were required to register with the secretary in order to collect and remit advance state sales or use tax from the sale of all tangible personal property made to retail dealers who resell the property to final users and consumers. The advance payment of the state sales or use tax is required upon all sales of tangible personal property to other dealers unless, specifically exempted by statute, or Form LGST-9 is obtained and kept on file by the dealer making the sale. Exemption certificate LGST-9 will only be recognized if the dealer making the purchase of tangible personal property states that the purchases are for resale or further processing by wholesale dealers and manufacturers. Those businesses purchasing property for resale that qualify as “wholesale dealers” can be exempted from the payment of the advance state sales or use tax.

1. A Wholesale Dealer is defined as one where 50 percent or more of his sales do not constitute retail sales as defined in the sales tax law. Sales made in interstate commerce (sales where property is delivered by the seller outside the state) do not constitute retail sales. R.S. 47:306 also provides exemptions for dealers in motor vehicles subject to license and title; lumber dealers; farm implement dealers; and mobile, motorized, self-propelled, earth moving and construction equipment dealers. Sales made to industrial users and/or to contractors are also added towards the 50 percent criteria for qualification as a wholesale dealer.

2. Manufacturers, wholesalers, jobbers, suppliers, and brokers of tangible personal property are required under this Section to report all sales made within the period of a calendar month or approved alternative filing period, and to remit the advance retail dealers' sales tax on their returns filed with the department. The department is not concerned

with credit terms extended by manufacturers, wholesalers, jobbers, suppliers and brokers to their customers. The question of when the wholesaler should collect the advance sales tax is dependent upon the policy of the seller.

3. All dealers who have paid advance sales tax to a manufacturer, wholesaler, jobber, or supplier shall deduct from the total tax collected by them upon the retail sale of the commodity, the amount of advance sales tax paid, provided tax paid invoices evidencing the payments are retained by the dealer claiming the refund or credit. If the advance tax so paid during any reporting period amounts to more than the tax collected by him for that period, the excess so paid shall be reported on the return as a credit. Each such credit return shall be accounted for independently by the Department of Revenue and Taxation, and a refund shall be issued to the dealer for each such credit return. In no case may the credit be applied against the taxes due for any other period, unless the credit is applied under the direction of the secretary.

4. Manufacturers, wholesalers, jobbers, and suppliers collecting advance sales taxes are entitled to vendor's compensation at the rate established by R.S. 47:306. The amount of compensation is computed as a percentage of the taxes so collected and remitted to the secretary, provided the return and payment are timely filed.

5. Parishes, municipalities, school boards, and other local governing bodies, except hereinafter set forth, which levy a sales tax are hereby prohibited from requiring manufacturers, wholesalers, jobbers, or suppliers to collect such taxes in advance from dealers to whom they sell.

6. The parish, municipal, school board or other local governing bodies of the parish in which the state capitol is located, Caddo Parish or any other parish having a population in excess of 200,000 are authorized to require manufacturers, wholesalers, jobbers, and suppliers to collect the taxes levied by them in advance from dealers to whom they sell provided the dealers and wholesalers, manufacturers, jobbers, and suppliers are domiciled in said parish. Such advance collections shall be subject to the same laws, rules, and regulations as are applicable to advance collections of state sales taxes; provided, however, that the taxes so collected shall be remitted to the parish, municipal, school board, or other local governing authority imposing the tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 22:852 (September 1996), amended by the Department of Revenue, Sales Tax Division, LR 23:1530 (November 1997), amended by the Department of Revenue, Policy Services Division, LR 30:2868 (December 2004), LR 31:1101 (My 2005), LR 32:111 (January 2006), LR 33:1877 (September 2007).

§4353. Collection from Interstate and Foreign Transportation Dealers

A. R.S. 47:306.1 specifically provides for an option by persons engaged in interstate or foreign commerce transporting passengers or property for hire to register as dealers and pay the taxes imposed by R. S. 47:302(A) on the basis of the formula hereinafter provided; however, since the intent is apparent, the option equally applies to the tax imposed by R.S. 47:321(A) and R.S. 47:331(A). All persons engaged in the business of transporting passengers or property for hire in interstate or foreign commerce can avail themselves of this option; however, only such purchases and importations, as hereinafter defined, used in the furtherance of the interstate or foreign commerce activity will come under this option. Specifically, a person engaged in activities and operations of another nature cannot apply the option to such purchases and importations, as hereinafter defined, and must pay the tax in the manner prescribed in R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

B. Carriers which do not elect to report and pay Louisiana sales and use taxes under the optional formula provided by R.S. 47:306.1 shall report and pay the Louisiana sales tax on all purchases made within the state of Louisiana, and shall report and pay the use tax on all tangible personal property imported into the state of Louisiana and becoming a part of the mass of the taxpayer's property located within the state.

C. Carriers which elect to report and pay Louisiana sales and use taxes under the optional formula provided by R.S. 47:306.1 shall be governed by the provisions set forth below.

D. For purposes of this regulation, gross purchases and importations means all tangible personal property purchased by the taxpayer, within or without the state of Louisiana, and all property imported into Louisiana subsequent to the effective date of this regulation, on which no Louisiana sales or use tax has been paid.

E. Carriers desiring to avail themselves of the provisions of this optional formula, which have not previously registered with the secretary for such purposes, shall apply to the secretary for an interstate or foreign carrier dealer's number, and submit satisfactory proof to the secretary that they are engaged in the transporting of passengers or property for hire in interstate or foreign commerce. Proof that they are subject to appropriate federal regulatory agencies, such as the ICC, CAA, etc., shall normally be sufficient. The secretary shall then issue a registration number which may be used for the purpose of making purchases or importations into this state without payment of sales or use taxes at the time of purchase or importation.

F. Carriers currently registered with the secretary as an interstate or foreign carrier may continue to operate under the interstate or foreign carrier dealer's number which has been issued to them; however, carriers electing to report under this optional formula must expressly signify their election, in writing, at the time of filing their first sales tax return following the effective date of this regulation. All carriers who do not expressly so elect to report under the optional formula shall be presumed conclusively to have elected not to report under the formula.

G. An election either to report under the optional formula or not to report under the optional formula may not be

withdrawn without written consent of the secretary for good cause shown.

H. Sellers of tangible personal property may recognize the claim of a buyer that the property concerned is to be used in the transporting of passengers or property for hire in interstate or foreign commerce only if the buyer is properly registered hereunder, and only if the buyer submits a blanket certificate, Form LGST 12, signed by and bearing the name, address and registration number of the buyer, to the effect that he is using the property purchased in the business of transporting persons or property or services purchased in the business of transporting persons or property for hire in foreign or interstate commerce and that he will pay the taxes owed directly to the secretary under the provisions of R.S. 47:306.1. Blank certificates may be obtained from the secretary. Sellers will be responsible for the collection of tax on all sales made to persons who have not secured the proper registration number. A dealer who fails to secure or keep for the secretary examination certificates signed by the buyer will be liable for and must pay the tax himself.

I. On or before the twentieth day of each month, the carrier shall transmit to the secretary on forms furnished by the secretary, returns showing the gross purchases and importations. The taxable base shall be determined by applying the mileage ratio (miles traveled in Louisiana divided by total miles traveled) to the gross amount referred to above. The prevailing tax rate shall be applied to the taxable base to determine the amount of tax due.

J. R.S. 47:306.1 applies only to the tax imposed on sales and use of tangible personal property, as set forth in R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A). The tax imposed on the lease or rental of tangible personal property [R.S. 47:302(B), R.S. 47:321(B), and R.S. 47:331(B)] and the tax on sales of services [R.S. 47:302(C), R.S. 47:321(C), and R.S. 47:331(C)] may not be paid and reported under the optional method provided by R. S. 47:306.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:306.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987).

§4355. Collector's Authority to Determine the Tax in Certain Cases

A. R.S. 47:307 and 47:337.28 impose a direct burden and responsibility upon the collector to determine that the taxable amount reported by any taxpayer is correct and further empowers the collector to assess and collect any tax, penalties or interest which might be due based on correct figures. In the case of a dealer who makes a report that is grossly incorrect, false or fraudulent, the collector is directed by the statute to make an estimate of the retail sales of the dealer, his gross proceeds from rentals or leases of tangible personal property, the cost of any articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in the taxing jurisdiction, and the gross amount paid for taxable services. Upon having made the estimate, the collector is further directed to assess all taxes, penalties and interest and the amount assessed is considered to be prima facie correct with the burden on the dealer to prove to the contrary.

B.1. Solely for state sales or use tax purposes, whenever the secretary has determined that the amount reported by a dealer is incorrect and is required to make an estimate or an assessment in accordance with the provisions of R.S. 47:307, if an examination of any books, records, or documents or an audit thereof is necessary in order to make such assessment, then the secretary shall add to the assessment of the tax, the cost of the examination together with penalties accruing on the cost. The cost and penalties assessed will be collected in the same manner in which the tax is collected.

2. Solely for local sales or use tax purposes, whenever the collector has determined that the amount reported by a dealer is incorrect and must make an estimate or assessment in accordance with the provisions of. R.S. 47:337.28(D) or R.S. 47:337.75, if an examination of any books, records, or documents or an audit thereof is necessary in order to make such assessment, then the collector may add to the assessment of the tax, the cost of the examination together with penalties accruing on the cost. The cost and penalties assessed will be collected in the same manner in which the tax is collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:307, R.S. 47:337.28, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:88 (January 2005).

§4357. Termination or Transfer of a Business

A. A special rule is provided for the filing of returns and payment of any taxes due in the case of any dealer who sells his business or his stock of goods or who quits a business. Under continuing operating conditions, a dealer is required to file his return and pay the amount due by the twentieth day following the close of the taxable period covered by the return. However, if a dealer discontinues business, he is required to file a final return and to make payment within 15 days after the date of selling or quitting business instead of the 20 days allowed a continuing business.

B. In order to insure that all taxes are paid by a discontinuing business, R.S. 47:308 and 47:337.21 require that the successor, successors, or assigns, if there are any, must withhold a sufficient portion of the purchase price to cover any taxes, penalties and interest due and unpaid at the time of the purchase. These funds must be withheld by the purchaser until the former owner can produce a receipt from the collector showing that the taxes have been paid or a certificate from the collector stating that there are no taxes, interest, or penalties due. If the purchaser of the business or of the stocks of goods fails to withhold sufficient funds with which to pay any taxes, penalties, or interest found to be due, he shall be held personally liable for the payment of the amount due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:308, R.S. 47:337.2, R.S. 47:337.21, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:100 (January 2005).

§4359. Dealers Required to Keep Records

A. As provided in R.S. 47:309 and R.S. 47:337.29, every person required to collect or remit the tax imposed under R.S. 47:302, 321, 331, and local ordinances shall keep a permanent record of all transactions in sufficient detail to be of value in determining the correct tax liability. The records to be kept shall include all sales invoices, purchase orders, merchandise records, inventory records, credit memoranda, debit memoranda, bills of lading, shipping records, and all other records pertaining to any and all purchases, sales, or use of tangible personal property whether or not the person believes them to be subject to state or local sales or use tax. Full detail must be kept of all property leased or rented from or to others and all services performed for or by others. They must also keep all summaries' recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns, and other documents listing, summarizing, or pertaining to such sales, purchases, inventories, shipments, or other transactions dealing with tangible personal property.

B. Where such records are voluminous, they must be kept in chronological order or in some other systematic order compatible with the taxpayer's regular bookkeeping system which will enable the collector to verify the accuracy of information contained in tax returns.

C.1. Records kept on punched cards, magnetic tape, magnetic (floppy) diskettes or other mechanical or electronic record keeping equipment are permissible provided the taxpayer makes available all necessary codes, program specifications, and equipment to enable the collector to audit such records, or provides the collector with written transcripts of these parts of the records which the collector wishes to examine.

2. If it is mutually agreed, the dealer may furnish the collector with data in a machine readable form, such as on floppy disk or magnetic tape, in addition to the source documents necessary to verify the data in order to facilitate the examination.

D. The books and records must contain complete information pertaining to both taxable and nontaxable items which are the subject of the taxes imposed and must be retained until the taxes to which they relate have prescribed according to R.S. 47:1579 and R.S. 47.337.67. If a notice of assessment has been issued by the collector, the records for the period covered by the notice must be retained until such time as the issues involved in the assessment have been completely disposed of. Records required by R.S. 47:309 and R.S. 47:337.29 must be available at all times during the regular business hours of the day for inspection by the collector or his duly authorized agents.

E. Any person who fails to keep records required by R.S. 47:309 or R.S. 47:337.29 or who refuses to make the records available for inspection by the collector or who keeps records which are insufficient for use by the collector in determining the correct tax liability makes himself liable for a fine of up to $500 for each reporting period or imprisonment for up to 60 days, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:309, R.S. 47:337.2, R.S. 47:337.29, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended LR 15:274 (April 1989), amended by the Department of Revenue, Policy Services Division, LR 31:90 (January 2005).

§4361. Wholesalers and Jobbers Required to Keep Records

A. As provided by R.S. 47:310 and R.S. 47:337.30, wholesalers and jobbers are clearly within the definition of dealers set forth in R.S. 47:301(4) and as dealers, are required to maintain complete and accurate records pertaining to all sales of tangible personal property made within a taxing jurisdiction whether such sales are for cash or on terms of credit or whether they are taxable or exempt.

B. For a complete description of records which must be kept by all dealers, see R.S. 47:309, R.S. 47:337.29, and LAC 61:I.4359.

C. In the case of wholesalers and jobbers, R.S. 47:310(B) and R.S. 47:337.30(B) provide that whoever violates this requirement shall be fined not less than $50 nor more than $200 or imprisoned for not less than 10 days nor more than 30 days, or both, for the first offense. For the second or each subsequent offense, the penalties double.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:310, R.S. 47:337.2, R.S. 47:337.30, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:101 (January 2005).

§4363. Collector's Authority to Examine Records of Transportation Companies

A. The collector as defined in R.S. 47:301(2), is further expanded to include additional duly authorized representatives for purposes of R.S. 47:311 and R.S. 47:337.31. Such representatives will have identification cards stating that they are authorized representatives of the collector with the power and authority as provided in Chapters 18 and 2D, Title 47, Louisiana Revised Statutes.

B. Under these Sections, specific authorization is granted to the collector to examine all pertinent books, records, and other documents of all transportation companies, agencies, or firms operating in the taxing jurisdiction in order to gather information necessary to determine what dealers are importing or are otherwise shipping articles of tangible personal property subject to-state and local sales or use tax. The collector or his assigned agents are expected to notify the transportation companies at a reasonable time in advance and to conduct the investigation during reasonable hours and with a minimum of difficulty to the transportation companies. The transportation companies, in turn, are expected to cooperate with the agents, furnishing all records

required as well as reasonable working surroundings and conditions.

C. Failure to permit such an investigation will force the collector to proceed by rule against the company, in term time or in vacation, in any court of competent jurisdiction in the parish where such refusals occurred to show cause why the collector should not be permitted to examine books, records or other documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:311, R.S. 47:337.2, R.S. 47:337.31, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:89 (January 2005).

§4365. Failure to Pay Tax on Imported Tangible Personal Property; Grounds for Attachment

A. The failure to pay any tax, interest, penalties or cost when due as provided in state and local sales or use tax laws and the regulations pertaining thereto automatically causes the tax, interest, penalties or costs to become immediately delinquent. Any tangible personal property, of which the sale at retail or the use, consumption, distribution and/or storage which gave rise to the incident of tax is subject to attachment irrespective of whether the delinquent taxpayer is in possession of the property or not, and irrespective of whether he is a resident of the state of Louisiana. The failure to pay the tax when due constitutes grounds for attachment as provided by R.S. 47:312 and R.S. 47:337.32. The procedure prescribed by law for attachment proceedings is to be followed except no bond is required of the taxing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:312, R.S. 47:337.2, R.S. 47:337.32, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:92 (January 2005).

§4367. Failure to Pay Tax; Rule to Cease Business

A. The failure to pay any tax when due as provided in state and local sales or use tax laws and regulations pertaining thereto shall cause said tax, interest, penalty and cost to become immediately delinquent. The collector has the authority to use summary process in any court of competent jurisdiction to require the dealer owing the tax to show cause why he should not be ordered to cease from further pursuit of his business. The rule to show cause shall be set for hearing at least two but not more than 10 days, exclusive of holidays, after it is filed. It may be tried out of turn, in chambers with preference and priority over all other proceedings. There is a prima facie presumption that all tangible personal property imported or held in the taxing jurisdiction by any dealer is subject to a sales or use tax. If the rule is absolute, said dealer shall be prohibited from further pursuit of his business until such time as the delinquent tax, interest, penalties and costs have been paid. Any violation shall be considered contempt of court and punished according to law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:314, R.S. 47:337.2, R.S. 47:337.33, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:92 (January 2005).

§4369. Sales Returned to Dealer; Credit or Refund of Tax

A. R.S. 47:315(A) and 47:337.34(A) provide special rules for the handling of taxes which have been charged to the account of a purchaser, consumer, or user in cases where the property sold has been returned to the dealer or where a refund is made of the charges for services upon which a tax was based. In either case, if the tax has been collected or charged to the account of the purchaser or consumer or user and has not yet been remitted to the collector, and a refund or credit is made to the purchaser or consumer, the dealer may delete the sale and the tax due in submitting his return for the current tax period. If the merchandise is returned to the dealer or if a refund is made to the customer for any charges for services after the tax collected or charged to the customer's account has been remitted to the collector, the dealer may file an amended sales tax return for the period in which the tax so refunded was originally remitted. The blank return form must be obtained from the appropriate taxing authority to ensure that it bears the correct taxpayer identification and account information and the proper marking of an “amended” return. The dealer must complete the amended return by reporting sales and deductions after making the proper adjustments to reflect the rescinded sale or sales. The credit balance which will result from the computation of total tax, penalty, and interest will be refunded to the dealer in the same manner as a credit return which is timely filed in accordance with §4351.

B. R.S. 47:315(B) and R.S. 47:337.34(B) provide a dealer with a method for claiming refunds for the recovery of taxes which have been remitted to the collector, but are later written off as uncollectible accounts from credit customers. Dealers submitting refund claims should be aware of the following restrictions specifically provided in or authorized by R.S. 47:315(B) and 47:337.34(B).

1. The state sales or use tax is refundable on debts incurred after January 1, 1976, that ultimately become worthless. The tax will not be refunded on worthless debts incurred prior to January 1, 1976. The local sales or use tax is refundable on debts incurred after September 3, 1989, which ultimately become worthless. The tax will not be refunded on worthless debts incurred prior to September 3, 1989.

2. Before the collector can issue a sales tax refund on a bad debt, the debt must actually have been deducted on a federal income tax return in accordance with Section 166 of the United States Internal Revenue Code. Since the issuance of refunds is tied to charge-offs on the annual federal return, the collector will process one refund per year for each dealer.

3. If after a debt is charged off as worthless and a sales tax refund issued, all or some portion of the debt is collected,

the gross amount collected shall be reported as a new sale for the period when the recovery is made.

4. The local credit or refund shall be granted whenever the Louisiana Department of Revenue has found the dealer to be entitled to reimbursement in accordance with R.S. 47:337.34(B)(1).

5. The sales tax is refundable only on those bad debts that are the result of credit or deferred payment sales of tangible personal property and sales of services financed by the dealer making the sale. No refund is authorized on bad debts arising from leases or rentals, even though tax may have been charged on such transactions, or on sales financed by lending institutions or independent credit card plans, unless the lender has full recourse against the seller for any unpaid amounts. The sales tax is refundable on bad debts which arise because of the issuance of worthless checks only to the extent the check was in payment of taxable tangible personal property.

6. No refund will be issued in the case where a dealer has repossessed saleable merchandise and cancelled the customer's credit obligation.

7. Dealers may recover sales tax remitted on bad debts solely through the issuance of refunds by the collector. Dealers must continue to file sales tax returns reporting their total sales of merchandise during each taxable period, regardless of whether customer obligations have been collected. Deductions for bad debt losses may not be taken on sales tax returns.

C. Refund claims submitted to the collector must be accompanied by schedules detailing the names of debtors whose obligations were charged off, the uncollectible amounts, the amount of debt written off which was incurred prior to January 1, 1976, for state sales or use tax purposes or September 3, 1989, for local sales or use tax purposes, nontaxable portion of debt written off, and tax claimed.

1. Refunds will not be issued based solely upon increases in bad debt reserve amounts. Dealers who maintain such reserve accounts must base their claims on the individual bad debts charged against the reserve.

2. Taxpayers who charge off more that 200 taxable accounts annually, and for whom the furnishing of detailed information required above would be unreasonably burdensome, may apply for permission to submit the required data in some other form.

3. All refund claims filed with the collector are subject to office or field examination and verification, so dealers must maintain auditable records to support their claims. The records must be able to substantiate that the sales tax was charged and remitted to the collector on the original sales and that the dealers made reasonable efforts to collect the debt amounts. Dealers must have good evidence that debts charged off are worthless and will remain so in the future. The debt must actually be charged off as worthless on a federal income tax return before a refund of state sales or use tax will be processed by the Department of Revenue. The credit or refund for local sales or use tax shall be granted whenever the Louisiana Department of Revenue has found the dealer to be entitled to reimbursement in accordance with R.S. 47:337.34(B)(1). In the absence of the required records, a dealer will not be entitled to refund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:315, R.S. 47:337.2, R.S 47:337.34, and R.S 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:97 (January 2005).

§4371. Sales Tax Refund for Tangible Personal Property Destroyed in a Natural Disaster

A. Under certain circumstances, a refund is allowed for state sales or use tax paid on tangible personal property that has been destroyed in a natural disaster. The conditions and requirements are as follows.

1. The property destroyed must be classified as tangible personal property at the time of destruction rather than being classified as real or immovable property. For purposes of determination of the classification of such property, reference and guidance shall be to the rules of the Louisiana Civil Code. In Louisiana, property is classified as either movable or immovable rather than as personal or real. Under Louisiana law a corporeal movable is equivalent to tangible personal property at common law, and an immovable is equivalent to real property. Generally speaking a house or a building and all central heating or cooling systems, lighting fixtures, lavatories, etc., that are actually connected with or attached to the house or building by the owner are immovable by their nature. Such items as clothing, drugs, food, recreation equipment, appliances not permanently attached to a house or building where the removal thereof would not damage the movable or immovable, etc., would be classified as tangible personal property or movable property, and the sales tax paid on these items would be eligible to be refunded. Automobiles, trucks, motorcycles, boats, boat trailers, and other vehicles will not be considered tangible personal property used in or about a person's home, apartment, or homestead. The sales tax paid on these items is not eligible to be refunded under this statute.

2. Such property destroyed must be a part of and used in or about a person's home, apartment or homestead, on which Louisiana sales tax has been paid by the owner of the property destroyed in an area subsequently determined by the president of the United States to warrant assistance by the federal government. Therefore, it is necessary that individuals suffer the loss, since R.S. 47:315.1 does not apply to partnerships or corporations. Further, it does not apply to business losses, even by individuals, since the law limits the losses to property that is part of and used in or about a person's home, apartment or homestead. Also, the area where the natural disaster occurred must be designated as an area warranting assistance by the federal government in order to qualify under this Section.

3. The claimant suffering the loss of the tangible personal property must be the owner of such property that purchased and paid the Louisiana sales tax on such property.

Any refund claim filed shall be made in accordance with the rules and regulations prescribed by the secretary. Accordingly, any refund claim shall be filed on or before the end of the third calendar year following the year in which the property was destroyed, and the refund claim shall be limited to the tax paid on such tangible personal property destroyed for which no reimbursement was received by insurance or otherwise.

4. A refund claim packet can be obtained from the secretary, and when the claimant properly executes the required forms and prepares a sworn statement attesting to the facts, a refund will be processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:315.1. and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:99 (January 2005), LR 32:262 (February 2006).

§4372. Payment of Sales and Use Taxes by Persons Constructing, Renovating, or Altering Immovable Property

A. General. The purpose of this Section is to help clarify which party to the transaction is liable for the payment of sales and use taxes on the purchase, use, consumption, distribution, or storage for use or consumption of tangible personal property in this state when such property is used in the construction, alteration, or repair of an immovable property, and such tangible personal property is transferred from the contractor to its customer in an immovable state.

B. Definition. For the purposes of this Section, the term *contractor* means any dealer, as defined in this Chapter, who contracts or undertakes to construct, manage, or supervise the construction, alteration, or repair of any immovable property, such as buildings, houses, roads, levees, pipelines, oil and gas wells (downhole), and industrial facilities. It also includes subcontractors. The term *contractor* shall not include a dealer who fabricates or constructs property that is sold to another person as tangible personal property, provided that the fabricator or constructor of the tangible personal property does not affix that tangible personal property to the buyer's immovable property.

C. Sales of tangible personal property, including materials, supplies, and equipment, made to contractors, or their contractors, subcontractors, or agents, for use in the construction, alteration, or repair of immovable property are presumed to be sales to consumers or users, not sales for resale, and therefore the contractor is liable for the taxes imposed by this Chapter on their purchases or importations of such tangible personal property. This presumption may be rebutted by a showing of credible evidence, such as a writing signed by the contractor's customer stating that title and/or possession of itemized articles of tangible personal property were transferred to the customer prior to their being made immovable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 38:1995 (August 2012).

§4373. Nonresident Contractors

A. General. This Section provides the procedures that must be followed by nonresident contractors who do business in this state as required by R.S. 47:9 and R.S. 47:306(D). This Section also provides the procedures that must be followed by state and local agencies charged with the responsibility for granting permits and/or licenses for the lawful commencement of construction contracts in this state as required by R.S. 47:337.18(C). This Section also provides the necessary definitions.

B. Definitions. For the purposes of this Section, the following terms are defined.

Contractor—any dealer, as defined in this Chapter, who enters into contracts for the construction, renovation, or repair of immovable properties, such as buildings, houses, roads, levees, pipelines, and industrial facilities. It also includes subcontractors who enter into similar agreements with a general or prime contractor. The term *contractor* shall not include businesses that fabricate or construct property that is sold to another person as tangible personal property, even though the property may be subsequently incorporated into the construction of an immovable. The term *contractor* shall include any project owner who obtains any permit, license, or certificate necessary for the lawful commencement of any construction contract.

Nonresident Contractor—any contractor who does not meet any of the following criteria for resident status.

a. For an individual proprietorship, resident status requires having maintained permanent domicile in Louisiana for at least one year prior to bidding on work.

b. For a corporation, resident status requires having operated a permanent business facility in Louisiana for at least one year prior to bidding on work; or having at least 50 percent of its outstanding and issued common stock owned by individuals who have maintained their domicile in Louisiana for at least one year prior to bidding on work.

c. For partnerships and other legal entities, resident status requires at least 50 percent ownership by individuals or corporations who themselves qualify as residents.

Resident Contractor—all contractors that are not nonresident contractors.

C. Contracts to be Registered with Secretary and Central Collector

1. Prior to obtaining a building permit necessary for the lawful commencement of any contract in Louisiana, a nonresident contractor shall register each contract that exceeds $3,000 in total price or compensation with the secretary of the Department of Revenue and with the central sales and use tax collector for the parish in which the project is located. The secretary shall provide the necessary forms for the contractors to register each contract. The forms will require the nonresident contractor to give a complete description of each project, pertinent tax registration data,

and a list of anticipated subcontractors. A fee of $10 per contract shall be paid to the secretary at the time of registration. As required by the secretary, the contractor shall furnish a surety bond for each contract or a blanket surety bond for all contracts. The bond shall be:

a. 2 1/2 percent of the gross contract amount or $1,000, whichever is greater, if income tax withholdings remitted to the department include such payments deducted from non-employee compensation (e.g., independent contractors); or

b. 5 percent of the gross contract amount or $1,000, whichever is greater, if income tax is not withheld from non-employee compensation paid by the non-resident contractor.

2. Upon satisfactory completion of the registration and surety bond requirements, the secretary shall issue the contractor a certificate of compliance with which to obtain any building permits necessary for lawful commencement.

3. Nonresident subcontractors will be held to the same requirements of registration, payment of a $10 fee, and furnishing a surety bond, even though they may not need to secure any permits.

D. Payments to be Withheld from Subcontractors. R.S. 47:9(B)(3) makes each contractor subject to this provision responsible for all of its subcontractors' compliance with all state and local tax laws. A contractor shall inform each of its subcontractors of their tax registration, contract registration, and surety bond requirements, and shall withhold a sufficient amount from payments made under their contracts to ensure compliance. Upon discovering any unpaid tax liability by a subcontractor, the secretary will first attempt to collect the unpaid taxes from the subcontractor or his surety. However, if the secretary's efforts are unsuccessful, the contractor and his surety have ultimate responsibility for the payment of any subcontractor's unpaid tax liabilities.

E. Contract Completion; Cancellation of Surety Bond. Within 30 days after completion of each contract, the contractor shall submit to the secretary a completion report summarizing the costs incurred; the taxes paid to other states, to the state of Louisiana, and to local taxing authorities; and other such information that may be required by the secretary. After reviewing the report and verifying the tax payment amounts reported, the secretary shall refer the summary to the central sales and use tax collector for the parish in which the project is located to determine whether there are any unpaid local tax liabilities. If no unpaid state or local tax liabilities are discovered, the contractor's surety bond may be canceled for that contract. The surety bond will be held by the Department of Revenue and Taxation and used, if necessary, in the future if sales taxes are later found to be due on that contract.

F. Compliance by Permitting Agencies; Withheld Funds Authorized

1. R.S. 47:9(B)(4) and R.S. 47:306(D)(2)(a) place specific responsibilities with state or local agencies that issue permits, licenses, or certificates necessary for the lawful commencement of any construction contract. State agencies, including but not limited to the office of the state fire marshal, and agencies of local governing authorities, including but not limited to parish and municipal building inspectors, shall not issue any building permit, license, or certificate until the applicant has submitted documentation verifying that the contract has been properly registered and the required surety bond has been posted. Proper documentation to be obtained from the Secretary of the Department of Revenue and Taxation is as follows.

a. Resident contractors must obtain a certificate of resident status.

b. Nonresident contractors must obtain a certificate of compliance.

c. Individuals seeking a permit for work to be performed on their residence must submit an affidavit as documentation of residency.

2. The secretary is authorized by R.S. 47:337.19(B) to evaluate and monitor parish and municipal permitting agencies to ensure compliance with these provisions.

a. When the secretary discovers that a parish or municipal permitting office has issued a permit to a *nonresident contractor* without verifying compliance with the provisions of this regulation, he shall notify that permitting office, the parish collector, and the governing authority of the parish of the violation by registered mail.

b. The affected parties will be allowed 60 days to respond to the department's notification. If the affected parties contact the department after receiving notification, the department will work with them to reconcile the situation. If the situation is resolved, no further action will be taken.

c. If an agreement cannot be reached or if the department does not receive a response after 60 days, the secretary will notify the state treasurer of the violation by registered mail. A copy of this notification will be sent to the permitting office, the parish collector, and the governing authority of the parish.

d. The state treasurer, within 90 days of notification, shall request a hearing on the suspected violation with the House Committee on Ways and Means. The date, time, and location of this meeting will be furnished by the state treasurer to the permitting office, the parish collector, the governing authority of the parish, and the secretary of the Department of Revenue by registered mail. Following the hearing, the state treasurer shall take action as directed by the committee, including the withholding of state funds as authorized by R.S. 47:337.19(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9, R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, R.S. 47:337.19, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 21:185 (February 1995), amended by the Department of Revenue, Policy Services Division, LR:31:95 (January 2005), LR 32:262 (February 2006).

Chapter 44. Sales and Use Tax Exemptions

§4401. Various Exemptions from Tax

A. While state and local sales or use tax laws are classified as general sales or use tax laws indicating that they apply broadly across all sales, use, consumption, or lease of tangible personal property as well as to some selected services, these laws do provide many exemptions.

B. R.S. 47:305(A) and (B) deal primarily with agricultural commodities, and the tax liabilities associated therewith, as they apply to all phases from production to final consumption or disposition. The broadest exemptions apply to the producer of agricultural commodities. Any sale of livestock, poultry, or other farm products made directly from the farm and directly by the producer regardless of the purpose to which it will be put when sold is exempt from these taxes. The producer is also exempt from use tax on any farm products consumed by him or his family. This exemption extends to livestock and livestock products, to poultry and poultry products, to farm, range or agricultural products so long as they are produced by the farmer and used by him and members of his family.

1. In addition to the exemption from sales tax for sales made directly from the farm, R.S. 47:305(A) further provides a sales tax exemption for three types of off-the-farm-premises sales:

a. livestock sold at a public sale which is sponsored by a breeder's association or a registry association is exempt from state sales or use tax;

b. livestock sold at a commercial livestock auction market which holds regularly scheduled auction sales, not limited to any certain producer or producers is exempt from state and local sales or use tax;

c. race horses sold through entry in a claiming race, whereby the horse was claimed, at any racing meet held in Louisiana is exempt from state sales or use tax.

2. Exemptions afforded other persons in connection with agricultural commodities are limited depending upon the purpose for which they are sold. The only exemption in the law for any farm products sold directly to the consumer as a finished product, other than food sold under circumstances described in R.S. 47:305(D), is for sales made by the farmer directly from the farm. There are, however, very broad exemptions from state and local sales or use tax for all agricultural commodities sold by any person other than a producer as raw materials for use or for sale in preparing, finishing or manufacturing the commodities into merchandise intended for ultimate retail sale. This exemption applies to all horticultural, viticultural, poultry, farm and range products, livestock and livestock products. The exemption applies to the tax imposed on the sale, storage, use, transfer or any other utilization or handling of those products except when they are sold as a finished product to the final consumer. The law further provides that in no case shall there be more than one tax applied with respect to agricultural commodities.

3. R.S. 47:305(A)(4) provides an exemption for feed and feed additives for animals which are held primarily for commercial, business, or agricultural uses. It also establishes certain criteria which characterize these three categories of use for purposes of this Subsection.

a. *Commercial Use*—the purchasing, producing, or maintaining of animals for resale. Examples of such use are: cattle, poultry, and hog farms which produce animals for market, pet animal breeders, and thoroughbred farms. Breeding stock, although not normally held for sale, is included in the category of commercial use.

b. *Business Use*—the keeping and maintaining of animals to perform specific functions and services in conjunction with a business. Examples of this category are dogs used in providing security services and horses used in a rental business or carnival rides.

c. *Agricultural Use*—broadly defined to include the maintaining of work animals for producing: crops or animals for market, food for human consumption, or animal hides or other animal products for market. Examples of these agricultural uses would include draft horses used to pull cargo, quarter horses used to work cattle, dogs used to herd sheep, and dairy cattle used for milk production. Breeding stock which is held for the propagation of these animals is also included in the definition.

d. Specifically excluded from the exemption in R.S. 47:305(A)(4) is feed for animals held primarily for other purposes, even though they might be used in one or more exempt categories of use at times. For example, a registered breed pet which is occasionally bred for the purpose of selling the offspring is not considered held for commercial use.

C. R.S. 47:305(C) provides for the use tax cost basis of motor vehicle dealers' service vehicles which are withdrawn from resale inventory for use, such as towing trucks, parts trucks, delivery vehicles, etc. It provides that in determining the cost basis for use tax, a reduction is allowed if a used and previously taxed vehicle is simultaneously returned to resale inventory. That reduction in the cost basis of the newly withdrawn vehicle will be the wholesale value of the returned vehicle according to the current value published by the National Automobile Dealers Association.

D. In addition to exemptions granted for broad categories of property or transactions, R.S. 47:305(D) grants exemption for the sale or use of specific items of property. The sale at retail, use, consumption, distribution or the storage to be used or consumed, of gasoline, steam, electric power or energy, newspapers, natural gas, or fertilizer and containers used for farm products if they are sold directly to the farmer are specifically exempted from state and local sales or use tax.

1. In addition to the exemption for electric power or energy in R.S. 47:305(D)(l)(d), the sale and purchase of all materials and energy sources used to fuel the generation of

electric power for resale by utility companies, and the sale and purchase of materials and energy sources for use by an industrial manufacturing plant to produce electric power for self-consumption or cogeneration are exempt from state and local sales or use tax.

2. Other fuels and specific applications of energy sources are exempted from the tax. R.S. 47:305(D)(l)(h) exempts all energy sources used for boiler fuel except refinery gas. A boiler, for purposes of this exemption, means a pressure-regulated vessel into which water is placed and converted to steam by the application of heat, after which the steam is sold, used for heating purposes, electrical generation, or any other industrial use. R.S. 47:305(D)(1)(h), together with R.S. 47:305(D)(l)(g), also provides a limited exemption for refinery gas. The language in these two subparagraphs exempt refinery gas from both state and local sales or use tax, except when it is used as boiler fuel. *Refinery gas*, for sales tax purposes, is defined as a by-product gas or waste gas which is produced in the process of distilling crude petroleum into its refined marketable products. R.S. 47:305(D)(l)(h) also provides the formula by which the cost basis shall be computed annually for use taxation purposes. For the period of July 1, 1985, through December 31, 1985, the value shall be $0.52 per 1,000 cubic feet, or MCF. For each succeeding calendar year thereafter, the cost basis shall be adjusted by multiplying $0.52 by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December first of the preceding calendar year, and the denominator of which shall be $29. Each annual cost basis, as computed by the Department of Revenue, shall be the maximum value placed upon refinery gas by any taxing authority.

3. Water (but not including mineral water or carbonated water) is also exempt provided it is not placed in a container such as a jug, bottle, or carton.

E.1. R.S. 47:305(D) provides, in part, an exemption from state sales or use tax upon the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this state for orthotic and prosthetic devices and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use. *Orthotic*, by definition, means a branch of mechanical and medical science that deals with the support and bracing of weak or ineffective joints or muscles, and such things as orthopedic shoes, braces, crutches, wheelchairs, surgical supports, and traction equipment are exempt from taxation, while such items as prescription eyeglasses and hearing aids are not covered by the exemption. *Prosthesis*, by definition, means the replacement of a missing part of the body, as a limb or eye, by an artificial substitute, and such things as artificial eyes, legs, or arms are exempt from taxation. Toupees, eyeglasses, corrective lenses, and similar items are not covered by the exemption. Patient aids mean such equipment as sickroom supplies and other tangible personal property used for the convenience and comfort of the patient. In all instances, the orthotic and prosthetic devices and patient aids must be prescribed by a physician or a licensed chiropractor for personal use or consumption in order for the sale to be exempt for sales tax purposes. Further, the rental tax and sales tax for repairs to orthotic and prosthetic devices and patient aids are not exempted under R.S. 47:305(D).

2. For the purposes of state and local sales or use tax, orthotic devices, prosthetic devices, prostheses and restorative materials utilized by or prescribed by dentists in connection with health care treatment or for personal consumption or use and any and all dental devices used exclusively by the patient or administered exclusively to the patient by a dentist or dental hygienist in connection with dental or health care treatment are exempt. Dental prosthesis includes but is not limited to, full dentures, fixed and removable dental prosthesis and all parts thereof, and all other items associated with replacement and restoration of the teeth, which by law also necessitates a prescription from the attending dentist for fabrication.

F.1. R.S. 47:305(D) provides an exemption from state sales or use tax upon the sale at retail of food sold for preparation and consumption in the home as well as for some other expressed types of food sales. For this purpose, meat, fish, milk, butter, eggs, bread, vegetables, fruit and their juices, canned goods, oleo, coffee and its substitutes, soft drinks, tea, cocoa and products of these items, bakery products, candy, condiments, relishes and spreads, are all considered food items. Items such as flour, sugar, salt, spices, shortening, flavoring and oil that are generally purchased for use as ingredients in other food items constitute food. Items considered to be food are not limited to the examples set forth above. The listing is not all inclusive.

2. Alcoholic beverages, malt beverages and beer; tobacco products; distilled water, water in bottles, carbonated water, ice and “dry ice” are not considered to be food. Medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts are also not considered to be food.

Dietary Supplements—any product, other than tobacco, intended to supplement the diet that:

i. contains one or more of the following dietary ingredients:

(a). a vitamin;

(b). a mineral;

(c). an herb or other botanical;

(d). an amino acid;

(e). a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(f). a concentrate, metabolite, constituent, extract, or combination of any ingredients described in Subclauses (a)-(e) above; and

ii. is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional

food and is not represented for use as a sole item of a meal or of the diet; and

iii. is required to be labeled as a dietary supplement, which is identifiable by the fact that the product contains a "Supplemental Facts" box on the label.

3. Food for home consumption as used in R.S. 47:305(D)(1)(n) does not include prepared food.

Prepared Food—

i. food sold in a heated state or heated by the seller;

ii. two or more food ingredients mixed or combined by the seller for sale as a single item, which does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and food containing these raw animal foods requiring cooking by the consumer in order to prevent food borne illnesses; or

iii. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

4. Notwithstanding language to the contrary in Paragraph F.3, bakery products, dairy products, soft drinks, fresh fruits and vegetables, and package foods requiring further preparation by the purchaser are considered food for home consumption unless sold by an establishment listed in R.S. 47:305(D)(3). However, soft drinks that are sold with a cup, glass or straw are not considered food for home consumption.

5. Sales of meals furnished to the staff and students of educational institutions including kindergartens; the staff and patients of hospitals; the staff, inmates and patients of mental institutions; boarders of rooming houses; and occasional meals furnished in connection with or by educational, religious or medical organizations are exempt from state and local sales or use tax, provided the meals are consumed on the premises where purchased. Sales of food by any of these institutions or organizations in facilities open to outsiders or to the general public are not exempt and tax should be charged on the entire gross receipts rather than just the receipts from the outsiders or the general public.

6. Facilities for the consumption of food on the premises as discussed in R.S. 47:305(D)(3) include not only inside facilities, but also outside facilities, including parking facilities.

7. For state sales or use tax purposes, stores, institutions, and organizations can purchase food items for resale without paying the advance sales tax that must be collected by wholesale dealers under R.S. 47:306(B) provided the ultimate retail sale or consumption of the food is exempt. Regardless of the type of purchaser, if a majority of the food purchased and disposed is taxable under the established rules, advance sales tax must be paid by the purchaser.

G. For state sales or use tax purposes, drugs prescribed by a physician, dentist or other persons authorized to issue medical prescriptions for personal consumption or use are exempt. For a definition of *drugs*, refer to R.S. 47:301(20). Retail establishments are authorized to allow this exemption for any retail sale thereof which is sold due to the presentation of a medical prescription authorizing such sale. Persons selling drugs, medicine, or ingredients thereof to drug stores which cannot be sold at retail without the authorization of a medical prescription are deemed to be making exempt sales, and as such, the advance state sales tax should not be charged. Since hospitals and sanitariums are primarily engaged in the business of selling services supervised and directed by medical doctors, persons selling drugs, medicine, or ingredients thereof to such institutions are deemed to be making exempt sales, and as such, state sales taxes should not be charged. If a hospital or sanitarium operates any divisions that sell tangible personal property to the public, such as a prescription department, then the hospital or sanitarium becomes liable for the tax upon the gross receipts or gross proceeds derived from such sales, except for drugs sold on prescriptions which are specifically exempt from taxation. For sales tax exemptions pertaining to insulin, see R.S. 47:305.2.

1. In addition to drugs, R.S. 47:305(D) provides an exemption from state sales or use tax for any and all medical devices, but only when they are used personally and exclusively by the patient, and only when the medical device is purchased by the patient on the written authority of a registered physician for use in the medical treatment of a disease. Purchases of identical medical devices by hospitals and other medical institutions, for use in administering the medical treatment to a patient would not qualify for exemption under R.S. 47:305(D)(1)(s).

2.a. All of the exemptions provided by R.S. 47:305(D), except for the exemptions on food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use apply to state and local sales or use tax. The exemptions for food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors apply only to state sales or use tax.

b.i. R.S. 47:305D(4)(b) provides a limited exemption from local sales and/or use taxes on the procurement of prescription chemotherapy drugs administered to the patient for treatment of cancer and also includes prescription drugs related to chemotherapy treatment administered in connection with the treatment of cancer patients.

ii. In order for these prescription drugs to be eligible for exemption, they must be procured by a physician who specializes in the diagnosis and treatment of cancers and administered by the physician, nurse, or other health care professional in the physician's office where patients are not kept as bed patients for twenty-four hours or more. It is the intent of this limited exemption to apply only to medications that have been prescribed by and administered in the physician's office at the time medical services are delivered. The issuance of a prescription for personal use of

similar drugs away from the physician's office will be fully taxable at the local level. This exemption shall not apply to medical supplies or equipment used to administer any treatment to patients.

iii. Chemotherapy drugs are those drugs that kill or inhibit the growth of cancerous cells or tumors and have been approved by the Food and Drug Administration for use in the treatment of cancers. Chemotherapy drugs may be used individually or in combination to achieve optimum results. Language dealing with "related chemotherapy prescription drugs" (emphasis added) may present difficulties in interpretation and therefore, this regulation is being adopted to establish certain guidelines to govern this limited exemption. The treatment of diagnosed cancer with prescribed drugs and chemotherapy relates to professional medical services delivered to the patient in a physician's office where patients are not regularly kept as bed patients for periods beyond 24 hours. These prescribed drugs must be administered by the physician, his/her nurse, or other health care professional orally or intravenously during the treatment. These exempt prescribed drugs would include medications prescribed to treat the side effects of chemotherapy, such as nausea and blood-related side effects. Such prescription drugs must be medically necessary, prescribed as part of an established protocol and appropriate in light of clinical standards of medical practice. Procurement of these and similar drugs by hospitals, hospital clinics, and other facilities that do not qualify as the physician's office shall not be exempt from local taxation under this exemption. Purchases of these and similar drugs that are prescribed for treatment in medical conditions other than cancer would also not be exempt under this statute from local taxation. Local taxing authorities have developed a specific Local Exemption Certificate which is to be acquired and employed by those persons who are found to be eligible for this exemption. Each local tax administrator or collector is authorized to issue a local exemption certificate that has been approved by the Board of Directors of the Louisiana Association of Tax Administrators (LATA) upon application found suitable by said collector.

H. R.S. 47:305(D)(1)(i) provides, in part, an exemption from state and local sales or use tax for new automobiles and new aircraft withdrawn from stock by factory authorized new automobile and new aircraft dealers, with the approval of the secretary and titled in the dealers' name for use as demonstrators. There are several restrictions involved in this particular exemption: first, the dealer must be a factory authorized new automobile or aircraft dealer; second, the car or plane withdrawn from stock must be a new automobile or aircraft; and third, the car or plane must be titled in the dealer's name for use solely as a demonstrator. In order to qualify as a demonstrator, the units can be driven or flown only by personnel attached to the respective dealership or by a prospective customer accompanied or supervised by personnel from the respective dealership. The car or plane cannot be used by members of the family of dealership personnel nor can the units be used to run errands or for pleasure purposes. The term demonstrators will be construed in its narrowest sense and is limited to use of the property for display of its qualities to prospective customers. Only a very limited use by authorized dealer personnel is permissible in accordance with the provisions of R.S. 47:305(H). Approval of the secretary is required in titling the car as a demonstrator. Writing of the word demonstrator across the face of the license application will be accepted as sufficient request for approval and issuance of the license by the secretary on an application bearing such notation will constitute full approval by the secretary. Since new aircraft are titled in the name of the dealership upon purchase, a request for and approval of the unit as a demonstrator will be granted provided the dealership dates and signs the bill of sale and retains it in his possession for verification by Department of Revenue personnel. If any misuse of the demonstrator is detected subsequent to approval of the unit as a demonstrator, the transaction immediately becomes taxable, and the dealer will be held responsible for the tax due thereon.

I. R.S. 47:305(E) makes it clear that the taxes imposed under state and local sales or use tax laws do not apply to tangible personal property manufactured or produced in this state or imported in this state for export outside the state. The exemption applies solely to the property for export and does not apply to tangible personal property used, consumed, or expended in the manufacturing process, unless the conditions for exemption set forth in R.S. 47:301(10) are met. Neither do state and local sales or use tax laws levy a tax on bona fide interstate commerce. In addition, it has been provided that when property comes to rest in a taxing jurisdiction and has become a part of the mass of the property in that taxing jurisdiction, it is no longer involved in interstate commerce and its sale, use, consumption, distribution or storage for use there will be taxable. Specific pieces of property which have been clearly labeled for trans-shipment outside the taxing jurisdiction at the time of its manufacture or importation into the taxing jurisdiction would meet the exemption requirements even though it may be stored for an indefinite period of time. Any disposition of the property for a purpose contrary to that originally intended would immediately subject the property to the tax.

J. R.S. 47:305(F) exempts materials and the use of film, video or audio tapes, records, and any other means of exhibition or broadcast, supplied by licensors to radio and television broadcasters from the taxes imposed by state and local sales or use tax laws. The exemption applies to amounts paid for the right to exhibit or broadcast copyrighted material and to the use of other materials supplied by licensors but does not apply to film, tapes, or records purchased outright by the broadcaster and retained in his private library. The exemption from the sales and use tax is further extended to apply to licensors or distributors of such material. This exemption, however, does not apply to the lease tax which might be due by licensors or distributors in cases where they lease the material from the owner or producer thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February

1987), amended by the Department of Revenue, Policy Services Division, LR 29:1520 (August 2003), LR 30:2864 (December 2004), LR 36:1029 (May 2010), LR 36:1566 (July 2010).

§4402. Exemptions from Lease or Rental Tax, Helicopters

A. This Section (R.S. 47:302.1) provides for special treatment of the state and local sales taxes on rental transactions involving helicopters used directly in the exploration for, or the extraction or production of, oil, gas, and other minerals, or helicopters used in providing services to other businesses which are engaged in such activities. It provides that any helicopter which is to be used primarily for the aforementioned uses may be acquired through a lease transaction, and the entire transaction will be treated as a sale. The transaction may be entitled a rental, lease, lease purchase, sale and lease-back, or any other similar term. In any case, the lessor or rentor shall not incur a sales or use tax liability on the acquisition of the helicopter for lease, nor on the withdrawal of a helicopter from resale inventory to be placed in rental service, when the lessee is engaged in the exploration or production of oil, gas, or other minerals, or related service industries. Unlike rental transactions involving other tangible personal property, the lease contracts involving such helicopters will not be required to contain language which guarantees any rights of title to the lessee, nor will it need any obligations to maintain the lease for its full term.

B. The sales taxes due on such transactions shall be payable in equal monthly installments over the entire term of the lease, rather than at the inception of the lease agreement, as with rental transactions involving other tangible personal property. In addition, unlike conventional lease transactions, the tax is due and payable by the dealer/lessor for the period the receipts are invoiced to the buyer/lessee, and not for the period in which active collection is made.

C. For state and local sales or use tax purposes, these transactions shall be taxed as sales and not as leases. Thus, the location of intended use of the helicopters will not determine taxability as it would in a rental transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:302.1, R.S. 47:337.2, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:91 (January 2005).

§4403. Ships and Ships' Supplies

A. To qualify for exemption under R.S. 47:305.1(A), materials, machinery, and equipment that become component parts of ships, vessels, or barges of 50 tons load displacement and over, built in Louisiana, must be added during construction or reconstruction. Materials, machinery, and equipment that replace worn components are not exempt under R.S. 47:305.1(A).

B. Reconstructions qualify for exemption under R.S. 47:305.1(A) if they:

1. modify the craft's function, such as conversion of a deck barge to a crane barge; or

2. restore the craft to seaworthiness following its destruction by sinking, collision, or fire.

C.1. For the purposes of the exemption provided in R.S. 47:305.1(B), vendors may assume that ships' supplies and materials delivered to the dock will be loaded upon the vessel for use or consumption in the maintenance of the vessel.

2. The exemption provided in R.S. 47:305.1(B) for repair services performed upon ships and vessels operating exclusively in foreign or interstate coastwise commerce also applies to component parts removed from those ships, vessels, or barges and repaired elsewhere.

D. For the purposes of the exemption granted under R.S. 47:305.1, the following definitions apply.

Commerce—the transporting of goods or persons by ship, vessel, or barge exclusively to carry on a trade or business.

Load Displacement—the weight of the volume of water displaced by a ship, vessel, or barge when loaded to its maximum capacity.

Owner or *Operator*—any person who has title to, possession of, or control over the operation of any ship, vessel, or barge defined in R.S. 47:305.1.

Ship, *Vessel*, or *Barge*—any craft used primarily for transporting persons or property by water, or any craft designed or altered to perform specialized marine-related services, such as dredging, fleeting, geological surveying, cargo transferring, and which possesses all of the following characteristics:

a. performs its services in navigable waters;

b. is capable of being moved by floatation from one location to another in navigable waters; and

c. is registered as a vessel with the United States Coast Guard or is eligible for registration.

Ships Supplies and Materials—all tangible personal property loaded on and used or consumed in the maintenance or operation of a ship, vessel, or barge and its crew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by Department of Revenue, Policy Services Division, LR 30:1044 (May 2004).

§4404. Seeds Used in Planting of Crops

A. The sale at retail of seeds for use by a commercial farmer in the planting of crops of any kind is exempt from state and local sales or use tax. Crops do not include the planting of a garden to produce food for the personal consumption of the planter and his family. Neither is it intended to cover seed used in the planting of growth for landscape purposes unless the commercial farmer is engaged in the business of harvesting those plants and selling them in the commercial market.

B. It is not necessary that the farm operation result in a net profit or that a given acreage of any particular crop be planted. The only requirement is that the planting be made by a commercial farmer.

C. A commercial farmer must present a valid commercial farmer certification certificate and applicable exemption certificate at the time of the purchase. The seller must keep a record of the presentation of such documentation. If the dealer fails to retain evidence of the valid certification and exemption certificate then the dealer will be liable for the sales tax on such purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47.305.3, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:99 (January 2005), LR 44:2022 (November 2018).

§4406. Little Theater Tickets

A. The exemption provided by R.S. 47:305.6 excludes from state and local sales or use tax–the sale of admission tickets by little theater organizations. This exemption has been construed to cover the sale of tickets by any nonprofit organization whose sole purpose is the presentation of stage productions by nonprofessional actors and the advancement of amateur acting. The exemption extends to all such organizations whether they are officially known by the name Little Theater or by some other appropriate designation.

B. In order to meet this exemption, the sale of tickets must be made by the organization conducting the presentation. The exemption does not extend to the sale of tickets by promoters who are expected to profit from the endeavor, even though the performance may be staged by personnel associated with a little theater organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.6, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:93 (January 2005).

§4407. Tickets to Musical Performances of Nonprofit Musical Organizations

A. R.S. 47:305.7 specifically exempts the sale of admission tickets by Louisiana nonprofit corporations or organizations engaged in the presentation of musical performances, or who are known as symphony organizations, from state and local sales or use tax. The exemption covers only sales of tickets made by corporations or organizations established within Louisiana and does not apply to the sales of tickets within this state which might be made by similar organizations or companies from outside of the state. The exemption does not apply to the sales of tickets by a domestic corporation or organization if the performance will be presented by a symphony group from outside of the state.

B. The exemption provided by this Section does not apply to performances intended to yield a profit to the promoters of the event regardless of the domicile of the performers. Neither does this exemption apply to the sales of tickets by domestic nonprofit corporations or by any other domestic nonprofit organization known as a symphony organization or as a society or organization engaged in the presentation of musical performances if the event being staged is not directly related to the primary purpose of those organizations. As an example, tickets sold by symphony organizations to an athletic event would not qualify for the exemption provided by this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.7, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:100 (January 2005).

§4408. Pesticides Used for Agricultural Purposes

A. General. R.S. 47:305.8 provides an exemption from state and local sales or use tax for the sale at retail to commercial farmers of pesticides used for agricultural purposes. This exemption includes, but is not limited to, insecticides, herbicides, and fungicides used for agricultural purposes.

B. Definitions

Agricultural Purposes—any purpose directly connected with the operation of any farm, including poultry, fish, and crawfish farms, ranch, orchard or any other operation by which products are grown on the land in sufficient quantity to constitute a commercial operation. The exemption is not intended to cover the sale of pesticides for use in private family vegetable gardens or in protecting ornamental plants used for landscape purposes.

Pesticides—include any preparation useful in the control of insects, plant life, fungus, or any other pests detrimental to agricultural crops, including the control of animal pests that meets the definition of a pesticide in accordance with the Department of Agriculture and Forestry of the state of Louisiana under R.S. 3:3202. Qualifying pesticides must be registered with the U.S. Environmental Protection Agency (EPA) and the Louisiana Department of Agriculture and Forestry or any other appropriate governmental agency and must carry a valid EPA FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) number issued by the U.S. Environmental Protection Agency or a special label number assigned by the Louisiana Department of Agriculture and Forestry. The exemption also includes any solution mixed with a qualifying pesticide to allow for the proper distribution and application of the pesticide, including but not limited to crop oils, surfactants, adjuvants, emulsions, soaps, and drift agents.

C. Dealer Requirements. A commercial farmer must present a valid commercial farmer certification certificate and applicable exemption certificate at the time of the purchase. The seller must keep a record of the presentation of such documentation. If the dealer fails to retain evidence of the presentation of valid certification and exemption certificate then the dealer will be liable for the sales tax on such purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.8, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:401 (April 1995), amended by the Department of Revenue, Policy Services Division, LR 31:95 (January 2005), LR 44:2023 (November 2018).

§4409. Motion Picture Film Rental

A. R.S. 47:305.9 provides a very limited exemption to the operators of motion picture theaters wherein the amount paid by operators to distributing agencies for the use of film are specifically exempted from state and local sales or use tax. Note that film is the only item covered by the exemption. Distributing agencies and suppliers for motion picture theaters are required to collect taxes on any other supplies or materials furnished to operators. Theaters are required to collect the tax on admissions.

B. Any distributing agent who fails to collect state or local sales or use tax because of the exemption provided in R.S. 47:305.9 must be able to identify the motion picture theater operators to whom films were furnished. Failure of the distribution agency to maintain a complete record of transactions for which no taxes were collected can result in the dealer being held responsible for the tax.

C. In some cases, agreements between film distributors and theater operators may not be leases or rentals. Section 4301 defines *lease or rental* and provides exceptions to the definition of *lease or rental*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.9, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 22:854 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 31:94 (January 2005).

§4410. Property Purchased for First Use Outside the State

A. R.S. 47:305.10 provides an exemption from state and local sales or use tax for the purchase or importation of tangible personal property in Louisiana for first use beyond the territorial taxing jurisdiction of this state. This Section provides an exemption for purchases and importations in two categories of first use: first use in another state; and first use in the offshore area beyond the borders of Louisiana or any other state.

B. Purchases or importations of tangible personal property for first use in another state for which an exemption is claimed under the provisions of R.S. 47:305.10 may be accomplished by the use of an exemption certificate LGST 9-D, entitled "Foreign Purchasers," which is available from the Department of Revenue. The transaction must meet the following requirements before the exemption will be allowed:

1. the purchaser is properly registered for sales and use tax in the state of use and regularly reports and remits the taxes due in such state; and

2. the state in which first use occurs grants on a reciprocal basis a similar exemption on purchases within that state for first use in Louisiana; and

3. either §4410.B.3.a or b must be met in addition to requirements §4410.B.1 and 2:

a. the purchaser obtains a written authorization from the Secretary of the Department of Revenue to make the tax-exempt purchase; or

b. the property being purchased is a craft which would ordinarily be subject to registration by the state of Louisiana as a motor boat, but is not in fact registered for use in Louisiana.

C. Foreign nations and the territorial waters of foreign nations are not considered to be another state for purposes of this Section.

D. Tangible personal property imported for use outside the state of Louisiana may still be imported tax-free under R.S. 47:305(E) if the requirements specified in §4401 are met. Under that provision, specific pieces of property which have been clearly labeled for trans-shipment outside the state of Louisiana at the time of their importation into the state are exempt without the necessity for meeting the above guidelines.

E. Purchases or importations of tangible personal property for use in the offshore area of Louisiana or that of any other state, for which an exemption is claimed under R.S. 47:305.10, may be accomplished by use of either one of two exemption certificates available from the Department of Revenue, LGST 9-D or LGST 9-O/S, depending on the following conditions:

1. if the exact location (area name, block number, lease number) of first use of the property is known at the time of purchase, the purchaser must claim exemption to the vendor by properly completing an exemption certificate LGST 9-D;

2. if the exact location of first use of the property is not known at the time of purchase, and the purchaser has been assigned an "offshore registration number" by the Secretary of Revenue, then the purchaser may claim the exemption by completing an exemption certificate LGST 9-O/S and presenting it to the vendor. All accounting records of importations and purchases made through the use of this certificate will be maintained in such a manner so as to accurately account for tax-free and tax-paid inventories until they are withdrawn for use. Physical segregation of tax-free inventory is not required. In the case of fungible goods, such as diesel fuel, where usage occurs continuously in travel in and out of the offshore area, exemption certificate LGST 9 O/S may be used to make tax-free purchases of such goods in their entirety. At the end of each reporting period, the purchaser will determine that portion of the fungible goods which was actually consumed within any taxing jurisdiction

and make the necessary accrual entries to record the proper tax due;

3. the LGST 9-O/S certificate may only be used by purchasers who have been granted the "offshore registration number," and unauthorized use of the certificate is forbidden. An "offshore registration number" will be evidenced by the word "offshore" appearing above the account number on the purchaser's registration certificate, and the purchaser will be required to enter this complete registration number on the LGST 9-O/S when making tax-free purchases for first use offshore. Vendors should exercise tenable judgment in accepting the LGST 9-O/S exemption certificate in lieu of the sales tax. Vendors should also ensure that all required information appears on the face of the certificate;

4. an offshore registration number will be issued only to dealers who have demonstrated to the Secretary of Revenue that the nature of their business is such that consumption of tangible personal property occurs in the offshore area beyond the territorial limits of Louisiana, or that of other states or foreign nations. It must also be shown to the satisfaction of the secretary that the records maintained by the purchaser are adequate to facilitate an examination and that they document the location of first use of all tangible personal property purchased tax-free under the provisions of this Section. In the case of fungible goods, such as diesel fuel, which are purchased tax-free, the purchaser must retain, and make available for examination, all purchase invoices, vessel logs, fuel usage records, fuel transfer records, and all other pertinent information which will determine the portion which has been consumed in and/or delivered to, offshore locations, and the portion which has been consumed in, and/or delivered to, locations within the taxing jurisdiction of any state or foreign nation. Timely returns must be filed, along with the proper remittance, to report the taxes due on all withdrawals from nontax-paid inventory for taxable uses. The following shall be taxable uses:

a. withdrawal from nontax-paid inventory for first use within the territorial limits of Louisiana or that of any other state. The use tax cost basis shall be original acquisition cost;

b. withdrawal from nontax-paid inventory for first use in a foreign nation or its territorial waters. The use tax cost basis shall be the original acquisition cost;

c. withdrawal from nontax-paid inventory for sale, exchange, trade, or barter under any circumstances. The sale will be regarded as a casual sale under the provisions of R.S. 47:301(10), and a use tax will be due at the time of such withdrawal on one of the following bases:

i. in the case of property never previously used, the use tax basis will be original acquisition cost;

ii. in the case of property which has previously been used in the offshore area and subsequently returned to storage in the offshore inventory, the use tax basis will be the lesser of original acquisition cost or reasonable market value at the time of the withdrawal;

d. the subsequent return of property, following its first use in the offshore area, to a location within the territorial limits of Louisiana for a taxable use at that location. Such a use would subject the property to a use tax based on the lesser of acquisition cost or reasonable market value at the time of its return to the location of use within Louisiana. The return of property into the state for the purpose of repairing, modifying, further fabrication, or for return to the offshore inventory will not be regarded as taxable uses. Property returning from offshore locations for repairs retains its exempt status for use tax purposes, but the repair charges are taxable in accordance with R.S. 47:301(14)(g);

e. the use of that portion of fungible goods that is determined to have been consumed within the territorial limits of Louisiana or that of any other state or any foreign nation.

F. R.S. 47:305.10 makes it clear that the aforementioned records shall be maintained by the purchaser or importer, and shall be made available for examination. It also provides that the offshore registration number issued under the provisions of this Section may be revoked by the secretary at any time, if the purchaser misuses the exemption to make tax-exempt purchases of property for first use in the state, or if he fails to maintain adequate records, or fails to report and remit any tax which becomes due under this Section. In case of such a revocation, all tangible personal property which is stored in an offshore inventory site will immediately become taxable, unless the purchaser is able to identify the exact location (area name, block number, lease number) of first use of the property. Thereafter, and until the offshore registration status is reinstated, tax-free purchases may be made only in instances when the exact location of first use is known at the time of purchase, and a certificate form LGST 9-D is presented to the vendor. The offshore registration number may be reinstated at the discretion of the Secretary of Revenue, upon being provided with sufficient proof that the conditions and requirements of this Section will be adhered to by the purchaser. The burden for supplying proof of eligibility shall rest with the purchaser/importer at all times, whether the request is for initial registration or for reinstatement of a revoked registration.

G. This Section provides an exemption from the sales and use tax on tangible personal property purchased in or imported into a taxing jurisdiction under the circumstances described. All other purchases and importations of property shall be subject to state and local sales or use tax at the time of such purchase or importation, unless otherwise exempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.10, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:108 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:96 (January 2005).

§4411. Contracts Prior to and within 90 Days of Tax Levy

A. R.S. 47:305.11 relieves a party to a construction contract from the burden of added sales or use tax imposed

by either the state of Louisiana, any parish, municipality, or other political subdivision thereof on the sales of materials or services involved in either lump-sum or unit price contracts after the contractor has made himself liable for performance and completion of a contract which did not provide for new or additional taxes. The exemption from new taxes applies only to lump-sum or unit price contracts and does not apply to contracts entered into on a cost plus or fixed fee basis. It is also required that the contracts must have been entered into prior to the effective date of the statute or ordinance levying the new tax. The exemption does apply to sales and services involved in a contract reduced to writing within 90 days after the effective date of a statute levying a new tax, but only if the contractor had a contractual obligation entered into prior to the effective date. The 90-day period is intended to cover a situation where a contractor has computed and bid a contract on the basis of existing taxes prior to the effective date of the new tax but where awarding of the contact and formal signing thereof did not take place prior to the effective date, but within 90 days after the effective date of the new tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.11.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987).

§4413. Admissions to Entertainment Furnished by Certain Domestic Nonprofit Corporations

A. R.S. 47:305.13 grants a limited exemption to organizations created under the laws of the state of Louisiana as nonprofit, charitable, educational, or religious organizations from state and local sales or use tax on the sale of admissions to entertainment events. Such sales of admissions are exempt only when the entire proceeds, with the exception of necessary expenses connected with the event, are used for the purpose for which the organization was formed. The requirement that the entire proceeds from the sales of tickets, except for necessary expenses, must be used for the purpose for which the organization was formed eliminates from exempt status any event where payment has been made to a promoter or promotional firm for engaging the services of persons not directly connected with the sponsoring organization.

B. Only sales of admissions made by recognized domestic nonprofit, charitable, educational, or religious organizations are exempt under this Section. In order to meet the nonprofit requirement, an organization or corporation must have no provision for making of dividends or payments of any profits to any organizers or stockholders and none of the income may inure to the benefit of any private shareholder or individual. In order to qualify as a charitable organization, it must freely and voluntarily minister to the physical needs of those unable to help themselves, or promote the welfare of mankind at large, or of a community, or of some class from a part of a community, or be one which would not deny assistance to persons unable to pay even though it may charge for assistance to those who are able to pay. An educational institution is construed to mean a school, seminary, college, or other institution having an instructional staff and a curriculum designed to cultivate the mental, moral, religious, or physical facilities of those whom it seeks to educate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.13, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:88 (January 2005).

§4414. Cable Television Installation and Repair

A. R.S. 47:305.16 provides an exemption for sales and use taxes imposed by the state or by any political subdivision thereof on necessary fees incurred in connection with the installation and service of cable television. Such exemption shall not apply to purchases made by any cable television system, but shall apply only to funds collected from the subscriber for regular service, installation and repairs.

B. Contractors and sub-contractors engaged in the business of installing and servicing the cable television system, whether on a lump-sum or a cost-plus basis, are deemed to be purchasers and consumers of the materials used by them. Vendors of such materials are required to collect the sales tax thereon and to remit same to the appropriate taxing authority.

C. Charges for repairs to television sets or other tangible personal property that is not considered a part of the cable television system are taxable as sales of services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.16.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987).

§4416. Purchases of Mardi Gras Specialty Items

A. R.S. 47:305.40 grants an exemption solely from state sales or use tax on purchases of specialty items for use in connection with Mardi Gras activities. The exemption is available to:

1. carnival organizations domiciled within Louisiana that plan to sponsor either a Mardi Gras ball or parade during the next Mardi Gras season; and

2. nonprofit organizations domiciled within Louisiana that plan to participate in a parade sponsored by a carnival organization.

B. Each such eligible organization shall annually request and obtain from the Department of Revenue and Taxation a Certificate of Exemption that may be presented to vendors of specialty items in lieu of the tax at the time of purchase. The request may be either in the form of a letter or on forms supplied by the Department of Revenue and Taxation, and shall contain the following information:

1. name and address of the organization;

2. type of organization, either:

a. carnival organization sponsoring a parade or ball during next Mardi Gras season; or

b. nonprofit organization participating in a carnival organization parade during next Mardi Gras season;

3. event or events to be sponsored or participated in for which tax-free purchases are being made;

4. type of specialty items to be purchased tax-free under the authority of the exemption certificate;

5. name of the officer authorized to make purchases on behalf of the organization;

6. name and signature of the officer of the organization making the request.

C. Subsection 4416.B defines *specialty items* for purposes of the exemption as those items which are specially designed for the carnival or nonprofit organization and bear the organization's name or insignia. Examples of such items are doubloons, necklaces, beads, throws, cups, and coasters. Other types of specialty items may also qualify for the exemption if they are purchased for use in a Mardi Gras activity, bear the name or insignia of the organization, and are either for free distribution to the public or for use in conjunction with a Mardi Gras ball, such as flags, posters, invitations, programs, decorations, napkins, and tablecloths.

D. The resale of specialty items by the purchasing organization to its members shall be regarded as exempt sales under the provisions of this Section, but only when those items are used exclusively in conjunction with a Mardi Gras parade or ball. The sale of novelty items such as shirts and hats, on a continuing basis, which are not used exclusively in conjunction with a Mardi Gras parade or ball, shall be regarded as taxable sales under the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.40 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:93 (January 2005).

§4417. Exclusions and Exemptions; Purchases Made with United States Department of Agriculture Food Stamp Coupons and Purchases Made under the Women, Infants, and Children's Program

A. This Section specifically exempts from the sales and use tax imposed by this Chapter, and any such tax imposed by any parish, board, or municipality, purchases of the following items:

1. eligible food items, as defined by the United States Department of Agriculture (USDA) regulations for the Food Stamp Program, when such food items are purchased with United States Department of Agriculture Food Stamp Coupons;

2. eligible food items authorized for purchase under the Women, Infants, and Children's (WIC) Program as administered by the Louisiana Department of Health and Human Resources, when such items are purchased with WIC Program Vouchers.

B. Definitions

Eligible Food Items for Purchases Made with Food Stamps—as defined in the regulations of the Food Stamp Program of the United States Department of Agriculture.

Eligible Food Items or Purchases Made with WIC Vouchers—the specific items authorized to be purchased with the WIC voucher used as the medium of exchange.

United States Department of Agriculture Food Stamp Coupons (*Food Stamps*)—coupons issued by the USDA Food Stamp Program.

WIC Program Vouchers (*WIC Vouchers*)—payment vouchers issued by the Women, Infants, and Children's (WIC) Program.

C. Limitations

1. The exemption for food items purchased with food stamps is limited to those items defined as eligible foods in the regulations of the USDA Food Stamp Program. As the definition of eligible foods changes, the food items eligible for this exemption will automatically qualify or become disqualified.

2. The exemption for eligible food items purchased with WIC vouchers is limited to those items specifically stated on the voucher which is used as the medium of exchange.

3. The exemptions for purchases utilizing food stamps and WIC vouchers are further limited to the amount of food stamps and WIC vouchers used in the transaction. Eligible food items purchased with mediums of exchange other than food stamps or WIC vouchers, such as cash, will be subject to applicable state and local sales and use taxes.

D. Purpose and Method

1. Federal regulations require that the exemption for food stamp purchases be administered so as to minimize the sales tax burden on any order of eligible foods. A special problem arises when a patron presents a combination of food stamps and cash in payment of eligible food consisting of food for preparation and consumption in the home (exempt from state sales taxes) and eligible food items such as ice, bottled water, loose candy, and seeds and plants for the production of food which except for this exemption would be taxable. Grocers are currently required to sort each order by separating the eligible food items from the entire order, either physically or through the use of electronic equipment. Since ice, bottled water, etc. are otherwise taxable items, the federal regulations would require a second sort to ensure that the food stamps are applied to those items first.

2. In order to comply with federal regulations that mandate food stamps be allocated first to taxable eligible food items, and to eliminate the need for double-sorting by dealers, purchases of eligible food items paid for with a combination of food stamps and cash will be given the following treatment for state sales tax purposes. Once the food stamps have been applied to the purchase, the remaining portion of eligible items which is to be paid for with cash will be treated as food for home consumption,

notwithstanding any restrictions by R.S. 47:305(D). Thus, of the remaining portion of the eligible food items to be paid for with cash, items such as ice, bottled water, and loose candy will be taxed at the same rate as milk or bread. This method does not in any way affect ice, bottled water, loose candy, and other such items which are purchased by a patron who does not present food stamps in payment.

E. Purchases of items not considered eligible food items by the USDA regulations, such as detergent, will not be affected by this regulation and will remain subject to applicable state and local sales and use taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.46.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:667 (November 1987).

§4418. Nonprofit Organizations; Nature of Exemption; Limitations; Qualifications

A. General. Events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious organizations, which are nonprofit are exempt from the sales or use tax for these events, on the condition that the proceeds from these events, less applicable expenses, are used for the furtherance of the purpose for which the organization was formed.

1. This exemption applies to sales of tangible personal property, admission charges, outside gate admission charges, and parking fees.

2. The organization must apply for the exemption for each event and the application must be genuine. The application is Form R-1048.

3. If the exemption is approved, the secretary will provide a certificate of exemption for the specific event.

4. If the secretary denies the exemption, the organization may appeal to the Louisiana Board of Tax Appeals.

5. An *event*, as referred to in the statute, means an occurrence of relatively short duration with a scheduled beginning and ending date and/or time.

6. The purchase of items to be sold at these events is not exempt from the advance state or local sales or use tax, where applicable. In order to receive a credit for the tax paid on items to be sold at one of these exempt events, the organization would register with the appropriate taxing authority as an irregular filer and then file a sales tax return taking a credit for the sales tax paid on the purchases for resale.

B. Exceptions. The statute is very specific as to the type of organizations and events that qualify for the exemptions. There are some exceptions that are referred to in the law.

1. If the event is intended to yield a profit to the promoter or to any individual contracted to provide services, or equipment, or both, for the event, the exemption shall not apply.

2. Nonprofit organizations are not exempt from sales or use taxes under this exemption, only from the collection of sales tax at certain events held by these organizations.

3. The statue does not offer an exemption from the sales and use taxes for regular commercial ventures such as, bookstores, restaurants, gift shops, commercial flea markets, and similar ventures that are operated by nonprofit organizations. The exemption applies to events that are not open on an ongoing basis.

4. Any organization which endorses any candidate for political office or is involved in political activities will not be eligible for the exemption.

5. The secretary may, at his discretion, recognize ongoing activities, e.g., concession sales at schools, and allow the organization to file an annual exemption application for such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.14, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 22:854 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 31:94 (January 2005).

§4420. Property Used in Interstate Commerce

A. R.S. 47:305.50(A)(1) provides an exemption from state and local sales and use taxes for trucks with a gross weight of 26,000 pounds or more and for trailers, if such trucks and trailers are used at least 80 percent of the time in interstate commerce and are subject to the jurisdiction of the United States Department of Transportation. R.S. 47:305.50 allows certain taxpayers to register such trucks and trailers and contract carrier buses with the Office of Motor Vehicles of the Department of Public Safety and Corrections (OMV) without paying state or local sales or use tax. R.S. 47:305.50 provides an exemption from state and local sales and use taxes for the purchase, use or lease of qualifying trucks and qualifying trailers, both of which have been purchased, used, imported or leased. To qualify for the exemption, the taxpayer's activities must be subject to the jurisdiction of the United States Department of Transportation, and the taxpayer must certify to the OMV that the property will be used at least 80 percent of its actual mileage in interstate commerce. The Department of Revenue and the OMV provide forms on which to make these certifications.

B. Any taxpayer who claims the exemption in provided in R.S. 47:305.50(A)(1) must maintain records of the use of the property in order to document the actual mileage. This exemption is for trucks with a gross weight of 26,000 pounds or more and for trailers, if such trucks and trailers are used 80 percent of the time in interstate commerce and are subject to the jurisdiction of the U.S. Department of Transportation. The determination of whether a truck is used 80 percent of the time in interstate commerce must be based upon the actual mileage of such truck. It is required that a truck cannot have more than 20 percent Louisiana intrastate miles.

1. If the documentation indicates that the property was not used during the one-year period following the date of its

purchase for the required 80 percent or more of its actual mileage in interstate commerce, the taxpayer will not qualify for the exemption and state and local sales or use tax will be due on the amount paid for the property at the rate that was applicable on the date the property was purchased, plus interest from the date the property was purchased to the date of the tax payment. The state sales or use tax must be reported on a sales tax return provided by the Department of Revenue and paid to the Department of Revenue by the twentieth day of the month following the end of the one-year period in which the taxpayer fails to qualify for the exemption. The local sales or use tax must be reported and paid to the proper local taxing authority in accordance with their ordinances and the Uniform Local Sales Tax Code.

a. Calculation of interstate mileage does not include commercial truck transportation that begins at a point of origin in a state other than Louisiana to a destination in the same state. Guidance for the sales and use tax exemption eligibility of trucks used in other states has been set forth in Department of Revenue, Revenue Ruling 05-004. Revenue Ruling 04-05 offers guidance as well, because it sets forth the parameters in which intrastate movement of goods would be considered interstate commerce.

b. Interstate mileage is based on the actual mileage of the truck and must be proven through documentation such as with driver's logs, motor carrier bills of lading, expense bills, and other documentation reflecting the origin and destination points of items transported.

2. If, during any of the following one-year periods, the documentation indicates that the property was not used for the required 80 percent or more of its actual mileage in interstate commerce, the taxpayer will no longer qualify for the exemption. If this occurs, state and local sales or use tax will be due on the lesser of the purchase price or fair market value of the property on the first day of the one-year period that it does not meet the 80 percent test. The tax will be calculated based on the rate in effect on the first day of the one-year period in which the taxpayer no longer qualifies for the exemption, plus interest from the date the tax is due to the date of tax payment. The state sales or use tax must be reported on a sales tax return provided by the Department of Revenue and paid to the Department of Revenue by the twentieth day of the month following the end of the one-year period in which the taxpayer no longer qualifies for the exemption. The local sales or use tax must be reported and paid to the proper local taxing authority in accordance with their ordinances and the Uniform Local Sales Tax Code.

C. If the taxpayer fails to provide proper documentation, it will be presumed that the taxpayer does not qualify for the exemption and state and local sales or use tax will be due in accordance with Subsection B above.

D. R.S. 47:305.50(A)(2) provides an exemption from state and local sales and use taxes on the purchase, use or lease of a qualifying truck. The exemption also applies to the purchase, use or lease of a qualifying trailer, which has been purchased, imported or leased, with or without a qualifying truck, for use with a qualifying truck. The definition of qualifying truck and qualifying trailer are set forth as follows.

1. A Qualifying Truck meets the following requirements:

a. registered as a Class I vehicle, which is one carrying or transporting freight, merchandise or other property, and shall have a registered gross weight of at least 80,000 pounds in accordance with R.S. 47:462. Gross weight is the weight of a vehicle or vehicle combination without the load on all axles, including the steering axle plus the weight of any load thereon as provided by R.S. 47:451;

b. subject to the jurisdiction of the U.S. Department of Transportation;

c. will be or is registered with apportioned plates through the International Registration Plan, or will be issued or is issued a special permit according to provisions of R.S. 32:387(J) from the Department of Transportation and Development. In cases of issuance of a special permit under R.S. 32:387(J), the qualifying truck shall engage in no less than 200 intermodal container moves per year, regardless of whether or not the moves require a special permit. In the year of acquisition, sale, disposal or destruction of the qualifying truck, the number of intermodal container moves per year shall be prorated for the portion of the year the truck was owned, operated, or owned and operated by the taxpayer. R.S. 32:382(J) governs vehicles hauling prepackaged products in international trade originating from or destined to an intermodal facility, which such products are containerized in a manner that they cannot be subdivided.

2. A Qualifying Trailer is one subject to the jurisdiction of the U.S. Department of Transportation.

E. To obtain prior approval to audit or investigate, an auditor shall submit a written justification, which may be submitted via email, to the secretary. This approval is required to:

1. audit or investigate for the purpose of determining the correct amount of the tax exemption;

2. an audit or investigation of a place of business and the books, records, papers, vouchers, accounts and documents of any taxpayer;

3. approval from the secretary is not necessary for political subdivisions to audit, examine, or investigate to determine the correct amount of tax exemption.

F. During a state of emergency declared by the governor, if the declared emergency or related relief efforts undermines the ability of a taxpayer, who is eligible for the exemption and the provisions under R.S. 47:305.50, to comply with this statute, then secretary shall waive the requirements. However, a waiver of the requirements should not affect the secretary's ability to begin or conduct an audit or investigation.

G. The terms “trucks” and “trailers” shall have the meaning ascribed to the terms *truck*, *trailer*, *road tractor*,

semi trailer, *tandem truck*, *tractor* and *truck-tractor* as defined in R.S. 47:451.

H. The weights referred to in R.S. 47:305.50 are "gross vehicle weight ratings" (GVWR), as determined by vehicle manufacturers. Manufacturers' determinations of GVWR are usually indicated on plates or decals affixed to vehicles at the time of their manufacture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.50, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:188 (February 2003), amended LR 31:97 (January 2005), LR 35:1254 (July 2009).

§4423. State Sales Tax Holiday on Purchases of Hurricane-Preparedness Items

A. Revised Statute 47:305.58 allows for an exemption of the state sales tax on sales made on the last Saturday and Sunday of each May of certain hurricane-preparedness items or supplies.

1. Tax-free purchases are authorized on the first $1,500 of the sales price of each hurricane-preparedness item.

2. The sales tax exemption only applies to purchases of the following items or supplies:

a. any portable self-powered light source, including candles, flashlights and other articles of property designed to provide light;

b. any portable self-powered radio, two-way radio, or weather band radio;

c. any tarpaulin or other flexible waterproof sheeting;

d. any ground anchor system or tie-down kit;

e. any gas or diesel fuel tank;

f. any package of AAA-cell, AA-cell, C-cell, D-cell, 6 volt, or 9-volt batteries, excluding automobile and boat batteries;

g. any cell phone battery and any cell phone charger;

h. any nonelectric food storage cooler;

i. any portable generator used to provide light or communications or preserve food in the event of a power outage;

j. any *storm shutter device*, as defined by R.S. 47:305.58;

k. any carbon monoxide detector; and

l. any reusable freezer pack such as "blue ice."

3. The state sales tax exemption provided does not apply to hurricane-preparedness items or supplies sold at any "airport," "public lodging establishment or hotel," "convenience store," or "entertainment complex."

B. Definitions

Airport—any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the sheltering, servicing, or repairing of aircraft or for receiving or discharging passengers or cargo; all appurtenant areas used or suitable for airport buildings or other airport facilities; and all appurtenant rights of way including easements through or other interest in air space over land or water and other protection privileges, the acquisition or control of which is necessary to insure safe approaches to the landing areas and efficient operation thereof.

Convenience Store—retail businesses that are smaller in square footage than full-line grocery stores, discount stores, department stores, or pharmacies, and that place primary emphasis on providing the public convenient locations from which to quickly purchase from limited lines of consumable products.

a. In order to be considered a *convenience store*, sales must consist primarily of motor fuel and lubricants; snack foods, including sandwiches, hot dogs, candy, nuts, and chips; beer; liquor; wine; tobacco products; soft drinks; fishing baits; newspapers; and magazines, and the sales of the business must be sufficiently diversified within these product lines so that the business is not classified as a specialty retailer such as a liquor store, sandwich shop, newsstand, or tobacco shop.

b. *Convenience stores* typically have the following characteristics:

i. inside sales areas that are less than 5,000 sq. ft.;

ii. off-street parking and/or convenient pedestrian access; and

iii. extended hours of operation with many open 24 hours, seven days a week.

Entertainment Complex—a premise that is a site for the performance of musical, theatrical, or other entertainment; country clubs; tennis clubs; swimming clubs; bowling establishments; skating rinks; movie theatres; amusement parks; zoos; or similar entertainment-oriented businesses.

Hotel—any establishment engaged in the business of furnishing sleeping rooms, cottages, or cabins to transient guests, where such establishment consists of six or more sleeping rooms, cottages, or cabins at a single business location. The term *public lodging establishment* is interpreted to include other businesses that offer lodging to transient guests for compensation, including "bed and breakfast" businesses.

C. Procedure for State Sales Tax Holiday

1. A taxpayer may make state sales tax-free purchases on the first $1,500 of the sales price on each of the above enumerated hurricane-preparedness items or supplies on the last Saturday and Sunday of each May.

2. The state sales tax holiday shall not apply to any vendor defined under Subsection B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and Sec. 2 of Act 429 of the 2007 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 34:1426 (July 2008).

§4427. Sales and Use Tax Exemption for Charitable Construction of Animal Shelters

A. R.S. 47:305.59(B) provides a state sales and use tax exemption for sales of construction materials to certain animal shelter purchased between October 1, 2021, and June 30, 2025, are intended to be used in constructing new animal shelters in Louisiana, and construction begins on or before June 30, 2025. The local sales and use tax exemption is effective July 1, 2021, for construction beginning between July 1, 2021, and June 30, 2025.

B. Definitions. For purposes of this Section, the following terms shall have the meaning ascribed therein.

Animal Shelter—a public or private entity designated by the parish, municipality, or other local governmental authority for keeping or housing its impounded animals or a private, not for profit entity whose mission or practice is protecting the welfare of animals and the placement of those animals in permanent homes or with animal rescue organizations.

Animal Shelter Facility—a building, structure, site, enclosure, or other facility used or operated for the housing or keeping of any stray, homeless, abandoned, or unwanted animals, including any facility designated by a parish, municipality, or other local governmental authority for the keeping or housing of any impounded animals.

Louisiana Animal Shelter Registry—the registry established and maintained by the state veterinarian for animal shelters as set forth in R.S. 3:2366.

C. Eligibility. To qualify for the sales and use tax exemption on sales of construction materials, the following conditions must be satisfied at the time of application:

1. The animal shelter is registered with the Louisiana animal shelter registry.

2. The animal shelter intends to use the purchased materials in constructing a new animal shelter facility located within this state.

3. The animal shelter and the proposed new construction must comply with the provisions of R.S. 3:2461 et seq. and R.S. 3:2471 et seq.

4. Purchases of materials for the construction of a new animal shelter facility must occur between October 1, 2021 and June 30, 2025 for the state sales tax exemption to be applicable.

a. Purchases of materials for the repair of, for an addition to, or for alterations to existing animal shelter facilities do not qualify for the exemption.

D. Limitations. The following limitations shall apply for the sales and use tax exemption on sales of construction materials.

1. The animal shelter shall not be eligible for the exemption if the animal shelter engages in the business of selling animals at retail or the business of breeding animals.

2. The animal shelter shall not be eligible for the exemption if the animal shelter is a residential dwelling or attached in any manner to a residential dwelling.

E. Application

1. All applications for the exemption shall be submitted to the secretary of the Department of Revenue on a form prescribed by the secretary.

2. Applicants shall provide appropriate documentation to the secretary, as follows:

a. proof of address and estimated costs of construction for the proposed animal shelter facility;

b. resolution, declaration, or letter from the parish, municipality, or other local governmental entity; and

c. any other documentation required by the secretary to make a determination as to whether the exemption is applicable;

d. the most recent submission to the state veterinarian required by R.S. 3:2366(E).

AUTHORITY NOTE: Promulgated in accordance with R.S.47:305.59(B) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:506 (March 2022).

Chapter 49. Tax Collection

§4901. Alternative Remedies for the Collection of Taxes

A. R.S. 47:1561.1 provides an alternative means of enforcing collection of income taxes withheld from wages of employees and sales and use taxes collected from customers, should a corporation fail to file returns or fail to remit such taxes, by holding certain officers or directors of the corporation personally responsible. Three criteria must be met before a corporate officer or director can be held personally liable:

1. the corporation must have failed to remit the collected taxes;

2. the officer or director must have direct control over or supervision of such taxes or must be charged with the responsibility for filing returns and remitting the taxes; and

3. the officer or director must have willfully failed to remit or account for such taxes.

B. Failure to Remit by Corporation

1. A corporation must have actually withheld income taxes from the wages of its employees or must have actually collected sales or use taxes from customers or consumers and failed to account for or remit these taxes to the secretary before a claim can be made against an officer or director. Officers or directors cannot be held personally responsible for sales and use tax amounts determined by audit to be due but not actually collected by the corporation.

2. Taxes Actually Withheld or Collected

a. If a corporation pays net wages to its employees, it will be deemed to have withheld any income taxes required to be withheld.

b. If a corporation pays wages in property other than money, it will be deemed to have withheld income taxes on such payment.

c. Where a corporation makes sales on credit or on open account and the sales tax is shown on the invoice, some payment on the invoice must be received before the tax will be deemed to have been collected.

i. Any payment on open account will be applied to the oldest invoice first, unless otherwise indicated.

ii. Any partial payment on an invoice will be applied to the sales tax first, unless otherwise indicated.

3. Reasonable efforts must be made to collect the designated taxes from the corporation before proceeding against an officer or director. It will be assumed that collection from the corporation cannot be made if the corporation has filed bankruptcy, has discontinued business and has no unencumbered assets, or has been liquidated.

4. Payments made by a corporation on its tax account will be applied toward any non-trust fund taxes first, unless the taxpayer designates in writing how a particular payment is to be applied at the time the payment is made, or the facts and circumstances indicate otherwise. For example, if a corporation owes, for a particular period, both sales taxes which have been collected and use taxes on purchases, any partial payment will be applied first to the use taxes owed by the corporation.

C. Responsible Officers or Directors

1. Definition. A responsible officer or director is one who has the duty to perform or the power to direct the act of collecting, accounting for, and paying over trust fund monies. He or she must be an officer or director of the corporation which failed to remit the taxes and must have sufficient control over funds to direct disbursement of such funds.

2. Designation of Responsible Officer or Director. The law provides that a corporation by resolution of the board of directors may designate an officer or director having direct control or supervision of withheld or collected taxes or charged with the responsibility of filing returns and remitting such taxes, and such resolution shall be filed with the Secretary of State. If such a designation has been filed, the named officer or director shall be considered responsible. If no designation has been filed, all acts and circumstances must be considered. No one factor will determine whether the officer or director is responsible. In all cases, there will be at least one corporate officer with the responsibility for collection and payment of taxes. Some factors to be considered are:

a. what the individual's duties were as outlined by the corporate bylaws;

b. whether the individual had the authority to sign company checks;

c. whether the individual signed the tax returns of the company;

d. whether the individual paid or directed payment to creditors other than the state of Louisiana;

e. whether the individual was a principal stockholder;

f. whether the individual hired and discharged employees;

g. whether the individual controlled the financial affairs of the company in general; or

h. whether an officer or director was designated as responsible for filing returns and remitting taxes even though no resolution was filed with the Secretary of State. An officer or director to whom such responsibility has been delegated cannot avoid his responsibility by delegating it to a subordinate employee.

3. Multiple Responsible Persons. There may be instances when more than one officer or director has responsibility for taxes. If such a determination is made, the secretary may assess all responsible officers and directors and may proceed to recover the entire amount from any one officer or director or partial payments from any combination thereof. The total amount of tax collected must not exceed the corporation's total liability. For example, if the corporation pays the liability after an assessment is made against a responsible officer, a corresponding credit should be given to that officer.

D. Willfulness

1. The term *willful* means intentional, deliberate, voluntary, and knowing, as distinguished from accidental. Willfulness is construed to be the attitude of a person who, having free will or choice, either intentionally disregards the law or is plainly indifferent to the requirements of the law. Willfulness includes a “reckless disregard for obvious or known risks” or a “failure to investigate or correct mismanagement.”

2. If an officer or director permits withheld or collected taxes to be used to pay operating expenses of the business, whether by direction or tacit approval, he has willfully failed to account for or remit such taxes.

3. The determination of willfulness does not require a finding of bad motives, such as intent to defraud.

E. Alternative Remedies for Collection of Taxes. Any of the methods of collection provided by R.S. 47:1561 may be used to collect taxes from responsible officers or directors.

F. Prescription and Waivers. The prescription period of the tax in question will also apply to any assessment under R.S. 47:1561.1. A waiver of prescription executed by the corporation will not be valid for assessments against officers or directors. Separate waivers must be obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1561.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 15:274 (April 1989).

§4903. Timely Filing When the Due Date Falls on Saturday, Sunday, or Legal Holiday

A. Unless otherwise specifically provided, when the due date of any report or return prescribed under the laws administered by the Department of Revenue and Taxation, falls on a Saturday, Sunday, or a legal holiday, the report or return shall be considered timely if it is filed on the next business day.

B. Definitions. For the purposes of this Section, the following term is defined.

Legal Holiday—any legal holiday observed by the state of Louisiana or the United States Post Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:188, 26:453, 45:1179, 47:1511, and 47:2425.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 19:1594 (December 1993).

§4905. Signature Alternatives; Electronic Filings

A. As authorized by R.S. 47:1520, the following alternate methods for signing, subscribing, or verifying tax returns, statements, or other documents filed by electronic means are allowed and shall have the same validity and consequence as the actual signature and/or written declaration.

B. The following alternatives are allowed in lieu of submitting a written signature/declaration for tax returns transmitted electronically via any computer, telephone, or internet by the taxpayer or the taxpayer's agent:

1. the taxpayer's signature document maintained by the electronic filer on file and secured for a period of three years from December 31 of the year in which the taxes were due;

2. the taxpayer's signature on a trading partner agreement with the department;

3. a Personal Identification Number (PIN); or

4. an electronic signature as specified in a filing agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 22:35 (January 1996), amended by the Department of Revenue, Office of the Secretary, LR 23:1167 (September 1997), LR 25:2443 (December 1999), LR 27:1017 (July 2001).

§4906. Signature Alternatives for Preparers

A. Income tax return preparers may sign original returns and amended returns by means of a rubber stamp, mechanical device, or computer software program. These alternative methods of signing must include either a facsimile of the individual preparer's signature or the individual preparer's printed name. Income tax return preparers utilizing one of these alternative means are personally responsible for affixing their signatures to returns. Income tax preparers who use alternative methods of signing must provide all of the other preparer information that is required on returns. This regulation does not alter the signature requirements for any other type of document currently required to be manually signed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:101(A)(2), R.S. 47:1511 and R.S. 47:295.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 31:699 (March 2005).

§4907. Remittance of Tax under Protest, Suits or Petitions to Recover

A. Except as provided in R.S. 47:1576(A)(1)(b), any taxpayer protesting the payment of any amount found due by the secretary or the enforcement of any provision of the tax laws in relation thereto, shall remit to the Department of Revenue the amount due, including tax, interest and penalties. At such time, the taxpayer must give notice of its intention to either: file suit in district court; or file a petition at the Board of Tax Appeals for the recovery of such tax. Accordingly, amounts remitted to the department must be deemed at the time remitted as a payment under protest by including notice of intention to either: file suit in district court; or file a petition at the Board of Tax Appeals for recovery of such tax.

1. Overpayments of income tax designated on the prior year's return as an amount of overpayment to be credited to the next year's return cannot be designated as payment under protest.

2. Pending claims for refund cannot be designated as payment under protest.

B. The taxpayer has 30 days from the date of notice to the Department of Revenue of the intention to file suit or petition for recovery of tax paid under protest to file a suit or petition for the recovery of such tax. However, in instances when the payment of tax under protest is required before the amount of tax due is determinable, the taxpayer has 30 days from the due date of the return or the extended due date of the return to file suit or petition for recovery of the taxes paid under protest.

C. There shall be no penalty for underpayment of estimated tax with regard to amounts paid under protest and such amounts paid under protest shall not be due until the due date of the return without regard to extensions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1576.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Division, LR 22:1230 (December 1996), amended by the Department of Revenue, Policy Services Division, LR 40:2615 (December 2014).

§4908. Insufficient Funds Checks

A. In the event a check used to make a remittance of tax under protest pursuant to R.S. 47:1576 is returned unpaid by

the bank on which it is drawn for any reason related to the account on which the check is written, such shall constitute a failure to remit taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1576.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:347 (February 2002).

§4909. Refund Claims

A. Taxpayers filing claims for refunds or credits of overpayments of tax, penalty or interest as authorized by R.S. 47:1621 and in accordance with R.S. 47:1623 must comply with the following procedures.

1. A claim for refund or credit shall be written in the English language, and be:

a. submitted on claims for refund/credit forms provided by the secretary; or

b. written in a format substantially the same as that provided by the secretary; or

c. submitted by timely filing an amended return.

2. A claim for refund shall be signed and dated by the taxpayer or his authorized representative, and shall:

a. contain a clear statement detailing the reason for the claim;

b. indicate the appropriate tax and tax amount by tax period; and

c. be submitted to an appropriate office, division, or representative of the Department of Revenue. An *appropriate office, division,* or *representative of the Department of Revenue* means:

i. a regional service center or regional audit office;

ii. the appropriate division located at the department's headquarters in Baton Rouge;

iii. the Office of Alcohol and Tobacco Control for taxes or fees collected by that office;

iv. the tax collection officer assigned responsibility for the taxpayer's account for the period and tax related to the refund claim;

v. the field or office auditor that is examining the taxpayer's account for the period and tax related to the refund claim;

vi. the audit reviewer responsible for reviewing the audit file relating to the tax and tax period of the refund claim.

3. Information and documentation required by statute or regulation to be provided in support of a claim for refund or credit, shall be attached to and submitted with the taxpayer's claim for refund or credit.

4. Information or documentation required by statute or regulation to be maintained by the taxpayer in regard to a tax levied or credit granted pursuant to Title 47 of the Revised Statutes or any other tax, fee, charge, exclusion, exemption, credit or rebate administered by the secretary shall be provided within thirty days of written request by the secretary.

B. Claims for refund shall be approved or denied by the secretary or his designee in accordance with written Departmental policy and procedures.

C. Claims for refunds that have not been approved within one year of the date received or that have been denied may be appealed by taxpayer to the board of tax appeals in accordance with R.S. 47:1625.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1621, 1623, and 1625.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 26:95 (January 2000); amended by the Department of Revenue, Policy Service Division, LR 47:1334 (September 2021).

§4910. Electronic Funds Transfer

A. Electronic Funds Transfer Requirements

1. For taxable periods beginning on or after January 1, 2004, taxpayers are required to remit their tax payments by electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than $15,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than $15,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than $15,000 per month for all tax returns filed.

2. For taxable periods beginning on or after January 1, 2006, taxpayers are required to remit their tax payments by electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than $10,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than $10,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than $10,000 per month for all tax returns filed.

3. For taxable periods beginning on or after January 1, 2008, taxpayers are required to remit their tax payments by

electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than $5,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than $5,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than $5,000 per month for all tax returns filed.

4. Any taxpayer may voluntarily remit amounts due by electronic funds transfer with the approval of the secretary. After requesting to electronically transfer tax payments, the taxpayer must continue to do so for a period of at least 12 months.

B. Definitions. For the purposes of this Section, the following terms are defined.

Automated Clearinghouse Credit—an automated clearinghouse transaction in which taxpayers through their own banks, originate an entry crediting the state's bank account and debiting their own bank account. Banking costs incurred for the automated clearinghouse credit transaction shall be paid by the person originating the credit.

Automated Clearinghouse Debit—an automated clearinghouse transaction in which the state, through its designated depository bank, originates an automated clearinghouse transaction debiting the taxpayer's bank account and crediting the state's bank account for the amount of tax. Banking costs incurred for the automated clearinghouse debit transaction shall be paid by the state.

Business Tax—any tax, except for individual income tax, collected by the Department of Revenue.

Electronic Funds Transfer—any transfer of funds other than a transaction originated by check, draft, or similar paper instrument, that is initiated electronically so as to order, instruct, or authorize a financial institution to debit or credit an account. Electronic funds transfer shall be accomplished by an automated clearinghouse debit or automated clearinghouse credit. Federal Reserve Wire Transfers (FedWire) may be used only in emergency situations and with prior approval from the department.

FedWire Transfer—any transaction originated by taxpayers utilizing the national electronic payment system to transfer funds through the Federal Reserve banks, when the taxpayers debit their own bank accounts and credit the state's bank account. Electronic funds transfers may be made by FedWire only if payment cannot, for good cause, be made by automated clearinghouse debit or credit and the use of FedWire has the prior approval of the department. Banking costs incurred for the FedWire transaction shall be paid by the person originating the transaction.

Other Immediately Investible Funds—cash, money orders, credit and debit card payments, bank drafts, certified checks, teller's checks, electronic checks, and cashier's checks. The taxpayer is responsible for payment of any fee charged for making payment by means defined in this Paragraph as other immediately investible funds.

Payment—any amount paid to the Department of Revenue representing a tax, fee, interest, penalty, or other amount.

C. Taxes Required to be Electronically Transferred. Tax payments required to be electronically transferred may include corporation income and franchise taxes including declaration payments; income tax withholding; sales and use taxes; severance taxes; excise taxes; and any other tax or fee administered or collected by the Department of Revenue except for individual income tax. A separate transfer shall be made for each return.

D. Taxpayer Notification

1. Those taxpayers required to electronically transfer tax payments will be notified in writing by the department of the electronic funds transfer data format and procedures at least 90 days prior to the required electronic funds transfer effective date. The taxpayer will be given payment method options (ACH debit, ACH credit, or other immediately investible funds) from which to select. Depending on the method selected, the taxpayer will be required to submit specific information needed to process electronic payments. Before using ACH debit, the taxpayer must register at least 60 days in advance. Once required to remit taxes by electronic funds transfer, the taxpayer must continue to do so until notified otherwise by the department.

2. After one year, taxpayers whose average payments have decreased below the threshold may request to be relieved of the electronic funds transfer requirement.

3. Taxpayers experiencing a change in business operations that results in the average payments not meeting the requirements, may request to be relieved of the electronic funds transfer requirement. “Change in business operations” shall include changing of pay services for the purpose of filing income tax withholding.

E. Failure to Timely Transfer Electronically

1. Remittances transmitted electronically are considered timely paid if the payment transaction's confirmation time and date stamp is on or before the due date. However, if the payment is not timely paid, the date of receipt by the secretary will govern for purposes of determining the amount of any late payment penalties.

2. Failure to make payment or remittance in immediately available funds in a timely manner, or failure to provide such evidence of payment or remittance in a timely manner, shall subject the affected taxpayer or obligee to penalty, interest, and loss of applicable discount, as provided by state law for delinquent or deficient tax, fee or obligation payments. If payment is timely made in other than immediately available funds, penalty, interest, and loss of

applicable discount shall be added to the amount due from the due date of the tax, fee or obligation payment to the date that funds from the tax, fee, or obligation payment subsequently becomes available to the state.

3. When the statutory filing deadline, without regard to extensions, falls on a Saturday, Sunday, or Federal Reserve holiday, the payments must be electronically transferred by the next business day.

4. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519 and this rule, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

5. Tax return must be filed.

a. A tax return or report must be filed separately from the electronic transmission of the remittance.

b. Failure to timely file a tax return or report shall subject the affected taxpayer or obligee to penalty, interest, and loss of applicable discount, as provided by state law.

6. In situations involving extenuating circumstances as set forth in writing by the taxpayer and deemed reasonable by the secretary of the Department of Revenue, the secretary may grant an exception to the requirement to transmit funds electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 19:1032 (August 1993), repromulgated LR 19:1340 (October 1993), amended LR 20:672 (June 1994), LR 23:448 (April 1997), amended by the Department of Revenue, Office of the Secretary, LR 25:2442 (December 1999), amended by the Department of Revenue, Policy Services Division, LR 28:866 (April 2002), LR 29:2854 (December 2003), LR 31:484 (February 2005), LR 38:2382 (September 2012).

§4911. File Date of Returns and Other Documents; Payment Dates

A. Definitions. For the purposes of these rules, the following terms shall have the meanings ascribed to them in this Section.

Courier—a messenger other than the United States Postal Service that delivers parcels, packages and the like containing returns, reports, other documents or payments.

Electronically—by computer, telephone or internet.

Postage—the amount of money paid for the delivery of a piece of mail by the United States Postal Service.

Postage Meter—the postage printing die and postage registering mechanism of a mailing machine which must meet postal service test specifications and is subject to inspection by the United States Postal Service.

Postmark—an official mark made by the United States postal service on a piece of mail to cancel the stamp and to indicate the place and date of sending.

B. File Date of a Return, Report and Other Document

1. Delivery by the United States Postal Service. A return, report or other document in a properly addressed envelope with sufficient postage delivered by the United States Postal Service is deemed filed on the date postmarked by the United States Postal Service. The postmark must bear a date on or before the last date prescribed for filing the return, report or other document in order to be considered timely filed. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the return, report or other document is sent by United States registered or certified mail, the date of registration is treated as the date of postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible United States Postal Service postmark date. If the dates conflict, the United States Postal Service date shall override the meter date.

2. Delivery by Courier. A return, report or other document delivered by courier is deemed filed on the date it is delivered to the department's headquarters or a regional office.

3. Delivery by the Taxpayer. A return, report or other document delivered by the taxpayer or a representative of the taxpayer is deemed filed on the date it is delivered to the department's headquarters or a regional office.

4. Electronically Filed. A return, report or other document filed electronically is deemed filed on the date transmitted to the department or to a third party acting as the department's agent.

5. Electronic Payment as a Substitute. In the case where a taxpayer is allowed to and has elected to have an electronic payment represent his return, the return shall be considered filed on the date the transmitted funds are posted to the state of Louisiana's bank account.

C. Payment Dates

1. Delivery by the United States Postal Service

a. A payment made in conjunction with the filing of a tax return and submitted in a properly addressed envelope with sufficient postage delivered by the United States Postal Service is deemed paid on the date it is postmarked. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the payment is sent by United States registered or certified mail, the date of registration is treated as the date of postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible United States Postal Service postmark date. If the dates conflict, the United States Postal Service date shall override the meter date.

b. Any payment other than that described in Subparagraph C.1.a above including but not limited to payments of billing notices and unidentified payments is deemed paid on the date it is delivered to the department's headquarters or a regional office.

2. Delivery by Courier. A payment delivered by courier is deemed paid on the date it is delivered to the department's headquarters or a regional office.

3. Delivery by the Taxpayer. A payment delivered by the taxpayer or a representative of the taxpayer is deemed paid on the date it is delivered to the department's headquarters or a regional office.

4. Electronic Remittance. A payment remitted electronically is deemed paid on the date the transmitted funds are posted to the state of Louisiana's bank account. A taxpayer required by the provisions of R.S. 47:1519(B) and LAC 61:I.4910 to pay by electronic funds transfer must comply with the statutes and regulations governing electronic funds transfers, as well as written procedures prescribed by the department, in order to have the payment deemed timely paid.

5. Dishonored Payment. A payment remitted to the department that is later dishonored by the taxpayer's financial institution or the taxpayer's representative's financial institution is not deemed paid until the date the replacement funds are posted to the state of Louisiana's bank account or guaranteed money is delivered to the department's headquarters or a regional office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Office of the Secretary, LR 27:1242 (August 2001).

§4913. Collection of In-State Tax Liabilities by Debt Collection Agencies or the Attorney General's Office

A. Definitions

1. For purposes of this rule, the following terms shall have the meaning ascribed to them.

Attorney General—the Attorney General of the state of Louisiana.

Collection Contractor—the attorney general or one or more private persons, companies, associations, or corporations who provide debt collection services inside the state.

B.1. The secretary is authorized to enter into contracts with collection contractors to facilitate the collection of taxes, interest, penalties, and fees due the department after an obligation has become collectible by distraint and sale.

2. The secretary may only enter into a collection contract after notice by regular mail has been transmitted to the taxpayer at the address given in the last report filed by the taxpayer, or to any address obtainable from any private entity that will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software.

3. The taxpayer will be informed of the following:

a. that the obligation is a final judgment;

b. all the actions the secretary is authorized to take in order to collect the debt; and

c. that if the debt is not paid within 60 days of the date of the notice, a collection fee not to exceed 25 percent of the total liability will be charged to the account.

4. The taxpayer must pay the full amount of any additional charge for the collection of any taxes, interest, penalties, or fees. If an account is referred to a collection contractor, the additional charge will be paid to the collection contractor.

C. The secretary will consider the following criteria in selecting collection contractors:

1. fees charged;

2. organizational structure;

3. experience with government accounts;

4. computer capabilities including the ability to generate reports and formatting;

5. collection methodology;

6. financial stability; and,

7. personnel resources.

D. Prior to entering into any contract, the secretary will require a performance bond, cash, or securities from the collection contractor in an amount not to exceed $100,000.

E. Once the collection contract is entered into, the secretary will provide information to the collection contractors concerning the accounts of individual taxpayers only to the extent necessary for the collection contractor to fulfill his contractual obligation.

1. The information furnished by the secretary will be considered confidential and privileged by the collection contractor and members of his staff, as provided by R.S. 47:1508.

2. Collection contractors may not take any action that exceeds the authority of the secretary and must follow the Fair Debt Collection Practices Act.

F. With the approval of the secretary, the collection contractor may file suit, at his expense, in the name of the secretary in the courts of this state for the purpose of collecting the tax debt.

G.1. Nothing contained in this rule shall be construed to affect in any manner any rights and remedies available to the taxpayer.

2. This rule does not apply to a spouse who qualifies for liability relief under the innocent spouse provisions of R.S. 47:101.B(7).

H. The attorney general will have a right of first refusal for all accounts selected to be sent to a collection contractor.

1. A list of accounts selected will be compiled by the secretary and forwarded to the attorney general for the exercise of his right of first refusal.

2. The right of first refusal shall be exercised within 30 days of the date of mailing or electronic transmission of the list.

3. If the attorney general fails to exercise his right of first refusal within 30 days or refuses to accept an account, the secretary may send the account to any collection contractor meeting the requirements of Subsection C.

4. When the attorney general accepts an account for collection, the collection fee may not exceed 15 percent of the total liability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1516.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Office of the Secretary, LR 28:2371 (November 2002).

§4914. Prescription of Refunds Claimed Pursuant to the Federal Combat-Injured Veterans Tax Fairness Act of 2016

A. General. R.S. 47: 1623(G) provides for an extension of the prescriptive period applicable to certain individual income tax refunds. Taxpayers who received a federal income tax refund pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016 are entitled to an extension of prescription on the corresponding Louisiana income tax refund. The extension of prescription only applies to refunds allowed pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016.

B. Combat-Injured Veterans Tax Fairness Act of 2016. On December 16, 2016, the President signed the Combat-Injured Veterans Tax Fairness Act of 2016 into law as Public Law 114-292. Public Law 114-292 provides an extension of the federal statute of limitations for refunds of income tax erroneously paid on lump-sum disability severance payments made by the U.S. Department of Defense. For tax years 1991 through 2016, the Department of Defense erroneously withheld income tax from lump-sum disability severance payments that are exempt from federal income tax pursuant to Section 104(a)(4) of the Internal Revenue Code.

1. Erroneous Withholding. Federal income tax was erroneously withheld from the following Department of Defense payments:

a. lump-sum disability severance payments for combat-related injuries; and

b. lump-sum disability severance payments that would qualify as disability compensation from the Department of Veterans Affairs.

2. Required Notice. Public Law 114-292 requires the Department of Defense to provide notice to affected taxpayers whose exempt payments were subjected to erroneous withholding.

3. Federal Extension. Public Law 114-292 provides an extension of the three-year period for claiming a tax refund pursuant to Section 6511(a) of the Internal Revenue Code. The extension is one year after the date the required notice is provided to the taxpayer.

4. Amended Return or Standard Refund Amount

a. Pursuant to IR-2018-148, the Internal Revenue Service allows affected taxpayers, including the surviving relative of a deceased taxpayer, the option of either:

i. filing an amended federal income tax return for the tax period in which the lump-sum disability severance payments were received to remove the exempt income from gross income; or

ii. claiming a standard refund amount.

b. The standard refund amounts are as follows:

i. $1,750 for tax years 1991 through 2005;

ii. $2,400 for tax years 2006 through 2010;

iii. $3,200 for tax years 2011 through 2016.

C. Louisiana conformity with federal adjusted gross income. Pursuant to R.S. 47:293(1), Louisiana adjusted gross income means the adjusted gross income that is reportable on the federal income tax return. Thus, lump-sum disability severance payments that are exempt from federal income tax pursuant to Section 104(a)(4) of the Internal Revenue Code are likewise exempt from Louisiana income tax. Because Louisiana conforms to federal adjusted gross income, exempt lump-sum disability severance payments that were included in a taxpayer's federal adjusted gross income were by default also included in Louisiana adjusted gross income.

D. Prescription of Refunds. Act 367 of the 2019 Regular Session of the Louisiana Legislature enacted R.S. 47:1623(G), which provides for an extension of the prescriptive period applicable to certain refunds of Louisiana individual income tax. If a taxpayer receives a federal individual income tax refund pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016, prescription is extended for the corresponding Louisiana income tax refund.

1. Length of Extension. The prescriptive period does not expire until after two years from the date of the taxpayer's receipt of the U.S. Department of Defense notice issued pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016. The U.S. Department of Defense notice is deemed to be received on the last day of the month that is printed on the notice. For example, if the date of the U.S. Department of Defense notice is July 20, 2018, then the taxpayer has until July 31, 2020 to request a refund. Taxpayers that did not receive a U.S. Department of Defense notice but received a federal refund pursuant to the Combat-Injured Veterans Tax Fairness Act of 2016 have until July 31, 2020 to request a Louisiana refund.

2. Amended Return or Standard Refund Amount

a. Pursuant to R.S. 47: 1623(G), eligible taxpayers have the option of either:

i. filing an amended Louisiana individual income tax return (Form IT-540) for the tax period in which the lump-sum disability severance payments were received to remove the exempt income from adjusted gross income, or

ii. claiming a standard refund amount by submitting a completed Form R-6185, *Individual Income Tax Refund Claim Pursuant to the Federal Combat-Injured Veterans Tax Fairness Act of 2016*. However, taxpayers are required to make the same election as was made for federal purposes except as provided in paragraph E. For example, if a taxpayer elected to claim the standard refund amount for federal purposes, the taxpayer is required to claim the standard refund amount for Louisiana purposes.

b. The Louisiana standard refund amounts are as follows:

i. $326 for tax years 1991 through 2002;

ii. $592 for tax years 2003 through 2008;

iii. $543 for tax years 2009 through 2010;

iv. $637 for tax years 2011 through 2016.

3. Interest. The general provision on interest on refunds provided by R.S. 1624(A)(1) shall apply to refunds issues pursuant to R.S. 47: 1623(G). Pursuant to R.S. 1624(A)(1), interest is allowed on refunds from ninety days after the later of the due date of the return, the filing date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid.

E. Documentation Required. Taxpayers must attach a copy of the federal form 1040X and a copy of the Department of Defense notice (Letters 6060-A and 6060-D) or other documentation required by the IRS for taxpayers that did not receive a Department of Defense notice. For the 1991 through 2003 tax periods, taxpayers filing an amended Louisiana individual income tax return (Form IT-540) must attach a copy of the original Louisiana individual income tax return (Form IT-540). Taxpayers who are unable to provide a copy of their original Louisiana return are required to claim the standard refund amount for Louisiana purposes.

F. Survivors of Deceased Veterans. Survivors of veterans who received notice from the Department of Defense that their relative qualified for a tax refund due to the Combat-Injured Veterans Tax Fairness Act of 2016 may submit a claim for refund. Survivors have the option of either filing an amended individual income tax return (Form IT-540) or claiming a standard refund amount. Survivors must also file Form R-6642, *Statement of Claimant to Refund Due on Behalf of Deceased Taxpayer* unless the person filing the claim is the surviving spouse of the veteran and filed a joint tax return with the veteran for the year the veteran received the lump-sum disability severance payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 45:1607 (November 2019).

§4915. Louisiana Tax Delinquency Amnesty Act of 2014

A. A taxpayers' application to make installment payments of a delinquent tax and its interest, penalties, and fees shall, upon approval by the secretary, enter the taxpayer into an installment agreement. In order to continue in the amnesty program, the taxpayer must make complete and timely payments of all installment payments. For the payment to be considered timely, all installment payments must be received no later than May 1, 2015.

B. All installment agreements approved by the secretary shall require the taxpayer to provide a down payment of no less than 20 percent of the total amount of delinquent tax, penalty, interest, and fees owed to the department at the time the installment agreement is approved by the secretary. Field audit and litigation are not eligible to enter into an installment agreement.

C. Every installment agreement shall include fixed equal monthly payments that shall not extend for more than six months. Applicants seeking to enter into an installment agreement with the department shall provide the following information:

1. bank routing number;

2. bank account number; and

3. Social Security number or LDR account number.

D. An installment payment will only be drafted from an account from which the taxpayer is authorized to remit payment. All payments shall be drafted through electronic automated transactions initiated by the department. Taxpayers who cannot enter into an agreement to make payment by way of automated electronic transactions shall not be eligible for an installment agreement with the department.

E. If for any reason a taxpayer subject to an installment agreement fails to fulfill his obligation under the agreement by remitting the last installment by May 1, 2015, no amnesty shall be granted and the installment agreement shall be null and void. All payments remitted to the department during the duration of the voided installment agreement shall be allocated to the oldest outstanding tax period as a regular payment. The payment will be applied in the following order: tax, penalty and interest. The taxpayer shall be obligated to pay the entirety of the delinquent tax, along with all applicable interest, penalties, and fees.

F. A taxpayer who is approved to participate in the amnesty program who is also a party to an existing installment agreement with the department may be eligible to participate in an installment agreement under the amnesty program. Upon approval by the secretary of an installment agreement under the amnesty program, the original installment agreement with the department shall be cancelled in favor of the installment agreement under amnesty.

G. The secretary may procure tax amnesty program collection services for the administration and collection of installment agreements. The fee for such services shall be in accordance with the fees authorized in R.S. 47:1516.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47: 1511 and Acts 2014, No. 822.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 41:151 (January 2015).

§4919. Installment Agreement for Payment of Tax

A. Time Tax Payable. The total amount of tax due on a tax return shall be paid no later than the date the return is required to be filed without regard to any extension of time for filing the return. An extension of time to file a return is not an extension of time to pay the tax due. The total amount of tax shown on the return as filed is an assessment, which is equivalent to a judgment, and shall be recorded as an assessment in the records of the secretary.

B. Installment Agreement. If a taxpayer qualifies for an installment agreement, the secretary may allow the taxpayer to pay taxes, interest, penalties, fees and costs due in installments subject, but not limited, to the following requirements or conditions.

1. The taxpayer shall pay a nonrefundable installment agreement fee in the amount of $105, payable to the Department of Revenue, to establish an installment agreement for the payment of the tax debt. Payment of the fee is mandatory. The installment agreement fee cannot be paid in installments nor waived or applied against any tax debt. However, the secretary shall not charge the fee to enter into an installment payment agreement plan with any taxpayer whose adjusted gross income is less than or equal to $25,000.

2. The taxpayer must be current in the filing of all returns and in the payment of all liabilities for all tax types and periods not covered in the installment agreement.

3. The taxpayer shall file returns for all tax periods included in the installment agreement.

4. The taxpayer shall agree to waive all restrictions and delays on all liabilities not assessed for periods included in the installment agreement.

5. The taxpayer shall agree to timely file all returns and pay all taxes that become due after the periods included in the installment agreement.

6. The taxpayer may be required to pay a down payment of 20 percent and to make installment payments by automatic bank draft.

7. All installment agreement payments shall be applied to accounts, taxes, and periods as determined by the department.

8. Any and all future credits and overpayments of any tax shall be applied to outstanding liabilities covered by the installment agreement.

9. The taxpayer shall notify the department before selling, encumbering, alienating, or otherwise disposing of any of their real (immovable) or personal (movable) property.

10. Tax liens may be filed in any parish wherein the department has reason to believe the taxpayer owns immovable property.

11. A continuing guaranty agreement may be required on installment agreements requested by a corporation, limited liability company, partnership, or limited partnership.

C. Offset of Tax Refunds and Other Payments

1. All state tax refunds issued to the taxpayer shall be applied to the tax debt until the balance is paid in full.

2. Monies received as an offset of the taxpayer's federal income tax refund shall be credited to the tax debt for the amount of the offset, less a deduction for the offset fee imposed by the Internal Revenue Service, until the balance is paid in full.

3. Other payments that the taxpayer may be entitled to receive shall be offset in accordance with applicable law.

4. Amounts of state or federal tax refunds offsets or other payments applied to the tax debt shall not reduce the amount of any installment payment due or extend the time for paying an installment payment.

D. Forms of Installment Agreements

1. Informal installment agreements shall be allowed only if the amount owed is less than $25,000 and the payment period is 36 months or less.

2. Formal installment agreements shall be required if the amount owed is $25,000 or more or the payment period exceeds 36 months. Information relative to the taxpayer's employment, bank account, credit, income statement, balance sheets, cash-flow data, and any other information shall be provided to the department upon request.

3. All installment agreements shall be made on forms and in the manner prescribed by the secretary.

E. Default; Reinstatement of Installment Agreement

1. If any installment payment is not paid on or before the dated fixed for its payment, the total outstanding balance shall be due and payable immediately upon notice and demand from secretary. All collection actions shall be reactivated.

2. Upon request of the taxpayer and the approval of the secretary, the installment agreement may be reinstated, provided the taxpayer pays the mandatory reinstatement fee in the amount of $60, payable to the Department of Revenue. The reinstatement fee cannot be paid in installments nor waived or applied against any tax debt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 105 and R.S. 47:1576.2.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016), amended LR 47:893 (July 2021).

Chapter 51. Tobacco Tax

§5101. Reporting of Certain Imported Cigarettes; Penalty

A. Every registered wholesale tobacco dealer receiving cigarettes or roll-your-own tobacco made by a tobacco product manufacturer who is not participating in the Master Settlement Agreement, whether the product is purchased directly from the manufacturer or through a distributor, retailer or similar intermediary or intermediaries, must furnish the following information:

1. invoice number;

2. manufacturer's name and complete address;

3. quantity of product obtained, i.e., number of cigarettes or ounces of roll-your-own tobacco as defined at R.S. 13:5062(4);

4. product brand name;

5. whether the product was shipped directly from the manufacturer;

6. name and address of the seller if other than the manufacturer; and

7. any other information that may be requested by the secretary.

B. The information required by Subsection A is to be provided on a form prescribed by the secretary and must be submitted with and at the same time as the monthly tobacco report. If, during the reporting period, there were no purchases of a product made by a manufacturer who is not participating in the Master Settlement Agreement, such is to be indicated on the prescribed form and the form attached to the monthly tobacco report.

C. Any registered wholesale tobacco dealer who fails to comply with the reporting requirement or provides false or misleading information in response to Subsection A may be subject to the revocation or suspension of any permit issued under R.S. 47:844, in accordance with R.S. 47:844 (A)(4).

D. When it is determined that a registered wholesale tobacco dealer is not in compliance with this rule, the secretary shall give that wholesale dealer written notice by registered mail of the noncompliance and request compliance within 15 days. Upon a second instance of noncompliance with this rule, the secretary shall, by registered mail, inform the wholesale dealer of the noncompliance and request the wholesale dealer to, within 10 days, show cause why the wholesale dealer's permit shall not be suspended. Upon a third instance of noncompliance with this rule, the secretary shall, by registered mail, inform the wholesale dealer of the noncompliance and request the wholesale dealer to show cause, on a date and time set by the secretary, as to why the wholesale dealer's permit shall not be suspended. If the wholesale dealer does not comply with the terms of this rule after the hearing, the secretary shall suspend the wholesale dealer's permit for a period of at least 30 days, or until such time as the dealer has become compliant. Failure to properly respond to written notification of noncompliance shall constitute a subsequent instance of noncompliance.

E. The information furnished under Subsection A may be disclosed as provided in R.S. 47:1508(B)(11).

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5062 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Policy Services Division, LR 28:866 (April 2002).

§5103. Manufacturer's Net Invoiced Price

A. Definitions

Cash Discounts—reduction to the total invoiced amount based upon a payment method or timing of payment such as payment by electronic funds transfer, automatic withdrawal or full payment within a specified period.

Promotional Incentives—product provided to the Louisiana dealer and listed on the invoice at no cost.

Trade Discounts—reduction in list price or unit price given by a manufacturer or other supplier. These discounts are listed in the product line item as either a percentage or specified amount and are reflected in the extended price of the product on the invoice.

B. The tobacco tax is imposed on the invoice price of cigars, smoking tobacco, smokeless tobacco, and other tobacco products. R.S. 47:842(6) defines invoice price as the manufacturer's net invoiced price as invoiced to the Louisiana tobacco dealer.

C. Manufacturer's net invoiced price is the product line item price charged to the dealer by the manufacturer, supplier, jobber or other person who sells the tobacco product to the dealer inclusive of any trade discount reflected in the line item price.

D. Federal excise and other taxes, shipping charges, and freight charges separately stated on an invoice are not considered part of the price of the taxable product and are excluded from the determination of manufacturer's net invoiced price.

E. Cash discounts shall not be considered when determining the manufacturer's net invoiced price.

F. R.S. 47:854(B) requires that any tobacco products given away at no cost must be taxed in the same manner as products sold, used, consumed, handled or distributed in this state. The tobacco tax due on promotional incentives listed on an invoice at no cost shall be determined as follows.

1. If the invoice reflects a purchase of the same product, then the tobacco excise tax should be calculated on the invoiced price charged on the invoice for the same product.

2. If the invoice does not show the purchase of the same product, then the tax is calculated on the manufacturer's list price for that product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:841(D) and 1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 48:2765 (November 2022).

Chapter 53. Miscellaneous Fees

§5301. Oilfield Site Restoration Fee

A. The Department of Revenue is responsible for collection of the oilfield site restoration fee imposed on the production of gas, oil, and condensate.

1. The fee shall be assessed on the same production that is taxed by the state's severance tax laws.

2. An annual fee, administered and collected by the Office of Conservation, is also imposed on nonproducing wells located within the state, except for temporarily abandoned or saltwater disposal wells in stripper fields.

B. Definitions. For the purposes of this Section, the following terms are defined.

Condensate—liquid hydrocarbons recovered by initial separation from a well classified as a gas well by the Office of Conservation or recovered from gas streams at drip points, plant inlet scrubbers, compressors, dehydrators, and metering stations.

Gas—gaseous phase hydrocarbons recovered by separation from either an oil well or gas well.

Oil—liquid hydrocarbons recovered by ordinary production methods from a well classified as an oil well by the Office of Conservation.

Operator of Record—the operator of record according to the Office of Conservation records.

Secretary—the Secretary of the Department of Revenue.

C. Due Dates and Delinquent Dates. The oilfield site restoration fee on gas, oil, and condensate is due quarterly on or before the twenty-fifth day of the second month following the quarter period and will be delinquent after this date and subject to interest, penalties, and costs as provided in Chapter 18, Subtitle II of Title 47.

D. Suspension and Reinstatement of the Fees

1. The state treasurer will certify to the secretary when the Oilfield Site Restoration Fee fund equals or exceeds $10 million. The secretary will notify all parties who are remitting the fee to cease payment of the fee on a specific date. All fees collected up to that date will be remitted on or before the first day of the second month following the date specified.

2. The state treasurer will certify to the secretary when the Oilfield Site Restoration Fee fund has fallen below $6 million. The secretary will notify all parties who are registered to collect and remit the fee to resume collection and payment of this fee starting with a specific date. The resumption date and fee due date will be specified on the notice.

E. Reports and Payment of the Fees

1. All returns and reports shall be made on forms prescribed by the secretary and furnished by the Department of Revenue, or on similar forms that have been approved for use by the secretary. Returns and reports shall be completed and filed in accordance with instructions issued by the secretary.

2. Any person who severs, purchases, or processes gas, oil, distillate, condensate, or similar natural resources is required to furnish information necessary for the proper enforcement and verification of the fees levied in R.S. 30:87.

3. Every operator of record of producing oil and gas wells must submit a return and make payments of the fees imposed by R.S. 30:87. Purchasers of oil and gas may make payment for the operator of record and their respective working-interest owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:87.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Severance Tax Division, LR 20:197 (February 1994), amended LR 23:78 (January 1997), LR 32:1250 (July 2006).

§5302. Issuance and Cancellation of a Lien; Fees

A. A tax lien shall be filed on liabilities when the tax due involves a jeopardy assessment pursuant to R.S. 47:1566.

B. A tax lien may be filed on liabilities when any of the following conditions exist:

1. when liabilities reach warrant for distraint status;

2. information is received indicating the taxpayer is on the verge of bankruptcy;

3. a corporation is in the process of dissolving or withdrawing from the state;

4. the filing history of the taxpayer indicates an effort to avoid the payment of taxes;

5. information indicates that the taxpayer is in the process of selling movable or immovable property;

6. warrants are determined currently not collectible; or

7. a formal installment agreement has been negotiated with the taxpayer.

C. The secretary may authorize the release of a lien subject to the following terms and conditions:

1. when the tax, penalty, fees, or interest secured by a recorded lien have been paid;

2. when the taxpayer executes a surety bond in favor of the secretary in an amount not less than one and one-half times the amount of the obligation due, including penalties, interest, and other costs incurred. The surety bond must be issued by a surety company qualified to do business in Louisiana;

3. when the lien on the taxpayer's remaining real property is valued at not less than the amount of the remaining tax obligation, including all penalties, interest,

and other costs incurred, plus the amount of all prior liens on the remaining property;

4. when the amount paid to the secretary in partial satisfaction of the liability is not less than the value of the interest of the state of Louisiana in the part of the property to be released or the secretary determines that the interest of the state of Louisiana in the part to be released has no value.

D. The secretary with the approval of two assistant secretaries may compromise any judgments for taxes of $500,000 or less exclusive of interest and penalty, including assessments for such amounts that are equivalent to judgments, when any of the following conditions exist:

1. there is serious doubt as to the collectibility of the outstanding judgment;

2. there is serious doubt as to the taxpayer's liability for the outstanding judgment;

3. the administration and collection costs involved would exceed the amount of the outstanding liability.

E. The secretary may, upon making a record of his reasons, waive, reduce, or compromise individual income tax, penalties, interest, or other amounts.

F. Offers in Compromise

1. A taxpayer may have only one offer in compromise approved in a 10-year period. If an offer in compromise is approved, the secretary shall not consider or accept any other application for an offer in compromise from the taxpayer until the expiration of the 10-year period.

2. Each application for an offer in compromise shall be made on a form and in the manner prescribed by the secretary. A nonrefundable application fee of $186 payable to Louisiana Department of Revenue shall be submitted with each application. The application fee shall not be applied to the tax liability.

3. A nonrefundable initial payment of 20 percent of the amount offered must be submitted with the offer in compromise application. This payment shall be applied to the tax liability.

4. The secretary shall keep a record of all such offers in compromise which shall be open to public inspection and, notwithstanding the provisions of R.S. 47:1508 and 1508.1, shall be published in the department's annual report.

G. The department shall assess a fee against the taxpayer for the filing of a tax lien and the cancellation of a lien. The amount of the fee to be assessed against the taxpayer shall be determined according to the amount charged the department by the parish in which the lien is filed. In the event a lien is filed in more than one parish for the same taxes, each lien shall be treated separately and the total charges per parish for the liens shall be assessed against the taxpayer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:347 (February 2002), amended LR 30:1045 (May 2004), LR 33:860 (May 2007), LR 42:282 (February 2016).

Chapter 61. Motion Picture Production Tax Credit Program

§6101. Purpose

A. The purpose of this Chapter is to implement the Motion Picture Investor Tax Credit Program as established by R.S. 47:6007.

B. This Chapter shall be administered to achieve the following:

1. to encourage development of a strong capital base within the state for the motion picture and related industries;

2. to achieve a self-supporting, independent, indigenous industry; and

3. to encourage development of state of the art motion picture production and post-production facilities:

a. in the short-term, to attract private investors in state-certified productions;

b. in the long-term, to encourage the development of a skilled state workforce trained in the film and video industry.

C. This Chapter shall apply to any person:

1. claiming a credit;

2. transferring or selling a credit; or

3. acquiring a credit under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:52 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019), amended LR 48:1494 (June 2022).

§6103. General Description

A. For application received on or after July 1, 2017, state-certified productions may be eligible for up to a 40 percent tax credit on total qualified in-state expenditures, including resident and non-labor as follows:

1. Base Investment Credit

a. Base Rate. State-certified productions with a total base investment greater than $300,000, or for Louisiana screenplay state-certified productions with a total base investment equal to or greater than $50,000, a tax credit of 25 percent of the base investment may be allowed;

b. Louisiana Screenplay. State-certified productions with expenditures equal to or greater than $50,000, but not greater than $5,000,000, based upon a screenplay created by a Louisiana resident, may be eligible for an increased 10 percent credit of the base investment, for a total of 35 percent.

c. Out of Zone Filming. State-certified productions that have their production office and at least 60 percent of principal photography based and occurring outside of the New Orleans Metropolitan Statistical Area (NOLA-MSA) may be eligible for an increased 5 percent credit of base investment, for a total of 30 percent or 40 percent total for a Louisiana screenplay shot out of the zone.

i. In NOLA-MSA zone: Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. James and St. Tammany Parishes, Out-of-zone: All other parishes including St. John the Baptist Parish.

2. Additional Payroll and Visual Effects (VFX) Credits

a. Louisiana Resident Payroll. Compensation for services paid directly to a Louisiana resident may be eligible for an additional 15 percent credit for qualified Louisiana resident payroll only.

i. Payments made to a loan-out company are not eligible for this additional credit.

b. VFX. If at least 50 percent of the VFX budget is expended for services performed in Louisiana by an approved qualified entertainment company (QEC), or a minimum of $1,000,000 in qualified expenditures are made in Louisiana, an additional 5 percent credit may be allowed on the qualified VFX spend only.

3. Tax credits shall be earned at the time expenditures are certified by LED. The maximum credit rate, including base investment increases and additional payroll credits is 40 percent of the base investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019), amended LR 48:1494 (June 2022), LR 48:1915 (July 2022).

§6105. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6007, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Allocatee—an individual or entity that received an allocation of investment tax credits.

Allocator—an individual or entity that makes an allocation of investment tax credits.

Base Investment—cash or cash equivalent investment made and used for production expenditures in the state for a state-certified production.

Commencement of Production—beginning principal photography or equivalent process.

Completion Notification—the date all required steps for certification of credits are complete, as confirmed in writing by the department.

Cost Report of Production Expenditures—a report of production expenditures formatted in accordance with LED accounting guidelines, which may be issued with initial certification, posted on LED's website or otherwise communicated by LED to applicant in writing.

Department—Louisiana Department of Economic Development, or its successor.

Developer—a person responsible for the development of a state-certification infrastructure project.

Director—Director of the Office of Entertainment Industry Development (the office).

Expended in the State—

a. an expenditure to lease immovable property located in the state;

b. an expenditure as compensation for services performed in the state; or

c. an expenditure to purchase or lease tangible personal property within the state where the transaction is subject to the state sales or lease tax provisions of Title 47 of the Louisiana Revised Statutes of 1950:

i. a transaction that is subject to the states sales or lease tax provision of Title 47 of the Louisiana Revised Statutes of 1950 shall include transactions that are also subject to statutory exclusion or exemption.

Expenditure—actual payment of cash or cash equivalent, paid by or on behalf of a state certified production exchanged for goods or services, as evidenced by an invoice, receipt or other such document.

Indirect Costs—costs of operation that are not directly associated with a specific production or infrastructure project, such as clerical salaries, general administrative costs and other overhead charges.

Investor—any individual or entity that makes an investment in a state-certified production including but not limited to any individual or entity that is identified as a source of funds for a state certified production on its expenditure verification report, individual or entity identified as an irrevocable designee for receipt of tax credits.

LDR—Louisiana Department of Revenue

Louisiana Resident—a natural person who is required to file a Louisiana resident individual income tax return.

Louisiana Screenplay—a screenplay created by a Louisiana resident, as evidenced by documents such as certificate of authorship, a WGA registration certificate, the records of the United States Copyright Office, or other documentation approved by the office.

Non-Applicable Production Expenditures—the following expenses are not eligible to earn tax credits:

a. expenditures for marketing and distribution;

b. non-production related overhead;

c. amounts reimbursed by the state or any other governmental entity;

d. costs related to the transfer of tax credits;

e. amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

f. the application fee;

g. state or local taxes;

h. any other expenditure not allowed by law or regulation.

i. expenditure verification report deposit and fees;

j. For applications received on or after July 1, 2016, bond fees, insurance premiums, finance fees and loan interest fees shall not qualify for tax credits, except for fees paid to certain Louisiana companies, in which case the expenditures to be allocated only on a pro rata basis, allocating the fees based on the relative percentage of production activity occurring in Louisiana;

k. For applications received on or after July 1, 2017, catering and craft services shall not qualify for tax credits unless such expenditures are made to a source within the state.

Office—Office of Entertainment Industry Development.

Payroll—all salary, wages and other compensation, including benefits paid to an employee and taxable in this state. However, payroll for purposes of the additional tax credit for Louisiana-resident payroll shall exclude any portion of an individual salary in excess of one-million dollars.

Person—there are two kinds of persons; natural and juridical.

a. A natural person is a human being.

b. A juridical person is an entity to which the law attributes personality, such as a corporation, partnership or limited liability company.

Procurement Company—any person or entity that purchases, leases or otherwise obtains goods or services from sources outside of the state, for the ultimate use, benefit or enjoyment of a state-certified production company.

Production Expenditures—preproduction, production and postproduction expenditures directly incurred in this state that are directly used in a state-certified production, whether the production company directly contracts or subcontracts such work, including without limitation the following:

a. set construction and operation;

b. wardrobes, make-up, accessories, and related services;

c. costs associated with photography and sound synchronization, lighting, and related services and materials;

d. editing and related services;

e. rental of facilities and equipment;

f. leasing of vehicles;

g. costs of food and lodging;

h. digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects (if services are performed in Louisiana);

i. total aggregate payroll (limited to the amount of total payroll expended in Louisiana and which is taxable to the recipient in Louisiana. A Louisiana tax return is required to be filed reflecting the amount of compensation paid while the recipient is located in Louisiana. If the recipient is not a Louisiana resident, then a non-resident income tax return should be filed);

j. music, if performed, composed or recorded by a Louisiana resident, or released or published by a Louisiana-domiciled and headquartered company;

k. airfare, if purchased through a;

l. insurance costs or bonding, if purchased through a Louisiana company;

m. payments to a loan-out or personal services corporation for the services of an out-of-state hire are allowed as long as the services are performed in Louisiana on a state certified production and all withholding requirements are met.

Production Facility—a physical facility that provides the goods or services necessary for completing the major activities of motion picture production.

Program Issuance Cap—for applications submitted on or after July 1, 2017, the office may issue no more than $150,000,000 in tax credits ("total cap") in any fiscal year, with $7,500,000 reserved for qualified entertainment companies ("QEC cap"), $7,500,000 reserved for Louisiana screenplay productions ("LA screenplay cap"), $15,000,000 reserved for independent film productions ("independent film cap"), with the remaining $120,000,000 available for general allocation to any state certified production ("general cap").

Released Credits—tax credits provisionally allocated to motion picture production companies in initial certification letters, which are subsequently unused, released and made available for re-allocation or issuance by the department.

Secretary—Secretary of the Department of Economic Development.

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee. Procurement companies that meet the requirements of La.

R.S. 47:6007(B)(30) shall constitute a "source within the state".

State-Certified Production—a production approved by the office and the secretary which is produced by a motion picture production company domiciled and headquartered in Louisiana and which has a viable multi-market commercial distribution plan.

Transferee—an individual or entity that receives a transfer of investor tax credits.

Transferor—an individual or entity that makes a transfer of an investor tax credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:2102 (November 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:869 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1495 (June 2022), LR 48:1915 (July 2022).

§6107. Certification Procedures

A. Application and Expenditure Verification Report Fees

1. An application for initial certification shall be submitted with an application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000, payable to the office, as required by R.S. 36:104.

a. All applications shall include information as required by R.S. 47:6007(D)(2)(a).

b. In addition, the following program specific information is required.

i. Production:

(a). working title of the production. Should the title change, the state-certified production needs to inform the office as soon as that change is made;

(b). name of the requesting production company;

(c). name, telephone number, e-mail address and attesting signature of the requesting production company's contact person;

(d). approximate beginning and ending date of production in Louisiana;

(e). Louisiana office address;

(f). telephone number of requesting company's Louisiana office address;

(g). estimated total production-related costs of production;

(h). estimated total amount of production-related costs to be expended in Louisiana;

(i). estimated total payroll to be paid by the requesting production company to Louisiana residents employed by the requesting production company in connection with the production;

(j). a preliminary budget including the estimated Louisiana payroll and estimated in-state investment;

(k). a copy of script (including synopsis) will be made available to OEID and subsequently returned to the applicant;

(l). list of principal creative elements such as principal cast, producer, and director; and

(m). facts sufficient for the office and the department to determine each of the following:

(i). that the requesting production company is a motion picture production company as defined in R.S. 47:6007(B)(6);

(ii). that the requesting production company is domiciled and headquartered in Louisiana; and

(iii).that the requesting production company has either a viable multi market distribution plan or a signed distribution agreement with either a major theatrical exhibitor, television network or cable television programmer for distribution of the production.

c. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed $250, in the amounts set forth below:

i. for applicants with project expenditures greater than $50,000 but less than $300,000, an advance deposit of $5,000, with a maximum fee of $10,000;

ii. for applicants with project expenditures greater than $300,000 but less than $25,000,000, an advance deposit of $7,500, with a maximum fee of $15,000;

iii. for applicants with project expenditures greater than $25,000,000, an advance deposit of $15,000, with a maximum fee of $25,000;

iv. if CPA actual costs exceed the advance deposit, the applicant will be billed and LED will not issue any pending final certification letter until receipt of any outstanding balance. Any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs;

v. if at the time of application for initial certification, the department is notified that post-production activities will take place in Louisiana, and subsequently such activities are performed in Louisiana, a supplemental request

for certification of expenditures directly relating to such post-production activity may be submitted. An advance deposit fee of $7,500 shall be due at time of request for a supplemental verification report, and applicant will again be liable for the actual costs subject to the conditions set forth above.

2. All applicants shall participate in a career based learning and training program approved by the office. To meet this requirement, at the time of application, applicants may choose a method of participation from the list below:

a. provide a minimum of 3 paid internship positions provided to students enrolled in an accredited high school, community college, university or qualified community based program, for a minimum of 75 hours per student and a total of 225 hours; or

b. a minimum of 8 hours of classroom workshop provided to students enrolled in an accredited high school, community college, university or qualified community based program; or

c. a minimum of 8 hours of studio employment and professional skills tour provided to students enrolled in high school, community college, university or qualified community based program; or

d. a minimum of 8 hours of continuing education for educators or faculty to observe the set operations, post production and other specialized departments;

e. financial contribution or donation to a specific local educational agency or higher education institution specializing in arts, media and entertainment career oriented program. Financial contributions calculated at 0.25 percent of the estimated tax credit reservation; or

f. other method of participation approved by the office.

3. An application is not deemed to be complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B. Qualification. The office and the secretary, and in the case of infrastructure projects, the division, shall determine whether a production qualifies for certification, by meeting all requirements of R.S. 47:6007 and these regulations, and taking the following factors into consideration:

1. the impact of the production on the immediate and long-term objectives of R.S. 47:6007;

2. the impact of the production on the employment of Louisiana residents;

3. the impact of the production on the overall economy of the state.

C. Initial Certification

1. Application Review Process, Provisional Allocation and Reservation of Tax Credits

a. Project-Based Production Tax Credit—For Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month ("monthly initial certification pool") and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

2. Additional information may be requested by the office, the department and/or the division in order to make a determination of eligibility for the program.

3. Cap Management—Phase 1- Initial Certification—Tentative Reservation

a. The reservation of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met:

i. QEC;

ii. LA screenplay;

iii. independent film;

iv. general; or

iv. total cap.

b. Qualifying LA screenplay or independent film projects shall be allocated credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be reserved from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of unreserved credits may be available for general allocation by the office, in addition to any residual general cap.

d. If the QEC cap is not met in any fiscal year, any residual unreserved credits shall carry forward for use by QEC's in subsequent years.

e. On the day that the total or general cap is reached, the credits remaining for allocation shall be reserved on a prorated basis amongst the monthly initial certification submission pool.

f. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

4. Duration of Effect—for Applications Submitted prior to July 1, 2017

a. Once an initial certificate is issued by the office, the department (and the division where appropriate), the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status.

b. For productions, initial certification shall be effective for a period 12 months prior to and 12 months after the date of initial certification, unless the production has commenced, in which case the initial certification shall be valid until the production is completed.

5. Duration of Effect—for Applications Submitted on or after July 1, 2017.

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status and the reporting requirement for start date of principal photography.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content ("SEC's"), with estimated expenditures of at least $10,000,000 in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until 60 months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

ii. when determining the amount and appropriate allocation and reservation of credits for SEC's, the office shall review all pertinent information, including but not limited to; whether the project is a pilot, TV series from a pilot formerly shot in Louisiana, a recurring TV series or a relocating TV series.

iii. unless otherwise approved by the office and the secretary, SEC tax credits will be allocated from the general cap, and initially reserved for two seasons. SEC applicants shall periodically provide updates to the office, and the initial certification letter may be subsequently revised to allow for additional allocations and reservations of credits for seasons three through five, if applicable.

c. Released Credits. Tax credits provisionally allocated to motion picture production companies in initial certification letters, which are subsequently unused by their original holders, may be released and made available for re-allocation or issuance by the department. Any release of credits shall be in writing and where possible, may be agreed to between the department and the motion picture production company, except that:

i. the department reserves the right to release credits for effective administration of the annual program issuance cap, by releasing provisionally allocated credits on May 1 of any given fiscal year, for productions with a reservation in that fiscal year but lacking a supporting expenditure verification report on file with the department. After consideration of all relevant factors, the department may issue a revised initial certification letter provisionally allocating credits in the next available fiscal year, and/or, where appropriate, directly issue tax credits in a final certification letter from released credits, according to the provisions of Paragraph D.4 of this Section.

D. Final Certification; Audit Requirements

1. Prior to any final certification of credits, the motion picture production company applicant shall submit to the office a notarized statement demonstrating conformity with and agreeing to the following:

a. to pay all undisputed legal obligations incurred in the state;

b. to publish upon completion of principal photography a notice at least once a week for three consecutive weeks in local newspapers in regions where filming has taken place, notifying creditors to file any claims within a specific date;

c. that the outstanding obligations are not waived should a creditor fail to file by the specific date;

d. to delay any claims for credits until the office delivers written notice to the secretary of the Department of Revenue that the production company has fulfilled all requirements for the credit.

2. When requesting final certification of credits, the motion picture production company applicant shall submit to the office the following:

a. a cost report, certified by a state licensed, independent certified public accountant and complying with the minimum standards as required by R.S. 47:6007(D)(2)(d). The cost report may be subject to additional audit by the department or the Department of Revenue, at the applicant's expense.

i. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

ii. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit.

iii. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's

expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee;

b. additional information as may be requested.

3. Final Allocation and Issuance of Tax Credits

a. Project-Based Production Credit—for Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017

i. After review and determination of qualification, the office and the secretary shall issue a final certification letter, in accordance with the provisional allocations and amounts set forth in the initial certification letter, or a written denial.

ii. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and may be available for issuance by the office.

iii. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total indicated in the initial certification letter, but may at its discretion, issue any excess credits in the same final certification letter or subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

4. Cap Management—Phase 2- Final Certification—Tax Credit Issuance

a. The issuance of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be issued credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be issued from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of credits may be available for issuance by the office, in addition to any residual general cap.

d. If the QEC cap is not met in any fiscal year, any residual credits shall carry forward for use in subsequent years and may be granted in addition to the QEC cap for each year.

e. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

f. Use of released credits. Released credits shall be available for re-allocation or issuance by the department as follows.

i. Credits released throughout the year shall be made available periodically at the discretion of the department as released credits accumulate, for re-allocation or issuance to qualifying applicants on a first come first served basis, as determined by the completion notification date.

(a). However, any applicants who have received completion notifications on the same business day shall be treated as received at the same time.

(b). For purposes of this Section, a completion notification shall be issued in writing and only upon confirmation by the department that a motion picture production company has completed all required steps for certification of credits, including but not limited to submission of an expenditure verification report and all necessary support documentation, and payment in full of any CPA fees.

ii. To qualify for issuance of credits from the released credits, motion picture production companies shall lack a tax credit reservation, or the necessary amount of tax credit reservation, for issuance of final certification in the requested fiscal year.

iii. If the total amount of released credits available for re-issuance meets or exceeds the amount of requested credits, the department shall make payment in full to all qualifying applicants.

iv. If the total amount of released credits available for re-issuance is less than the total amount of requested credits, the department shall issue credits in full to all qualified applicants on a first come, first served basis, as determined by the completion notification date. Any requests that cannot be paid in full will remain eligible for payment at a later date, on a first come, first served basis, as determined by the completion notification date, subject to availability of released credits. Partial payments will not be made.

E. Appeal Process. In the event that an application for initial or final certification is denied:

1. the office shall promptly provide written notice of such denial to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means;

2. the applicant may appeal as follows:

a. an applicant may appeal within 30 days from receipt of a denial. Receipt will be conclusively presumed from the sending of the denial by electronic mail to an address provided by the applicant or by a return receipt evidencing delivery by U.S. Postal Service or private carrier;

b. the appeal is made by delivery of a written objection, with supporting documentation to the secretary

and also in the case of infrastructure projects to the commissioner;

c. within 30 days of receipt of a timely appeal, the secretary (or his designee) and the commissioner, where applicable, will review the appeal, and issue a joint written determination. The secretary and the commissioner may extend the time for the determination for an additional 30 days. In the event the secretary and the commissioner do not agree, or fail to issue a determination within the required time, the appeal is deemed denied;

d. the written determination shall be the final agency decision of the department;

e. the applicant may appeal an adverse decision to the Nineteenth Judicial District Court, which shall be limited to a review of the administrative record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 43:2102 (November 2017), repromulgated LR 43:2473 (December 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:871 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1496 (June 2022), LR 48:1916 (July 2022).

§6109. Additional Program Provisions

A. The following additional provisions shall apply to applications received on or after July 1, 2017:

1. LED total program issuance cap. The aggregate dollar amount of tax credits issued for all state-certified productions shall not exceed $150,000,000 per fiscal year;

2. LDR taxpayer claims cap. Tax credit claims and transfers to the state ("buy-back") shall be limited to an aggregate total of $180,000,000 per fiscal year;

3. LED individual project issuance cap. The maximum amount of credits certified by LED for a single state-certified production shall be $20,000,000, which may be structured over two or more years in the initial certification letter;

a. Except for state-certified productions for scripted episodic content that may be granted up to $25,000,000 in credits per season.

4. LED individual salary cap. The maximum amount of qualifying payroll expenditures per individual shall be $3,000,000. Payroll payments in excess of $3,000,000 made directly or indirectly to an individual or loan-out shall be excluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019), amended LR 48:1496 (June 2022).

§6113. Application of the Tax Credit

A. Prior to claiming a tax credit on any tax return, or transferring any tax credit, a person must apply for and obtain a final certification. The investor tax credit may be earned, transferred, allocated, and claimed as follows.

1. Earn. Individuals or entities may earn investor tax credits pursuant to R.S. 47:6007(C)(1).

a. Once tax credits are earned by an individual or entity, such individual or entity and any subsequent transferee, may transfer or allocate the investor tax credits.

2. Transfer. Any motion picture investor tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, pursuant to R.S. 47:6007(C)(4).

a. A single transfer or sale may involve one or more transferees. Transferors and transferees shall submit to the Office and to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within thirty days after the transfer or sale of such credits and shall include a processing fee of two hundred dollars per transferee.

b. If the investor tax credits (evidenced by a certification letter) are transferred to the office:

i. on and after January 1, 2007, and prior to December 31, 2008 the state shall make payment to the investor at a value of 72 percent of the face-value of the credits;

ii. on January 1, 2009, and every second year thereafter, the percent of the value of the tax credits paid by the state shall increase 2 percent until the percentage reaches 80 percent;

iii. for state certified productions which receive initial certification on or after July 1, 2009, the state shall make payment to the investor at a value of 85 percent of the face-value of the credits.

3. Allocate. If the investor tax credits are earned by, or allocated or transferred to, an entity not taxed as a corporation, the entity may allocate the credit by issuing ownership interests to any individuals or other entities on such terms that are agreed to by the relevant parties and in accordance with the terms of the allocating entity's operating agreement or partnership agreement. These terms may result in the allocation of up to 100 percent of the investor tax

credits to any individual or entity regardless of the federal tax treatment of the allocation:

a. the allocating entity:

i. may be treated as a partnership for federal or state tax purposes; or

ii. may be treated as an entity that is disregarded as an entity separate from its owners for federal or state tax purposes, and in which case, each holder may agree that it will not treat the allocating entity as a partnership or itself as a partner or the ownership interest in the allocating entity as a partnership interest for federal tax or state tax purposes.

4. Claim. Tax credits may be claimed as follows:

a. an owner of tax credits may apply the credits to offset an outstanding Louisiana income tax liability for any tax year beginning in the year that the investor initially earned the tax credit or in any year thereafter within the 10 year carry forward period;

b. in the case of tax credits owned (held) by an entity not taxed as a corporation, the credits shall be deemed to flow through or be allocated to partners or members at the end of the tax year in which the entity acquired the credits unless the partnership or membership agreement provides otherwise;

c. any individual or entity shall be allowed to claim the investor tax credit against its Louisiana income tax liability:

i. whether or not any such individual is a Louisiana resident; and

ii. whether or not any such entity is domiciled in Louisiana, organized under Louisiana law, or headquartered in Louisiana;

d. an investor tax credit, in the hands of the taxpayer that earned the credit or received it by flow-through, cannot be used to eliminate any penalties and interest on overdue income taxes from prior tax years:

i. however, an investor tax credit that is purchased is treated as property and can be applied to penalties and interest on overdue income taxes from prior tax years pursuant to R.S. 47:1675(H)(1)(c):

(a). penalties and interest will continue to accrue until the taxes on which such penalties and interest are accruing are paid;

(b). the date of payment is the date that the Louisiana Department of Revenue receives a return from a taxpayer on which the investor tax credits are claimed.

B. If the investor tax credits (evidenced by a tax credit certification letter) are transferred or allocated as provided herein.

1. The transferor shall submit to the office the original certificate of ownership, evidencing the investor tax credits being transferred or allocated, as required by R.S. 47:6007(C)(5).

2. After receipt, the office may issue to each transferee or allocatee, a certificate of ownership signed by the director reflecting:

a. such transferee's or allocatee's name;

b. the dollar amount of investor tax credits transferred or allocated;

c. the calendar year in which the investor tax credits were originally earned;

d. the state-certified infrastructure project or the state-certified production with respect to which such investor earned the investor tax credits; and

e. the identifying number assigned to such state-certified infrastructure project or state-certified production.

3. If the certificate of ownership submitted evidences more investor tax credits than actually transferred or allocated, then the office may issue an additional certificate of ownership, reflecting any remaining investor tax credit balance.

4. Any person or entity engaged in the business of buying and reselling tax credits may elect to maintain its certificate of ownership on file with the office, such that it need not surrender, and have reissued, its certificate of ownership each time it sells a tax credit.

a. In such cases, the office may issue comporting certificates of ownership to transferees or allocates, designated by the transferor or allocator in writing, until such time as the tax credits represented in the original certificate have been exhausted.

5. Any taxpayer claiming investor tax credits against its Louisiana income tax liability shall submit to the Department of Revenue, with its Louisiana income tax return for the year in which the taxpayer is claiming the investor tax credits, an original certificate of ownership issued by the office or the transfer notice pursuant to this rule, evidencing the dollar amount of the investor tax credits being claimed.

6. The failure of the office to timely issue a certificate of ownership in accordance with this rule shall not:

a. void or otherwise affect, in any way, the legality or validity of any transfer of investor tax credits;

b. prohibit any Louisiana taxpayer from claiming investor tax credits against its Louisiana income tax liability, if the investor tax credits are otherwise transferred or claimed in accordance with R.S. 47: 6007 and these rules; or

c. result in any recapture, forfeiture or other disallowance of investor tax credits under R.S. 47:6007(E) or (F) or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:57 (January 2010),

amended by the Department of Economic Development, Office of the Secretary, Office of Business Development, and the Louisiana Economic Development Corporation, LR 37:515 (February 2011), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:876 (July 2019).

§6119. Louisiana Promotional Graphic

A. For applications for state-certified productions initially certified received on or after July 1, 2017 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana—either through the inclusion of a Louisiana promotional graphic meeting requirements set forth below, or that an alternative marketing opportunity has been approved in writing by LED.

1. Approved Louisiana promotional graphic requirements:

a. a five-second long static or animated graphical brand or logo promoting Louisiana, that has been approved in writing by LED;

b. for feature films, or other production types with a customary end credit crawl, the approved logo is to be placed in the end credits, before the below-the line crawl for the life of the production;

i. LED shall deem "life of the production" to mean that the approved logo is permanently embedded within the subject of the state certified production; and

c. the production company includes an approved Louisiana promotional link or prominent credit to Louisiana on its own website, or that of an approved affiliated company.

2.a. Alternative marketing opportunities shall be proposed to LED at the time of application for initial certification, setting forth the details and estimated value of the proposed opportunity or justification of value taking into consideration the additional five percent credit being sought. LED shall either approve or deny such options in writing at time of initial certification.

b. Acceptable examples of alternative marketing opportunities may include, but not be limited to a combination of the following:

i. a produced in Louisiana card featuring an approved version of the logo during the opening credits of a feature film;

ii. an approved promotional featurette highlighting Louisiana as a tourist destination included on the DVD release of the production;

iii. an approved version of the logo placed in the opening title sequence or as a bumper into or out of commercial breaks for Television productions;

iv. significant community service projects in Louisiana;

v. red carpet screening event in Louisiana;

vi. sponsorship of a film festival or other approved event in Louisiana;

vii. an official advertising poster for the state-certified production and a still frame from the production, or, at the discretion of LED, a significant set piece, prop, or costume from the production may be donated on the condition that they may be used for unlimited marketing purposes by the state;

viii. access to a standard or electronic press kit, clip from the motion picture or special interview with the principles involved in the production (actors, directors, producers, etc) promoting Louisiana as a business destination for unlimited use for marketing purposes by LED;

ix. other alternatives as proposed by production companies and approved by LED.

3. A donation to a Louisiana nonprofit film grant program, as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), LR 48:1497 (June 2022), amended LR 48:1917 (July 2022).

Chapter 63. Motion Picture Production Tax Credit Program—Qualified Entertainment Company Payroll Tax Credit Program

§6323. General

A. Purpose. The purpose of this Sub-chapter is to implement the Qualified Entertainment Company Payroll Tax Credit Program as established by Act 309 of the 2017 Regular Session of the legislature, contained within the Motion Picture Production Tax Credit Program, pursuant to the provisions of R.S. 47:6007.

B. Program Description. The Qualified Entertainment Company Payroll Tax Credit Program provides payroll tax credits as an inducement for qualified entertainment companies ("QEC"s) to permanently locate new or expand existing operations in Louisiana.

C. No other LED incentives for QEC payroll expenditures. A QEC shall not receive any other incentive administered by LED that is based directly upon any QEC Payroll, for which the QEC is obligated or has received benefits under the QEC Contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1992 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:879 (July 2019).

§6324. Definitions

A. Terms not otherwise defined in this sub-chapter shall have the same meaning given to them in R.S. 47:6007, unless the context clearly requires otherwise.

B. In this Sub-chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Affiliate—

a. any business entity that is:

i. controlled by the QEC;

ii. a controlling owner of the QEC; or

iii. controlled by an entity described in Subparagraph a or b;

b. control, for purposes of this definition, means owning either directly or indirectly through control of or by another business entity:

i. a majority of the voting stock or other voting interest of such business entity or the QEC; or

ii. stock or other interest whose value is a majority of the total value of such business entity or the QEC;

c. a controlled or controlling business entity will be deemed a non-affiliate (not an affiliate) if the department determines that neither the QEC nor any of its controlling owners exercise authority over the management, business policies and operations of the business entity.

Approved Rehire Employees—a former employee who was previously on the payroll of the QEC, or QEC parent entity, subsidiary, or affiliate in Louisiana, but has been off such payroll for a period of at least four months, may be considered a new job if rehired into a position that is not part of the baseline jobs. When determining New Job qualification, at the discretion of LED, LED shall consider all relevant factors including but not limited to; ES4's, W2's and QEC re-hiring practices, and the intent of the QEC payroll tax credit program to permanently locate new or expand existing operations in Louisiana.

Baseline Jobs—the number of employees of a QEC, including affiliates, working an average of 30 hours per week, during the payroll period including the twelfth of the month, in the month completed prior to the contract effective date, as verified on the applicable ES-4 form or equivalent filing form. Baseline jobs must be maintained in any year for which the QEC requests tax credits.

Baseline Job Payroll—W-2, Box 1 wages for baseline jobs.

Contract Effective Date—the date the application and application fee are received by LED, or a later contract effective date as agreed to between the parties. The contract effective date cannot be earlier than the date the application and application fee are received by LED.

Department—Louisiana Department of Economic Development, also known as "LED"

LDR—Louisiana Department of Revenue

Minimum Payroll Threshold—a minimum QEC Payroll of $45,000 per New Job, or for a partial year employee, shall mean $3,750 per month for each month from the date of initial employment.

New Jobs—

a. full-time employment in Louisiana, working an average of 30 hours or more per week;

b. filled by Louisiana residents;

c. at the project site; and

d. with the exception of Approved Rehire Employees, who were not previously on the QEC's Louisiana payroll, nor previously on the payroll of the QEC's parent entity, subsidiary, or affiliate in Louisiana, or previously on the payroll of any business whose physical location and employees are substantially the same as those of the QEC in Louisiana, as confirmed by an independent CPA in an annual expenditure verification report submitted to LED for review, and approved by the secretary. New Jobs shall not mean:

i. baseline jobs existing one month prior to contract effective date; or

ii. jobs located at facilities other than the approved Project Site.

Office—Office of Entertainment Industry Development, also known as "OEID"

Program Issuance Cap—for applications submitted on or after July 1, 2017, the office may issue no more than $150,000,000 in tax credits ("total cap") in any fiscal year, with $7,500,000 reserved for qualified entertainment companies ("QEC cap"), $7,500,000 reserved for Louisiana screenplay productions ("LA screenplay cap"), $15,000,000 reserved for independent film productions ("independent film cap"), with the remaining $120,000,000 available for general allocation to any state certified production ("general cap").

Project Site—the facility name and street address, as stated in the QEC contract.

QEC Payroll—W-2, Box 1 wages. For a partial year employee, the minimum payroll threshold may be met if the payroll for the partial year employee meets or exceeds $3,750.00 per month for each month from the date of initial employment.

QEC Payroll Tax Credits—a tax credit for expenditures related to QEC payroll, authorized by the Motion Picture Production Tax Credit Program, R.S. 47:6007.

Resident—a natural person who is required to file a Louisiana resident individual income tax return, as verified by independent CPA's on the annual verification report.

Secretary—Secretary of the Department of Economic Development

Total Jobs—the number of baseline jobs plus new jobs.

Total Payroll—the amount of baseline jobs payroll plus new jobs payroll.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1992 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:879 (July 2019).

§6325. QEC Application and Application Fee

A. Application

1. A QEC application form shall be submitted to the office, via registered mail or if available, submitted electronically, to include;

a. a detailed company description, explaining how the business is directly or indirectly engaged in the development of audio, visual, or both audio-visual entertainment products for public consumption;

b. number of current and proposed new employees, with payroll estimates and average hours worked per week;

c. disclosure of affiliates;

d. most recent ES-4 tax form;

e. any other additional information as requested by the office or the secretary.

B. Application Fee

1. A non-refundable application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000, shall be submitted with the QEC application, payable to the office, as required by R.S. 36:104.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1993 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6326. QEC Application Review and Qualification Determination

A. Application Review

1. When determining which applicants may qualify, the office and the secretary shall consider a number of discretionary factors, including but not limited to:

a. entertainment business type:

i. eligible business types- may include but not be limited to;

(a). visual effect companies;

(b). entertainment business back-office support

ii. ineligible business types- may include but not be limited to:

(a). telecommunication;

b. number and payroll of current and proposed new jobs;

c. location of facility that will be the project site;

d. number and location of similar entertainment business facilities in Louisiana;

e. business history, i.e. start-up company or track record of established business;

f. the impact of the business on the overall economy of the state;

g. conviction for a criminal offense related to obtaining or attempting to obtain tax credits;

h. availability of tax credits in any given year.

B. Qualification Determination

1. Upon a determination of qualification, LED will contact applicant to discuss contract terms and to request an expenditure verification report fee advance deposit of $7,500.

2. Upon a determination of non-qualification, the office and the secretary shall issue a denial letter to the applicant indicating the reason for denial, and the Office shall provide written notice to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. The denial letter shall be the final agency decision of LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1993 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6327. QEC Contract

A. Upon a determination of qualification, and receipt of the $7,500 expenditure verification report fee advance deposit, the office and the secretary may enter into a QEC contract with an applicant, which shall include but not be limited to:

1. job and payroll estimates, per calendar year;

2. tax credit reservation schedule, per fiscal year;

3. expenditure verification report fees;

4. procedure for requesting final certification of tax credits;

5. requirements for eligibility to receive final certification of tax credits, including but not limited to retention of baseline jobs, establishment of new jobs and attainment of minimum payroll threshold;

6. term for a period of up to five years, as may be offered by the office and the secretary;

7. designation of a single project site in Louisiana—the QEC payroll tax credits the applicant shall receive will be based upon the operations at the project site;

B. A fee of $250 shall be filed with a request for any contract amendment, including but not limited to, a revision to the tax credit reservation schedule, a change in ownership, a change in name or a change in location.

C. An applicant may have multiple QEC contracts covering multiple locations. The eligibility of each location shall be determined separately;

D. For each QEC contract, LED shall certify that the applicant has a net overall increase in employment statewide for each new job;

E. A QEC contract may, with the written approval of the office and the secretary, be transferred to a business entity purchasing or continuing the operation of a project site. Upon such transfer, the employment baseline shall be that of the transferee or purchaser during the 45 day period prior to the transfer or purchase;

F. The QEC contract may be renewed at the discretion of the office and the secretary, for an additional five years, if the applicant has complied with the terms of the QEC contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has otherwise complied with the provisions of R.S. 47:6007. The same approval process as used for the original application and QEC contract will be followed for renewal QEC contracts, including additional application and expenditure verification report advance deposit fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1994 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6328. QEC Final Certification Procedures

A. By March 1 of every year, QEC's may request final certification of credits by filing its employee W-2's with the office and its assigned CPA, and any other additional information as requested by LED to verify conformance with statutory requirements.

B. An expenditure verification report shall then be completed by an independent certified public accountant, licensed in the state of Louisiana and assigned by LED. Failure to submit W2's by March 1 may result in credit issuance being delayed into the next available fiscal year.

C. After receipt and review of the expenditure verification report, and any other supporting documentation, the office and the secretary shall issue a final tax credit certification letter to the QEC indicating the type, credit rate and amount of credits granted, in accordance with the provisional allocations and amounts set forth in the tax credit reservation schedule, or a written denial.

1. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and made available for issuance by the office.

2. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total set forth in the tax credit reservation schedule, but may at its discretion, subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

D. Tax credits shall be issued on a first come, first serve basis, until the QEC or total cap have been met, in accordance with program rules.

E. If the total amount of credits applied for in any particular year exceeds the total or QEC cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

F. After review of the expenditure verification report, final tax credit certification letter (if any), and any other pertinent factors, including but not limited to availability of tax credits in any given year, future year tax credit reservations may be revised, by amending the tax credit reservation schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1994 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019).

Chapter 65. Louisiana Sound Recording Investor Tax Credit Program

§6531. Purpose and Description of Louisiana Sound Recording Investor Tax Credit Program

A. The purpose of this program is to encourage development in Louisiana of a strong capital and infrastructure base for sound recording productions in order to achieve an independent, self-supporting sound recording industry, and to encourage investments in multiple state-certified sound recording production projects.

B. Approvals and certifications as to whether a project qualifies as a state-certified production as required for Sound Recording Investor Tax Credits are not to be considered as entitlements for sound recording production companies, and the Louisiana Department of Economic Development shall have the discretion to determine whether or not each particular sound recording, meets the criteria for such qualification as provided herein.

C. These rules implement the Louisiana sound recording investor tax credit pursuant to R.S. 47:6023.

D. These provisions are in addition to and shall not limit the authority of the Secretary of the Department of Revenue to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1347 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:304 (February 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:1081 (August 2020).

§6533. Definitions

A. The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Base Investment—the actual investment made and expended in the state by a state-certified production as production expenditures incurred in this state that are directly used in state-certified production or productions.

Department—the Louisiana Department of Economic Development, or its successor.

Expended in the State—an expenditure to acquire property from a source within the state which is subject to state sales or use tax, or an expenditure as compensation for services performed within the state which is subject to state income tax.

Holder—the holder of a partnership interest, membership interest, or other similar ownership interest on any entity not taxed as a corporation.

Investor—any individual or entity that makes an investment in a state-certified production, including but not limited to any individual or entity that is identified as a source of funds for a state certified production on its expenditure verification report, or any tax credit broker, individual or entity identified as an irrevocable designee for receipt of tax credits.

Production Expenses—production expenditures in the state directly relating to and proportionate with work performed in Louisiana on a state-certified production. In qualifying submitted expenditures as production-related costs LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production. See §1641 for illustrative examples of expenditures commonly associated with sound recording production projects.

Project Completion—completion or end date outlined in the project application, or as otherwise approved in writing by LED.

Qualified Music Company or "QMC"—an entity authorized to do business in Louisiana, engaged directly or indirectly in the production, distribution and promotion of music, certified by the secretary as meeting program eligibility criteria, and executing a contract providing the terms and conditions for its participation.

Related Party Transaction—a transaction between parties deemed to be related by common ownership or control under generally accepted auditing principles.

Resident—a person domiciled in the state. Proof of domicile may include, but not be limited to, a driver's license issued by the state of Louisiana, or similar evidence which reasonably establish both identity and residency.

Resident Copyright—the copyright of a musical composition written by a Louisiana resident or owned by a Louisiana-domiciled music company as evidenced by documents of ownership such as registrations with the United States copyright office or performing rights organizations which denote authors and music publishing entities.

Secretary—Secretary of the Louisiana Department of Economic Development.

Series—a series of sound recordings occurring over a 12-month period may be considered for qualification. Illustrative examples of a permissible series include recordings made by a single artist or a singularly titled radio broadcast series. When determining eligibility the department shall consider common attributes, business purpose of the transactions and any other relevant factors. Combining multiple productions or recordings solely to achieve minimum spending requirements is not permitted.

Sound Recording—a recording of music, poetry, or spoken-word performance made in Louisiana, in whole or in part. The term *sound recording* shall not include the audio portions of dialogue or words spoken and recorded as part of television news coverage or athletic events.

Sound Recording Production Company—a company engaged in the business of producing sound recordings as defined in this Section. *Sound recording production company* shall not mean or include any person or company, or any company owned, affiliated, or controlled, in whole or in part, by any company or person, which is in default on a loan made by the state or a loan guaranteed by the state, nor which has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

State-Certified Production—a sound recording production or a series of productions occurring over the

course of a 12-month period, including but not limited to master and demonstration recordings, and costs related to such production or productions that are approved by the Louisiana Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1347 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:304 (February 2010), LR 42:37 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:1081 (August 2020).

§6535. Rules of Application

A. The sound recording investor tax credit authorized by R.S. 47:6023(C) may be earned and claimed as follows.

1. There is authorized a credit against the state income tax for investments made in state-certified productions, which credit will be earned by investors at the time expenditures are certified by the Louisiana Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year. No credit shall be allowed for any expenditures for which a credit was granted under R.S. 47:6007.

2. Applicants meeting the following criteria shall be eligible to receive tax credits as follows:

a. for state-certified productions initially certified prior to July 1, 2015:

i. 25 percent tax credit, if the total base investment is more than $15,000, or if a resident of this state, if the total base investment is more than $5,000;

b. for state-certified productions initially certified on and after July 1, 2015:

i. 18 percent tax credit, if the total base investment is more than $15,000, or if a resident of this state, if the total base investment is more than $5,000.

c. for applications by qualified music companies ("QMC's") for state certified productions, received on or after June 18, 2019:

i. to the extent that the base investment by a QMC is expended on a sound recording production of a resident copyright, the investor shall be allowed an additional ten percent increase in the base investment rate.

3. An application for initial certification of a project shall be submitted to the Louisiana Department of Economic Development prior to the granting of the credit, and the granting of the credits under this Rule shall be on a first-come, first-served basis based on when the proper cost reports as defined here under RS 47:6023, are submitted to DED for certification of tax credits, which shall be determined by the date of a signed receipt via certified or registered mail, courier, hand or other delivery, or the date on a proof of transmission via facsimile and/or by the DED stamped and staff initialed date. The Secretary of the Department of Economic development shall determine annually the annual aggregate maximum. If the total amount of credits earned for any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess will be treated as having been earned on the first day of the subsequent year.

a. Applications for a series of productions shall provide the titles, budgets and a brief description for each production in the series. The series of productions, as a combined group, must at least achieve, and may exceed the minimum investment. If one single project may, on its own, exceed the $15,000 minimum threshold, it must make separate application.

4. Individuals or entities may earn sound recording investor tax credits pursuant to R.S. 47:6023(C).

5. Any individual or entity shall be allowed to claim the sound recording investor tax credit authorized by R.S. 47:6023:

a. whether or not any such individual is a Louisiana resident; and

b. whether or not any such entity is domiciled in Louisiana, organized under Louisiana law, or headquartered in Louisiana.

6. Any applicant applying for the credit shall be required to reimburse the department for any audits required in relation to granting the credit.

7. Application Fee. Applicants with project expenditures greater than $15,000 shall submit a $250 fee with each application. LED shall waive the application fee for applicants with project expenditures up to $15,000.

8. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based upon an hourly rate as provided in R.S. 36.104.1, in the amounts set forth below:

a. for applicants with project expenditures of at least $10,000 but less than $25,000, an advance deposit of $750, with a maximum fee of $1,500;

b. for applicants with project expenditures of at least $25,000, an advance deposit of $1,500, with a maximum fee of $3,000;

c. for applicants with project expenditures of at least $50,000, but less than $100,000, an advance deposit of $2,500, with a maximum fee of $5,000;

d. for applicants with project expenditures of more than $100,000, an advance deposit of $3,750, with a maximum fee of $7,500;

e. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:882 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:1081 (August 2020).

§6537. Certification

A. Initial Certification of State-Certified Productions

1. To obtain the approval of the department for a "state-certified production" as required by R.S. 47:6023(B)(5) and (6), the sound recording production company that will produce the sound recording production must submit a written request to the department for approval of the production as a "state-certified production" and setting forth the following facts, when applicable:

a. working title of the sound recording production for which approval is requested;

b. name of the requesting production company;

c. telephone number of requesting production company;

d. name and telephone number of the requesting production company's contact person;

e. approximate beginning and ending date of production in Louisiana;

f. Louisiana office address of requesting production company (if available);

g. telephone number of requesting production company's Louisiana office address (if available);

h. estimated total production-related costs of the sound recording production for which approval is requested;

i. estimated total amount of production-related costs to be expended in Louisiana in connection with the sound recording production for which approval is requested;

j. estimated total payroll to be paid by the requesting production company to Louisiana residents employed by the requesting production company in connection with the production for which approval is requested.;

k. facts sufficient to determine each of the following:

i. that the requesting production company is a sound recording production company as defined by R.S. 47:6023(B)(4);

l. for "state-certified productions" the application shall also include:

i. the distribution plan;

ii. a preliminary budget including estimated Louisiana payroll and estimated base investment;

iii. a description of the type of sound to be recorded;

iv. a list of the principal creative elements including performing artist(s) and producer;

v. the name and address of the recording studio or other location where the recording production will take place;

vi. a statement that the production will qualify as a state-certified production; and

vii. estimated start and completion dates.

2. After review, and upon a determination of qualification, the department shall submit its initial certification of a project as an "initial state-certified production" to investors and to the Secretary of the Department of Revenue, containing a unique identifying number.

3.a. The applicant shall countersign the initial certification letter, acknowledging the conditions therein stated, and return a countersigned original to the department within 30 business days of receipt.

b. If a countersigned original is not returned to the department within the allotted time frame, it shall be nullified unless reissued or confirmed by the department.

4.a. For projects with applications received by LED prior to 2020 rule promulgation, the initial certification shall be effective for expenditures made no more than 12 months prior to the date of application and shall be valid until the project is complete.

b. For projects with applications received by LED on or after 2020 rule promulgation, the initial certification shall be effective for qualifying expenditures made within a period 12 months prior to the date of application and 12 months after the date of initial certification, as outlined in the initial certification letter. Expenditures outside of this approved initial certification period shall not qualify for tax credits.

B. Final Certification of Sound Recording Investor Tax Credits

1. For projects with applications received by LED prior to 2020 rule promulgation, upon project completion, or for projects with applications received by LED on or after 2020 rule promulgation, no later than six months after the expiration of the initial certification period, the applicant shall make a request to LED to proceed to final certification by submitting to the department a cost report of production expenditures to be formatted in accordance with instructions of the department, after which time all claims to tax credits

shall be deemed waived. The applicant shall make all records related to the cost report available for inspection by the department and the CPA selected by the department to prepare the expenditure verification report. After review and investigation of the cost report, the CPA shall submit to the department an expenditure verification report. The department shall review such expenditures and shall issue a tax credit certification letter to the investors and the Louisiana Department of Revenue indicating the amount of tax credits certified for the state-certified production.

a. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

b. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the base investment there may be cause for an additional audit.

c. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

2. After receiving a written request from an investor and after the meeting of all criteria, the department shall issue a letter of certification to such investor signed by the secretary reflecting the investor's name, the dollar amount of sound recording investor tax credits earned by the investor pursuant to R.S. 47:6023(C) through the date of such request, the calendar year in which the sound recording investor tax credits were earned by the investor, the state-certified production with respect to which the investor earned the sound recording investor tax credits, and the identifying number assigned to such state-certified production.

3. The tax credits when issued and upon receipt shall not be transferred to any third party and will be held valid only to the party which was certified by the Department of Economic Development. After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the investor who earned the sound recording tax credits. The Department of Revenue may require the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

4. Once certification of a project has been granted under the criteria established within this provision and pursuant to R.S. 47:6023, the granting of such credit will be based upon a first come, first serve basis of the approved cost report or audit and shall be set for a maximum aggregate amount not to exceed $2,160,000 during any calendar year. For purposes of this Section the applicant will be considered the investor.

a. However, 50 percent of the aggregate amount of credits certified each year shall be reserved for QMC's.

b. No more than $100,000 in tax credits may be granted per project, per calendar year.

5. If the total amount of qualifying credits in any particular year exceeds the aggregate amount of tax credits allowed for that year the excess credits will be treated as having been certified for the first day of the subsequent year.

6. The failure of the department to issue a letter of certification in accordance with this Subpart shall not:

a. void or otherwise affect, in any way, the legality or validity of any allocation of sound recording investor tax credits;

b. prohibit any Louisiana taxpayer from claiming sound recording investor tax credits against its Louisiana income tax liability if the sound recording investor tax credits are otherwise allocated or claimed in accordance with R.S. 47:6023(C) and this Subpart; or

c. result in any recapture, forfeiture or other disallowance of sound recording investor tax credits under R.S. 47:6023(G) or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 37:310 (January 2011), LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:883 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:1082 (August 2020).

§6539. Credits

A. Application of the Sound Recording Investor Tax Credits

1. The sound recording investor tax credit can be used to offset taxes, penalties and interest.

B. Recapture of Credits

1. If the Department of Economic Development and the Department of Revenue find that funds for which an investor received credits according to this program are not invested in and expended with respect to a state-certified production within 24 months of the date that such credits are earned, then the investor's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this program.

2. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December 31 of the year in which the 24 month investment period specified in the above Paragraph ends.

3. The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided in Civil Code Article 2924(B)(1), which shall be computed from the original date of the return on which the credit was taken.

C. Brand

1. As a condition for receiving certification of tax credits under this Section, state-certified productions may be required to display the state brand or logo, or both, as prescribed by the secretary of the Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, and the Department of Revenue, LR 34:1350 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:307 (February 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019).

§6541. Illustrative Examples of Production Expenses

A. Eligible. Eligible production expenditures shall include, but not be limited to, studio rental, musician/ performance fees, travel and airfare if booked through a Louisiana travel agent, producer fees within limitation, legal fees within limitation, music copying fees, orchestration fees, music publishing/clearance fees, and fees for mixing and mastering only on recordings originally made in Louisiana.

B. Ineligible. Ineligible costs include, but are not limited to, CD duplication, costs for marketing and distribution and any costs associated with filming/video.

C. Limitations for Certain Transactions

1. Related Party Transactions. LED may request and use additional information in determining the extent to which expenditures for related party transactions will be certified, by requesting and obtaining documentation including, but not limited to, third-party contracts, notarized affidavits, tax records, W2's, 1099's and cancelled checks. Related party transactions may be referred to the Office of the Inspector General for further review.

2. Producer fees may be subject to limitation as follows.

a. Applicants must provide detailed accounting and verification of expenditures relating to "all-in producer deals." For example, audits must reflect payments made to all vendors, and Producer Agreements should reflect the scope of services to be provided in Louisiana and include a clause allowing the State to audit the Producer's accounting records directly related to any expenses claimed for tax credits.

b. LED establishes a benchmark of up to 20 percent of total qualifying Louisiana production expenditures for Producers Fees (for the calculation, Louisiana production expenditures exclude any producer fees), which shall be considered fair market value. While applicants may enter into producer agreements with fees in excess of LED's approved benchmark, producer fee payments exceeding 20 percent may not be eligible to earn tax credits.

c. LED establishes a benchmark of up to 12 percent of total qualifying Louisiana production expenditures (for the calculation, Louisiana production expenditures exclude any producer fees), for related-party producer fee expenditures, which must be supported by a cost report or audit, when applicable, and documentation of services provided. Fair market value for related-party services rendered must also be established by submission of third-party contracts for similarly-sized projects and scope of work or other documents as approved by LED. While productions may enter into agreements with fees in excess of LED's approved benchmark, payments exceeding 12 percent will not be eligible to earn tax credits unless the benchmark is exceeded through expenditures (supported by a cost report or audit, when applicable, and documentation of services provided) under third-party contracts only with no related-party expenditures.

3. Legal fees shall be limited to no more than 10 percent of base investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:1083 (August 2020).

Chapter 67. Louisiana Digital Media and Software Act

§6761. Purpose

A. The purpose of this Chapter is to administer the Louisiana Digital Media and Software Act as established by R.S. 47:6022.

B. The purpose of this program is to encourage the development in Louisiana of a strong capital base for the production of digital interactive media products and platforms in order to achieve a more independent, self-supporting industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:632 (April 2009), amended LR 36:1981 (September 2010), LR 39:1009 (April 2013),

repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019).

§6763. General Description

A. The program offers a tax credit for the producers of digital interactive media products and platform projects.

B. Tax credits are earned per calendar year at the time funds are expended in Louisiana on a state certified production.

C. Tax credits shall never exceed the total base investment in a state certified production.

D. For expenditures incurred prior to January 1, 2012, credits are non-refundable, transferable credits with a 10 year carryover period. For expenditures incurred on or after January 1, 2012, credits are refundable, contain no transferability or carryover provisions, and a company may elect, on a one time basis, to receive an 85 percent rebate instead of the refundable credit.

E. These rules shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, in accordance with the Administrative Procedure Act.

F. Applicants may apply for more than one tax credit program administered by the Department of Economic Development, provided that:

1. separate applications are submitted per program;

2. expenditures shall only qualify for one specified program; and

3. multiple applications shall not result in any duplication of tax credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:632 (April 2009), amended LR 36:1981 (September 2010), LR 39:1009 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:886 (July 2019), amended LR 48:406 (March 2022).

§6765. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6022, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

3D Geometry—electronic media representations, three dimensional representations of geometric data for the purposes of rendering 2D image and performing calculations.

Animated Images—electronic media representation of images that comprise a series of chronological fixed images.

Base Investment—the actual funds expended in Louisiana by a state-certified production as production-related costs for design or development of digital interactive media, including costs for payroll and component parts.

Commercial Distribution—distribution of digital content from producer to consumer. Examples may include but not be limited to physical distribution of DVD's from a store front retailer or digital distribution of content, streamed or downloaded via the internet.

Commercial Release—the date when the product is first commercially available for sale to or use by the general public, typically after beta testing or similar quality control testing by a limited number of users.

Company—an entity authorized to do business in the state of Louisiana, engaged in the business of producing digital interactive media as defined in this Section. Company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state, nor with any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as part of such bankruptcy.

Component Parts—all elements that are integral to the functioning or development of such products and platforms. Some examples may be, but are not limited to: software, computer code, image files, music files, audio files, scripts and plays, concept mock-ups, software tools, and testing procedures. Shall also include, but not be limited to: computer servers, workstations, server racks, hard drives, optical drives, monitors, keyboards, integrated video and audio equipment, networking routers, switches, network cabling, and any other computer-related hardware necessary to create or operate a digital interactive media product or platform. *Create* or *operate* refers to the creation or operation of the digital platform or product and does not refer to the creation or operation of the parent company.

Department—Department of Economic Development.

Digital Content—intellectual property that is published or distributed via a digital media platform or product, including but not limited to software, computer code, image files, music files, audio files, video files, text, data, and streaming video.

Digital Interactive Media—products or platforms that are:

a. intended for commercial production, use or distribution;

b. contain at least two of the following types of data: text, sound, fixed images, video, or 3D geometry; and

c. that have all of the following three characteristics:

i. *digital*—a system that uses discrete (discontinuous) values ordinarily symbolized numerically to represent information for input, processing, transmission and

storage. A digital system would be contrasted with an analog system which uses a continuous range of values to represent information. The term *digital* includes, but is not limited to information input, processed, transmitted and stored via the internet;

ii. *interactive*—a digital media system for inputting, processing, transmitting or storing information or data in which users of the system are able to respond to the digital media system by inputting, transmitting, processing or storing information or data in response to the information or data provided to them through the digital media system. (*Digital media system* means communication delivered via electronic energy where the information stored, transmitted, or received is in digital form);

iii. *media*—tools used to store, transmit, distribute and deliver information and data. It includes methods and mechanisms for information distribution through, but not limited to distributed networks, such as the internet, and through compact disc, CD-ROM, various types of DVD, and other removable storage drives and devices;

d. digital interactive media may include, but not be limited to:

i. video or interactive games;

ii. simulation software;

iii. interactive educational or training products;

iv. internet sites designed and developed as social media;

v. software applications that provide connectivity; and communications between mobile devices and digital interactive media web platforms; and

vi. technology designed to stream live or pre-recorded video content over the internet to large simultaneous audiences;

e. digital interactive media shall not include:

i. software development primarily designed and developed for institutional, private or internal purposes;

ii. largely static internet sites designed to provide information about a person, business, or firm;

iii. products regulated under the Louisiana Gaming Control Law or the Indian Gaming Regulatory Act; or

iv. largely static retail websites. When determining eligibility, LED will consider amount of proposed programming work versus use of pre-built templates and any other factors it deems most appropriate under the circumstances.

Digital Media Products or Platforms—the basic infrastructure that allows various media file types to coexist in an integrated, customized content loop:

a. *product*—any audiovisual work embodied in software or other digital electronic form that are only capable of being used with a platform. Examples may include, but not be limited to software games;

b. *platform*—a software architecture that serves as a foundation or base upon which other products, processes or technologies are developed. Software platforms should provide base functionality and communicate back and forth with other software products.

Director—the director of Digital Media, who is the designee of the secretary of the Department of Economic Development.

Electronic Media—tools used to store, transmit, and receive digitized information that utilizes electronics or electromechanical energy to access the content.

Expended in Louisiana—an expenditure to lease immovable property located within the state; and expenditure as compensation for services performed in the state; or an expenditure to purchase or lease tangible personal property within the state where the transaction is subject to the state sales or lease tax provisions of Title 47 of the *Revised Statutes* of 1950. A transaction that is subject to the state sales or lease tax provisions of Title 47 of the *Revised Statutes* of 1950 shall include transactions which are also subject to a statutory exclusion or exemption.

Expenditure—actual payment of cash or cash equivalent for goods or services, as evidenced by an invoice, receipt or other such document. Cash or cash equivalent transactions may include but not be limited to: commercial or bank financed loans, actual physical transfer of coins and banknotes, other forms of transmission that will turn into cash very quickly, including written checks, credit cards, bank debit cards, and bank wire transfers. However, the receipt of a promissory note, the creation of an account receivable, or the sending of a customer invoice are not, by themselves, evidence of an *expenditure*. Owner-financed transactions will only qualify as an *expenditure* when actual cash or cash equivalent payments are made.

Fixed Images—electronic media representation in two dimensions that are static.

Indirect Costs—not direct production related costs. Costs of operation that are not directly associated with a specific production, such as clerical salaries and general administrative costs.

Interpersonal Communication Services—websites and other digital media that are primarily for the purposes of exchanging personal or business information, photos or news. Examples of this may be, but are not limited to: those listed in R.S. 47:6022(C)(4), web logs, product websites, social networking websites, video conferencing, internet telephony and instant messaging platforms.

Office—Office of Entertainment Industry Development.

Payroll—includes all salary, wages and other compensation sourced or apportioned to Louisiana, and federal payroll taxes such as the employer's portion of FICA/FUTA and workers' compensation insurance costs to

the extent purchased from a source within the state. Fringe Benefits including health care costs, 401K contributions, dental plans, and life insurance will be considered if these costs are paid by the employer and costs are apportioned to services performed in Louisiana on a certified project.

Person—a natural person, corporation, partnership, limited partnership, limited liability company, joint venture, trust, estate or association.

Production Expenses—preproduction and production expenditures in the state directly relating to and proportionate with work performed in Louisiana on a state-certified production. In qualifying submitted expenditures as production-related costs, LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production, and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production. See §1668 for detailed illustrative examples of eligible and ineligible expenditures commonly associated with digital interactive media projects.

Resident or *Resident of Louisiana*—a natural person and, for the purposes of determining eligibility for the tax incentives provided by this section, any person domiciled in the state of Louisiana and any other person who maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state. Payments made to employees with an H-1B temporary visa or independent contractors issued 1099 tax forms, shall not be considered payments to Louisiana residents for the purposes of calculating the additional Louisiana resident payroll credit.

Secretary—secretary of the Department of Economic Development.

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

State-Certified Production—a digital interactive media production, or a component part thereof, approved by the office.

Tax Credit—digital interactive media and software development *tax credit*.

Transferee—an individual or entity that receives a transfer of investor tax credits.

Transferor—an individual or entity that makes a transfer of an investor tax credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1981 (September 2010), LR 39:1010 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:886 (July 2019), amended LR 48:407 (March 2022).

§6767. Certification Procedures

A. Application

1. An application for a state certified production shall be submitted to the director, including:

a. a distribution plan;

b. a preliminary budget, including estimated base investment;

c. a statement that the project will qualify as a state certified production; and

d. the applicant shall provide additional information upon request.

2. An application fee in the amount equal to 0.5 percent of the total estimated tax credits with a minimum fee of $500 and a maximum fee of $15,000 shall be submitted with each application.

3. Expenditure Verification Report Fee. Upon project completion, or no more than once annually, the department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, or for projects with on-going approved activity, may submit a request for a supplemental annual verification report and submit a corresponding supplemental advance deposit, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed $250, in the amounts set forth below:

a. for applicants with project expenditures less than $1,000,000, an advance deposit of $7,500, with a maximum fee of $15,000;

b. for applicants with project expenditures greater than $1,000,000, an advance deposit of $15,000, with a maximum fee of $25,000;

c. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

4. An application is not deemed complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B. Qualification

1. The office shall determine whether a production or project qualifies, by meeting all requirements of R.S. 47:6022 and these regulations, and taking the following factors into consideration.

a. The contribution of the production or project to the goal of creating an independent, self-supporting digital interactive media industry.

b. The impact of the production or project on the employment of Louisiana residents.

c. The impact of the production or project on the overall economy of the state.

2. Duration of Tax Credits

a. Tax credits may be granted under R.S. 47:6022 until such statute is amended, modified or repealed.

3. Amount of Tax Credits. Tax credits are earned per calendar year at the time funds are expended in Louisiana on a state certified production.

a. For applications for state-certified productions submitted to the office on or after July 1, 2015 but before July 1, 2017, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made within the approved six-month "look back period" but prior to July 1, 2015 shall earn tax credits at the rate of 25 percent of the base investment, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made prior to July 1, 2015 shall earn tax credits at 10 percent of payroll, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 7.2 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying expenditures and activities as outlined between the parties in the initial certification letter.

b. For applications for state-certified productions submitted to the office on or after July 1, 2017, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made after July 1, 2017 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made after July 1, 2017 shall earn tax credits at the prevailing statutory rate, currently 7 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying expenditures and activities as outlined between the parties in the initial certification letter.

C. Initial Certification

1. After review and upon a determination of qualification, initial certification will be issued by the office and the secretary, including:

a. classification of the project as a state certified production;

b. a unique identifying number;

c. the total anticipated base investment;

d. the entity names and allocation percentages for tax credits.

2. Additional information may be requested by the director in order to make a determination of eligibility for the program.

3. Initial certification shall be issued in the amount determined to be eligible, and shall be sent to each producer or digital media company and to the secretary.

4. Once an initial certification is issued, the applicant or official representative must countersign and return an original to the director, within 30 business days, acknowledging initial certification status.

5. As a condition for receiving certification of tax credits under this Section, state-certified productions may be required to display the state brand or logo, or both, as prescribed by the secretary and as outlined in the initial certification letter.

D. Final Certification and Accounting Requirements

1. Prior to final certification of tax credits of a state-certified production or any portion thereof, the producer or digital interactive media company shall submit to the office:

a. a cost report of production expenditures:

i. the cost report of expenditures shall be subject to an agreed-upon procedures engagement conducted by a certified public accountant in accordance with statements on standards for attestation engagements established by the American Institute of Certified Public Accountants;

ii. the accountant shall issue a report in the form of procedures and findings. The accountant shall be a certified public accountant licensed in the state of Louisiana and shall be an independent third party unrelated to the digital interactive media company;

iii. the agreed-upon procedures have been established by the office and the secretary, with assistance from the Society of Louisiana Certified Public Accountants, as promulgated in accordance with the Administrative Procedure Act;

b. any additional information as requested by the office and/or the secretary, reasonably necessary to determine eligibility for tax credits, including but not limited to a request for an additional audit at the applicants expense;

i. incorrect reporting—if an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or

intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit;

ii. related party transactions—if an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit;

iii. reimbursement of audit costs—the department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

2. Upon completion of all or a portion of a state-certified production, the office shall review the production expenses and upon a determination of qualification the office and the secretary will issue a final tax credit certification letter including:

a. the amount of tax credits;

b. the unique identifying number for the state certified production.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1983 (September 2010), LR 39:1011 (April 2013), LR 42:36 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:888 (July 2019), amended LR 48:407 (March 2022).

§6768. Illustrative Examples of Production Expenses

A. Eligible:

1. salary expenses directly relating to the development of a state certified production, with position titles including but not limited to programmer, game designer, industrial designer, and quality assurance/tester. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. preproduction stage expenses such as design documents, mock-ups and prototypes;

3. testing software, source code development, patches, updates, sprites, three-dimensional models and level design:

a. *testing software*—activities entirely devoted to quality assurance of a product;

b. *three-dimensional models*—electronic media representations, three dimensional representations of geometric data for the purpose of rendering 2D images and performing calculations;

c. *updates*—activities directly relating to recalibrating or revising a product;

4. costs associated with photography and sound synchronization, lighting and related services;

a. lighting and related services—includes but not limited to, the use of motion capture technology or green screen technology;

5. rental of Louisiana facilities and equipment, that are directly related to production. If production facility hosts both qualifying and non-qualifying work areas, rent should be pro rated accordingly;

6. purchase of prepackaged audio files, video files, photographic, or libraries;

7. purchase of license to use pre-recorded audio files, video or photographic files;

8. development costs associated with producing audio files and video files to be used in the production of the end product under development;

9. purchase of game engines or content management platforms produced for general sale.

B. Ineligible:

1. salary expenses not directly related to the development of a state certified production, including but not limited to staff in the following departments: customer service, IT, clerical, sales and marketing, human resources, accounting, janitorial service. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. salary expenses for C-level positions are not an eligible expenditure, unless applicant can demonstrate that services performed in Louisiana were directly related to the development of a state certified production. When determining eligibility, LED will consider size and nature of company, resumes and any other factors it deems most appropriate under the circumstances;

3. expenditures made prior to preproduction, such as research and development, workforce recruitment or intellectual property research;

4. expenditures for or related to marketing, promotion and distribution;

5. administrative, payroll, and management services which are not directly related to management of the state-certified production;

6. amounts that are later reimbursed by the state or any other governmental agency;

7. costs related to the transfer of tax credits;

8. amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

9. application fee;

10. state or local taxes;

11. food, entertainment and lodging expenses;

12. cost of customization or custom development of a product is not an eligible production expense, unless the customization services are performed in Louisiana.

13. automobile expenditures such as mileage, purchase or maintenance costs;

14. parking fees;

15. furniture and fixture expenses;

16. digital content generated by the end user;

17. digital content comprised primarily of local news, events, weather, local market reports or public service content;

18. digital content expenses occurring after the state-certified production's commercial release;

19. audio/video content streamed through the internet or mobile platform is not an eligible production expense, unless it includes value added interactive functionality, as verified and approved by the office;

20. expenditures relating to the creation of standalone digital content simply transmitted through digital distribution methods, such as the original filming costs of a web based television series streamed through the internet;

21. maintenance services of existing software applications or products, generally performed by IT employees after commercial release, such as installation of security patches or modifications to debug or fix minor programming errors;

22. configuration services of existing software applications or products, generally performed by IT employees after commercial release, such as choosing from a number of defined options or modifying default capabilities to allow users different levels of access;

23. Data migration services, generally performed by IT employees after commercial release, such as the transfer of data from one back up tape to another, or costs with upgrading to a new version of a database system.

24. online purchases. Production expenses must be taxable transactions made in Louisiana, from a source within the state to qualify. Unless purchased from a source within the state, online purchases do not qualify.

C. Limitations for Certain Transactions

1. Gamemaster positions are considered hybrid positions, involving both programmer and customer service functions. LED establishes a customary ratio of 50 percent programmer duties to 50 percent customer service. Salary expenses may therefore qualify on an allocated basis, proportionate with proven programmer duties. When determining eligibility, LED will consider size and nature of company, resumes and any other factors it deems most appropriate under the circumstances.

2. Hard costs for component parts, licenses and equipment may not exceed labor costs. LED establishes a customary expense ratio of 20 percent equipment versus 80 percent labor costs. When determining eligibility, LED will consider number of jobs to be created, proposed cost of component parts, licenses and equipment, company history and any other factors it deems most appropriate under the circumstances.

3. Project management fees may be limited to 20 percent of base investment.

4. Where goods are provided by a related party, qualifying expenditures are limited to fair market value, which may be established through the related party's historic dealings with unrelated parties, or actual transactions between other unrelated parties, for substantially similar goods. The comparable transactions must be substantially similar, considering the type of goods, the geographic market, and other pertinent variables.

For Example: The production company has recently acquired the same type of goods in Louisiana at the same price from an unrelated third party. If FMV cannot be established, qualifying expenditures will be limited to the internal cost recovery rate, consisting of actual documented acquisition cost, plus ongoing maintenance and upgrade cost, divided by anticipated utilization over the real useful life.

5. Where services are provided by a related party, qualifying expenditures are limited to the actual compensation paid by the related party to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Related party transactions must be supported by an audit and documentation as requested by LED, which may include (but is not limited to) third-party contracts, notarized affidavits, tax records, and cancelled checks.

6. Sub-contractor development labor is limited to the actual compensation paid by the sub-contractor to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Applicants must provide detailed accounting and verification of sub-contractor expenditures, including submission of agreements reflecting the scope of services provided in Louisiana and upon request allow the state to audit the sub-contractor's accounting records directly relating to any expenses claimed for tax credits.

7. Any expenses made on behalf of a state certified production, by an entity other than the applicant approved by LED and being claimed for tax credits (such as payments made by a sub-contractor) must be submitted with additional supporting documentation as requested by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 39:1012 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:890 (July 2019), LR 48:407 (March 2022).

§6769. Use of Tax Credits

A. For tax credits earned by expenditures made on or before December 31, 2011:

1. prior to claiming a tax credit on any tax return, or transferring any tax credit, a person must apply for and obtain final certification;

2. after receiving final certification, a tax credit may be applied as follows:

a. the credit shall be allowed against the income tax due for applications submitted prior to July 1, 2009, and against the income or franchise tax due for applications submitted on or after July 1, 2009. The credit shall be allowed against the income or franchise tax due from a taxpayer for the taxable period in which the credit is earned as well as the immediately preceding period. If the tax credit allowed exceeds the amount of such taxes due from a taxpayer, then any unused credit may be carried forward by the taxpayer as a credit against subsequent tax liability for a period not to exceed 10 years. However, in no event shall the amount of the tax credit applied in a taxable period exceed the amount of such taxes due from the taxpayer for that taxable year;

b. all entities taxed as corporations for Louisiana income tax purposes shall claim any credit allowed under this section on their corporation income tax return, or in the case of applications submitted after July 1, 2009, their income and franchise tax returns;

c. individuals shall claim any credit allowed under this section on their individual income tax return;

d. entities not taxed as corporations shall claim any credits allowed under this Section on the returns of the partners or members as follows:

i. corporate partners or members shall claim their share of the credit on their corporation income tax returns;

ii. individual partners or members shall claim their share of the credit on their individual income tax returns;

iii. partners or members that are estates or trusts shall claim their share of the credit on their fiduciary income tax returns;

3. after receiving final certification, a tax credit may be transferred as follows:

a. any tax credits allocated to a person and not previously claimed by any taxpayer against his Louisiana state income or franchise tax may be transferred or sold by such person to another person, subject to the following conditions:

i. a single transfer may involve one or more transferees;

ii. transferors and transferred shall submit to the office and the Department of Revenue in writing, a notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. The notification shall include the transferor's tax credit balance prior to transfer, the state-certified production number, the name of the state-certified production, the transferor's remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of the transfer, the amount transferred, a copy of the tax credit certificate, and any other information required by the office or the Department of Revenue;

iii. failure to comply with this Paragraph will result in disallowance of the tax credit until the taxpayers are in full compliance;

iv. the transfer or sale of this credit does not extend the time in which the credit can be used. The carry forward period for credit that is transferred or sold begins on the date on which the credit was originally earned;

v. the transferee shall apply such credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.

B. For tax credits earned for expenditures made on or after January 1, 2012:

1. prior to claiming a tax credit on any tax return, a person must apply for and obtain final certification;

2. after receiving final certification, a company may elect to use a tax credit as follows:

a. refund—the tax credits shall be refundable and allowed against the individual or corporate income tax liability of the companies or financiers of the project in accordance with their share of the credit as provided for in the application for certification for the project. The credit shall be allowed for the taxable period in which expenditures eligible for a credit are expended as set forth in the final tax credit certification letter. Any excess of the credit over the income tax liability against which the credit may be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary of the Department of Revenue shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter 1 of Subtitle II of Title 47, as amended. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B); or

b. rebate—at the time of final certification of tax credits, a company may elect, on a one-time basis, to receive a rebate of the credits. The amount of the rebate shall be 85 percent of the face value of the credits. Upon receipt of the final tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the company, or its irrevocable designee, which may include but not be limited to a bank or other lender, in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of Title 47, as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:634 (April 2009), amended LR 36:1984 (September 2010), LR 39:1014 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:891 (July 2019).

§6771. Recapture and Recovery of Tax Credits

A. If the office finds that funds for which a digital interactive media company received credits are not actually expended in Louisiana as a production-related cost of a state-certified production, then the digital interactive media company's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.

B. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the Secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December 31 of the year in which the credits were earned.

1. The only interest that may be assessed and collected on recovered credits is interest at a rate of three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original due date of the return on which the credit was taken.

2. The provisions of this Section are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:634 (April 2009), amended LR 36:1985 (September 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

§6773. Agreed-Upon Accounting Procedures

A. The agreed-upon accounting procedures shall be available to the public as follows:

1. posted on LouisianaEntertainment.gov;

2. available for viewing during regular business hours in the office;

3. sent to the applicant and incorporated into the initial certification letter; and

4. available upon written request to the director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:1985 (September 2010), amended LR 39:1015 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

Chapter 69. Musical and Theatrical Production Income Tax Credit Program

§6990. Purpose

A. The purpose of this Chapter is to administer the Musical and Theatrical Production Income Tax Credit Program as established by R.S. 47:6034.

B. The purpose of this program is to encourage development of the state as a leader in the live performance industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2173 (October 2009), repromulgated LR 36:2236 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

§6991. General Description

A. The program offers the following types of tax credits.

1. Base investment credit. A base investment credit may be granted for qualified production expenses made from investments in a state-certified musical or theatrical production;

2. Louisiana resident payroll credit. A Louisiana resident payroll credit may be granted for qualified payroll of Louisiana residents employed in connection with a state-certified musical or theatrical production;

3. Louisiana student payroll credit. A payroll credit may be granted for employment of students enrolled in Louisiana colleges, universities and vocational-technical students in connection with a state-certified musical or theatrical production;

B. Tax credits are earned in the calendar year expended, to the extent the expenditures receive final certification from the department.

C. Tax credits associated with a state-certified musical or theatrical production shall never exceed the total base investment in that production.

D. Beginning July 1, 2017, the total amount of credits granted by the department in any fiscal year shall not exceed ten million dollars. Fifty percent of total tax credits available to be granted annually shall be reserved for state-certified musical or theatrical productions by approved nonprofit organizations.

E. For applications received on or after July 1, 2017, no more than one million dollars in tax credits shall be granted per project.

F. Tax credits shall be available on a first come, first served basis, based upon date of final certification and qualification of expenditures. If the total amount of credits applied for in any particular year exceeds the aggregate

amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

G. Base investment tax credits shall be transferable only once.

H. No tax credits shall be granted under this program until the rules are approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, in accordance with the provisions of the Administrative Procedures Act.

I. Applicants may apply for more than one entertainment tax credit program administered by the department, provided that:

1. separate applications are submitted for each program;

2. expenditures shall only qualify for one specified program; and

3. multiple applications shall not result in any duplication of tax credits.

J. No credit shall be granted pursuant to this program for applications received on or after July 1, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2173 (October 2009), repromulgated LR 36:2236 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:893 (July 2019), amended LR 48:408 (March 2022).

§6992. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6034, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Base Investment—actual investment made and expended in this state by a state-certified musical or theatrical production as production-related costs directly related to in state production.

Department—Louisiana Department of Economic Development, or its successor, represented by its secretary or his designee.

Director—*director* of the Office of Entertainment Industry Development or his designee.

Expended in the State or Expenditures in the State—shall mean:

a. an expenditure to acquire or lease immovable property located in the state;

b. an expenditure to acquire movable property from a source within the state which is subject to state sales and use tax; or

c. an expenditure as compensation for services performed within the state which is subject to state income tax.

Expenditure—actual payment of cash or cash equivalent, paid by or on behalf of a state certified production exchanged for goods or services, as evidenced by an invoice, receipt or other such document. Cash or cash equivalent transactions may include but not be limited to: commercial or bank financed loans, actual physical transfer of coins and banknotes, other forms of transmission that will turn into cash very quickly, including written checks, credit cards, bank debit cards, and bank wire transfers. However, the receipt of a promissory note, the creation of an account receivable, or the sending of a customer invoice are not, by themselves, evidence of an expenditure. Owner-financed transactions will only qualify as an expenditure when actual cash or cash equivalent payments are made.

Indirect Costs—costs of operation that are not directly associated with a specific production, such as clerical salaries and general administrative costs.

Live Audience—a group of spectators, listeners or viewers collectively at a public event, with a minimum group size of 25 people, as approved by LED.

Live-Streamed Performance—a musical or theatrical production, performed at a physical anchor location before a live audience, which may also be live-streamed or filmed for distribution later to a ticketed audience.

Louisiana Resident—

a. a natural person who:

i. is a Louisiana domiciliary;

ii. maintains a permanent place of abode within Louisiana and spends in the aggregate more than six months of each year in Louisiana; or

b. pays taxes to Louisiana on the amount of money paid to such person for which a tax credit is sought.

c. a company:

i. in which a Louisiana resident has ownership or control;

ii. organized or authorized to do business in Louisiana;

iii. that lends the services of such Louisiana resident for a state-certified musical or theatrical production; and

iv. pays taxes to Louisiana on the amount of money paid to such person for such services.

Non-Profit Community Theater—a non-profit resident theater or producing organization incorporated as a

501(C)(3) organization recognized by the Louisiana Secretary of State.

Non-Profit Organization—a non-profit resident theater or producing organization incorporated as a 501(C)(3) organization recognized by the Louisiana Secretary of State, and approved by the Office.

Office—Office of Entertainment Industry Development.

Originate—shall include, but not be limited to, state-certified musical or theatrical productions which are:

a. pre-Broadway engagement or remounts;

b. tour or resident production remounts;

b. resident or regional productions;

c. national touring companies producing their first public performance in Louisiana; or

d. concert tours producing their first public performance in Louisiana.

Payroll—all salary, wages, and other compensation, fringe benefits taxed, sourced or apportioned to Louisiana, and federal payroll taxes such as the employer's portion of FICA/FUTA and workers' compensation insurance costs to the extent purchased from a source within the state. Fringe Benefits including health care costs, 401K contributions, dental plans, and life insurance will be considered if these costs are paid by the employer and costs are apportioned to services performed in Louisiana on a certified project.

Physical Anchor Location—a live performance venue in Louisiana, which may include but not be limited to: theatres, music venues, outdoor event venues, stadiums and arenas, as approved by LED.

Production Expenditures—a contemporaneous exchange of cash or cash equivalent for goods or services related to development, production, or operating expenditures in this state for a state-certified production performed in Louisiana. (See §1694 for detailed illustrative examples of eligible and ineligible expenditures commonly associated with musical or theatrical production projects.)

Project Completion—completion or end date outlined in the project application, or as otherwise approved in writing by LED.

Secretary—secretary of the Department of Economic Development, or his designee.

Series of Productions—a new musical or theatrical production with multiple Louisiana performances in a 12 month period. Simply rebranding or renaming a series, without substantive creative changes, will make a series ineligible for recertification in subsequent years.

State-Certified Musical or Theatrical Production—a concert, musical or theatrical production, or a series of productions occurring over the course of a 12-month period, and the recording or filming of such production, which originate, are developed, or have their initial public performance before a live audience within Louisiana, or which have their United States debut within Louisiana, and the production expenditures, expenditures for the payroll of residents, transportation expenditures, and expenditures for employing college and vocational-technical students related to such production or productions, that are certified, verified, and approved as provided for in this Section. Non-profit organizations applying for recertification in subsequent years must provide evidence of substantive creative changes to the series of productions, including but not limited to new or original: creative elements, production elements, scores, scripts, or concepts, as approved by LED. Non-qualifying projects include, but are not limited to non-touring music and cultural festivals, industry seminars, trade shows, and any production activity taking place outside the state of Louisiana.

Student—a natural person enrolled in a Louisiana higher education facility, such as a college, university, or a vocational-technical college.

Transferee—an individual or entity that receives a transfer of base investment tax credits.

Transferor—an individual or entity that makes a transfer of base investment tax credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2173 (October 2009), repromulgated LR 36:2237 (October 2010), amended LR 39:1015 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:893 (July 2019), LR 48:408 (March 2022).

§6993. Certification Procedures

A. Application and Expenditure Verification Report Fees

1. An application for a state-certified production or a state-certified infrastructure project shall be submitted to the department, including:

a. all information required by R.S. 47:6034(E)(2)(a);

b. an application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000; and

c. the applicant shall provide additional information upon request.

2. Each application shall identify only one production and only one contact person for such production or project.

3. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. For projects in excess of $100,000, the fees shall be as follows:

a. at the time of application, the applicant shall submit an advance deposit of $5,000;

b. prior to final certification of any tax credits, the applicant shall be assessed the department's actual cost for the CPA's expenditure report. The maximum fee shall be $15,000.

4. An application is not deemed complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B. Qualification

1. The department shall determine whether a production qualifies, by meeting all requirements of R.S. 47:6034 and these regulations, and taking the following factors into consideration:

a. the contribution of the production to establishing the state as a leader in the live performance industry;

b. the impact of the production on the employment of Louisiana residents;

c. the impact of the production on the overall economy of the state;

d. in the case of productions, the potential for students to gain work experience in an arts related position;

e. whether the application has been submitted prior to the first performance, to allow sufficient time for the state of Louisiana to receive promotional opportunities including but not limited to, an opportunity for an approved LED logo to be included in promotional materials.

C. Initial Certification

1. Upon finding the production qualifies, the department shall issue an initial certification letter which shall include:

a. classification as a state-certified production;

b. a unique identifying number;

c. the total base investment to be expended; and

d. the persons to whom tax credits are to be allocated and the estimated amount of tax credits allocated to each.

2. Brand. As a condition for receiving tax credits, state certified productions may be required to display the state brand or logo. Any such requirement will be detailed in the initial certification letter.

3. Duration of Effect

a. The applicant shall countersign the initial certification letter, acknowledging the conditions therein stated, and return an original to the department within 30 business days of receipt.

b. If a countersigned original is not returned to the department, within the allotted time frame, it shall be nullified unless reissued or confirmed by the department.

c. For productions, initial certification shall be effective for a period of 12 months prior to and 12 months after the date of initial certification.

i. Productions returning to the state after Broadway performances shall be eligible for recertification, provided that the production returns to the state within 24 months of the date of original certification.

D. Final Certification and Audit Requirements

1. After review and upon a determination of qualification and initial certification, an applicant may obtain final certification as follows.

a. A cost report shall be submitted by the applicant, certified by an independent certified public accountant and complying with the minimum standards as required by R.S. 47:6034.

b. The cost report may be subject to additional audit at the applicant's expense. The department shall select the auditor and determine the audit standards.

i. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

ii. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit.

iii. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

c. Additional information may be requested in order to make a determination of eligibility.

d. The department shall review the cost report and supporting information, and following verification of qualifying expenditures, shall issue a final tax credit certification letter.

e. Multiple requests for final certification may be submitted.

i. Each submission must be accompanied by an audited cost report indicating expenditures.

ii. Two submissions shall be certified at no additional fee by the department.

iii. Additional charges may apply for three or more certification requests.

E. Appeal Process

1. In the event that an application for certification is denied, the applicant may appeal as follows.

a. An applicant may appeal within 30 days from receipt of a denial. A rebuttable presumption of receipt will occur from the sending of the denial by electronic mail to an address provided by the applicant or by a return receipt evidencing delivery by U.S. Postal Service or private carrier.

b. The appeal is made by delivery of a written objection with supporting documentation to the secretary.

c. The secretary shall review the objection and supporting documentation and provide the applicant with a written response within 30 business days. This written response shall be the final agency determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2175 (October 2009), repromulgated LR 36:2238 (October 2010), amended LR 39:1016 (April 2013), LR 42:40 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:895 (July 2019), LR 48:409 (March 2022).

§6994. Illustrative Examples of Production Expenses

A. Eligible:

1. salary expenses directly relating to the development of a state certified production, with position titles including but not limited to: stagehands, crew, electricians. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. artist compensation directly relating to performance days in Louisiana;

3. set construction and operation expenses;

4. special and visual effects expenses;

5. costumes, wardrobes and make-up accessories expenses;

6. costs associated with sound, lighting and staging.

B. Ineligible:

1.a. salary expenses not directly related to the development of a state-certified production, including but not limited to staff in the following departments:

i. IT;

ii. clerical;

iii. human resources;

iv. janitorial service;

b. when determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. state and local taxes;

3. any expenditures related to out of state production;

4. any costs later reimbursed by a third party;

5. any costs related to the transfer of tax credits.

6. any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

7. the expenditure verification report fee;

8. merchant fees;

9. royalties;

10. online purchases. Production expenses must be taxable transactions made in Louisiana, from a source within the state to qualify. Unless purchased from a source within the state, online purchases do not qualify.

C. Limitations for certain transactions:

1. artist compensation for non-performance days, such as rehearsals, shall be limited to no more than 20 percent of total base investment for performances in Louisiana;

2. where goods are provided by a related party, qualifying expenditures are limited to fair market value, which may be established through the related party's historic dealings with unrelated parties, or actual transactions between other unrelated parties, for substantially similar goods. The comparable transactions must be substantially similar, considering the type of goods, the geographic market, and other pertinent variables;

For Example: The production company has recently acquired the same type of goods in Louisiana at the same price from an unrelated third party. If FMV cannot be established, qualifying expenditures will be limited to the internal cost recovery rate, consisting of actual documented acquisition cost, plus ongoing maintenance and upgrade cost, divided by anticipated utilization over the real useful life.

3. where services are provided by a related party, qualifying expenditures are limited to the actual compensation paid by the related party to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Related party transactions must be supported by an audit and documentation as requested by LED, which may include (but is not limited to) third-party contracts, notarized affidavits, tax records, and cancelled checks;

4. any expenses made on behalf of a state certified production, by an entity other than the applicant approved by LED and being claimed for tax credits, must be submitted with additional supporting documentation as requested by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 39:1016 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:896 (July 2019), amended LR 48:409 (March 2022).

§6997. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification on or after July 1, 2017

A. State-certified musical or theatrical productions receiving initial certification on or after July 1, 2017 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows.

1. Base Investment Credit

a. If the total base investment is more than $100,000, but less than $300,000 dollars, a tax credit of 7 percent applies.

b. If the total base investment is more than $300,000, but less than $1,000,000, a tax credit of 14 percent applies.

c. If the total base investment is more than $1,000,000, a tax credit of 18 percent applies.

2. Louisiana Resident Payroll Credit. To the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7 percent applies.

3. Louisiana Student Credit. To the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.07 percent applies.

B. Louisiana Resident Payroll Cap. To the extent that base investment is expended on payroll for Louisiana residents, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding $1,000,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:41 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:898 (July 2019), amended LR 48:410 (March 2022).

§6999. Application of the Tax Credit

A. Prior to claiming a tax credit on any tax return, or transferring any tax credit, a person must apply for and obtain final certification.

B. After receiving final certification, a person may transfer the credit as follows.

1. Only one transfer is allowed.

2. The credit, and/or refund of an overpayment, may be transferred by sending a written notice of such transfer to the Department of Revenue.

C. An owner of tax credits may claim tax credits against its Louisiana income tax liability by submitting its final certification, or written notice of transfer pursuant to this rule, evidencing the dollar amount of tax credits being claimed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:2177 (October 2009), repromulgated LR 36:2241 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, 45:899 (July 2019).

Title 61
REVENUE AND TAXATION
Part III. Administrative and Miscellaneous Provisions

Chapter 1. Agency Guidelines

§101. Policy Statements

A. Purpose

1. This rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance as to the department's position and ensure that employees enforce the tax laws correctly, consistently, and fairly.

2. In the past, policy statements issued to provide policy guidance included rules, Private Letter Rulings, Technical Advisory Memoranda, Policy and Procedure Memoranda, and informal oral and written advice.

3. The following policy statements will now be issued:

a. rules adopted according to the Administrative Procedure Act;

b. policy and procedure memoranda;

c. declaratory rulings:

i. private letter rulings;

ii. revenue rulings; and

iii. statements of acquiescence or nonacquiescence;

d. revenue information bulletins; and

e. informal advice.

B. Distinguishing Rules from Other Policy Statements

1. Rules are adopted in accordance with Louisiana's Administrative Procedure Act (APA), R.S. 49:950 et seq., and the APA is the authoritative guide as to when a rule is required.

2. The APA excepts agency statements, guides, or requirements for conduct or action that regulate the internal management of the agency from the definition of a *Rule* (R.S. 49:951.6). Policy and Procedure Memoranda are issued under this exception.

3. The APA also provides that "The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection" (R.S. 49:951.7). The term Rule "does not include declaratory rulings or orders." [R.S. 49:951(6)]. Declaratory Rulings are issued under these exceptions.

4. General information may be disseminated and general assistance provided, but taxpayers are only bound by statutes and regulations that have the force and effect of law. Revenue Information Bulletins and informal advice offered to taxpayers do not establish legal requirements for taxpayers.

5. Within the parameters set forth by the APA, Title 47, and other applicable laws, discretion may be used to determine if policy guidance is needed and the type of policy guidance to be issued.

6. Reasons for issuing a rule may include:

a. the law or current rules are not clear and the issue affects many people;

b. there is inconsistency in the treatment of a tax issue within the department or among taxpayers;

c. the procedures a taxpayer should follow to comply with the law are undefined, unclear, or inconsistently followed;

d. a request for a Private Letter Ruling from one taxpayer concerns an issue that may affect many taxpayers;

e. a request for policy guidance from employees concerns an issue that may affect many taxpayers; or

f. issuance of a rule will assist the public in meeting its legal obligations in an effective and efficient manner.

7. Reasons for not issuing a rule may include:

a. the matter affects only one taxpayer;

b. the law is clear;

c. a statutory change is more desirable; or

d. the matter may best be handled by another means.

C. Declaratory Rulings

1. Declaratory Rulings are statements pertaining to a specific set of facts to provide guidance for department employees and taxpayers. Declaratory Rulings, Policy and Procedure Memoranda, Revenue Information Bulletins, and informal advice are not agency rules and are not binding on the public.

2. The following types of Declaratory Rulings will be issued with a uniform format and numbering system. Each Declaratory Ruling will indicate the date the ruling was issued, a summary title of what the ruling addresses (subject heading), whether it replaces, modifies, or supersedes a previous policy statement, applicable references and authority, a statement of scope, and other pertinent information.

a. Private Letter Rulings

i. Private Letter Rulings (PLR) provide guidance to a specific taxpayer at the taxpayer's request. It is a written statement issued to apply principles of law to a specific set of facts or a particular tax situation. A PLR does not have the force and effect of law.

ii. A PLR is not binding on the person who requested it or on any other taxpayer. It is binding on the department only as to that taxpayer and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the department's position unless a subsequent declaratory ruling, rule, court case, or statute supersedes it.

iii. Requests for PLR are submitted to the secretary by an identified taxpayer, or the taxpayer's representative who has a power of attorney. Requests must contain the following information:

(a). name, address, and telephone number of person requesting the advisory opinion;

(b). a power of attorney, if the person is represented by a third party;

(c). specific questions to be answered or issues to be addressed;

(d). complete statement of all relevant facts;

(e). citations to or copies of relevant statutes, regulations, court decisions, advisory opinions, or other authority that appear to support the taxpayer's position;

(f). copies of relevant documents such as contracts, wills, deeds, account statements, workpapers, reports, invoices, etc.; and

(g). a statement attesting:

(i). whether the person requesting the opinion has the same issue under audit or appeal with the department or any other taxing or revenue authority;

(ii). if the person requesting the opinion has been notified that an examination or audit is pending;

(iii). if the person requesting the opinion is litigating the issue;

(iv). if the department, or any other taxing or revenue authority, has previously issued the advisory opinion on the same issue (with copy attached); and

(v). if the Attorney General's Office has been, or will be, requested to issue an opinion concerning the issue;

(vi). that, prior to the issuance of a PLR, if the requesting person is notified of a pending examination or audit by the department or other taxing or revenue authority, they will notify the secretary of the pending examination.

iv. PLR's may be published but only after all taxpayer identifying information has been removed and measures are taken to protect taxpayer confidentiality.

v. A PLR request may not be used to delay or interrupt an audit.

vi. Reasons for issuing a Private Letter Ruling may include:

(a). it has been requested by an identified taxpayer, or the taxpayer's representative who has a power of attorney; and

(b). the law and regulations are not clear.

vii. Reasons for not issuing a Private Letter Ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns alternative treatments or purely hypothetical situations;

(d). the inquiry concerns matters scheduled for audit or in audit, appeal, or litigation;

(e). the inquiry concerns federal tax matters not pertaining to differences in treatment for federal and state purposes;

(f). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(g). the request is incomplete because it does not contain all of the information required by §101.C.2.a.iii;

(h). the request can best be handled by another means; or

(i). the requesting person withdraws the request at any point prior to issuance of the PLR.

b. Revenue Rulings

i. A revenue ruling provides guidance to the public and employees.

(a). It is a written statement issued to apply principles of law to a specific set of facts.

(b). A revenue ruling does not have the force and effect of law and is not binding on the public. It is a statement of the department's position and is binding on the department until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.

(c). A revenue ruling is requested by employees, who provide a complete factual and legal background similar to that required of taxpayers requesting a Private Letter Ruling.

(d). A revenue rulings request cannot be used to delay or interrupt an audit.

ii. Temporary revenue rulings may be issued when necessary due to time constraints or emerging issues.

(a). Temporary revenue rulings must clearly state their lack of finality and once a final revenue ruling is issued, the temporary revenue ruling is superseded.

(b). If the final revenue ruling reaches a different conclusion than the temporary revenue ruling, the department will honor whichever ruling is more favorable to the taxpayer, but only for those transactions that occurred after the temporary revenue ruling was issued and before the final revenue ruling.

iii. Reasons for issuing a revenue ruling may include:

(a). to provide an official interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law as to a specific set of facts;

(b). to serve as guidance to taxpayers, tax practitioners, and employees if the law or regulations are not clear as to a specific set of facts.

iv. Reasons for not issuing a revenue ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(d). the facts contain information that could identify a taxpayer and the taxpayer has not consented to publication of the revenue ruling or there are other confidentiality concerns; and

(e). the request can best be handled by another means.

c. Statements of Acquiescence or Nonacquiescence

i. A Statement of Acquiescence or Nonacquiescence (SA/SNA) is intended to provide guidance to the public and to employees.

ii. A SA/SNA is a written statement issued to announce the department's acceptance or rejection of specific unfavorable court or administrative decisions. If a decision covers several disputed issues, a SA/SNA may apply to just one of them, or more, as specified.

iii. A SA/SNA is not binding on the public, but is binding on the department unless superseded by a later SA/SNA, declaratory ruling, rule, statute, or court case.

iv. If the department acquiesces, these guidelines will be followed.

(a). In cases that are substantially the same as the facts, the same result will be reached by department officials and may be relied on by employees and taxpayers. Taxpayers must be careful to apply acquiescence to the same or substantially the same facts. Acquiescence does not mean agreement with the court's reasoning; simply that the department will abide by it.

(b). The department may acquiesce in the result only, which only concedes the litigation with that particular taxpayer. The issue may still be pursued with other taxpayers. This indicates that the department will likely seek out another opportunity to litigate the issue with the hope of having the issue addressed by an authoritative court.

(c). The department may consider any of the following factors in deciding whether to issue a Statement of Acquiescence or Nonacquiescence:

(i). whether the issue in the court or administrative decision affects many taxpayers;

(ii). whether the issue is one of fact or law, or a mixed question;

(iii). whether the decision is binding statewide with no statement needed;

(iv). whether other cases on the same or a similar issue are pending;

(v). whether cases in other jurisdictions have been decided, and in whose favor;

(vi). the cost of litigation as it relates to that issue, as well as overall;

(vii). the clarity of the applicable statutes and regulations on the disputed issue;

(viii). the soundness of the reasoning of the decision; or

(ix). the likelihood of success if the department relitigates the issue.

D. Other Types of Policy Guidance

1. Policy and Procedure Memoranda

a. A Policy and Procedure Memorandum (PPM) is an internal document providing internal administrative or management guidance to employees. A PPM does not have the force and effect of law and is not binding on the public. It does not focus on taxpayers' substantive or procedural rights or obligations. It is binding on employees.

b. A PPM may be issued for any of the following reasons:

i. to notify employees of internal policies that apply only to employees and do not apply to taxpayers;

ii. to notify employees of internal procedures and instructions that do not apply to taxpayers; or

iii. to inform employees of internal programs that affect only employees.

c. A PPM may not be the appropriate policy statement if:

i. a taxpayer's substantive or procedural rights or obligations would be affected; or

ii. a rule would be more appropriate under the APA.

2. Revenue Information Bulletin

a. A Revenue Information Bulletin (RIB) is an informal statement of information issued for the public and employees that is general in nature. A RIB does not have the

force and effect of law and is not binding on the public or the department. RIBs will be established in a standard format and issued in sequence.

b. A RIB announces general information useful in complying with the laws administered by the department and may be issued under any circumstance deemed necessary by the secretary including:

i. to inform the public and employees that a statute or regulation has been added, amended, or rescinded;

ii. to inform the public and employees that a case has been decided;

iii. to publish information to employees and the public that is based on data supplied by other agencies, such as per capita income figures or comparative tax collections by parish;

iv. to publish IRS information;

v. to publish information such as deadlines;

vi. to inform the public of services offered by the department, such as regional office hours, website features, and like information; or

vii. to revise a previous Revenue Information Bulletin, Tax Topics, or other similar publication.

3. Informal Advice

a. In addition to rules, Declaratory Rulings, Policy and Procedure Memoranda, and Revenue Information Bulletins, taxpayers and employees may still seek advice on tax questions. To assist customers, the department will provide informal advice. Informal advice does not have the force and effect of law and is not binding on the department, the public, or the person who asked for the advice. Informal advice will have no effect on an audit.

b. Any of the following types of informal advice may be provided.

i. Informal Oral Advice. There is no formal procedure for requesting informal oral advice. Employees will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, and the like is considered informal oral advice.

ii. Informal E-Mail Advice. Has the same status as informal oral advice.

iii. Informal Written Advice. Requests for informal written advice should be in writing. Informal written advice is not a declaratory ruling.

iv. Newsletters, Pamphlets, and Informational Publications. The department may publish informational newsletters, pamphlets, and publications at regular intervals. Statements contained in these publications do not have the force and effect of law and they are not binding on the public or the department. They are merely helpful tools for disseminating information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:207 (February 2001), amended by the Department of Revenue, Policy Services Division, LR 35:1138 (June 2009).

Chapter 3. Alternative Dispute Resolution Procedures

§301. Definitions

A. For purposes of this Chapter, the following terms have the meanings ascribed to them.

Alternative Dispute Resolution—procedures for settling disputes by means other than litigation.

Arbitration—a binding process in which the department and taxpayer submit disputed issues and evidence to an arbitrator and a decision is rendered by the arbitrator.

Arbitrator—a neutral third party chosen by the department and taxpayer to hear their claims and render a decision.

Enrolled Agent—an individual who has demonstrated technical competence in the field of taxation and is licensed to represent taxpayers before all administrative levels of the Internal Revenue Service.

Hearing—a proceeding in which a neutral third party receives testimony or arguments and reviews documents to determine issues of fact and legal conclusions in order to render a decision based on the evidence presented.

Party—a taxpayer or department representative involved in an alternative dispute resolution process.

Secretary—the Secretary of the Louisiana Department of Revenue.

Session—the period of time during which the arbitrator meets with the parties to discuss the issues and listens to the arguments presented in order to reach a decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:364 (March 2003).

§303. Type of Alternative Dispute Resolution Process

A. The disputed issue(s) may be resolved by arbitration as agreed upon by the taxpayer and the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:364 (March 2003).

§305. Initiation of Arbitration

A. The secretary may select cases whose total value as of the date of selection for binding arbitration is less than $1 million. Once a case has been selected for arbitration, notice will be sent to the taxpayer regarding the selection within 30 days.

B. The taxpayer may give written notice to the department of the taxpayer's desire to participate in arbitration. The notice must be signed by the taxpayer or representative of the taxpayer and contain the taxpayer's name, tax identification number, address, telephone number, fax number, and e-mail address and the taxpayer's representative e-mail address as well as a brief description of the nature of the dispute and the issues. The notice must also state the relief requested, the reasons supporting the relief, and any other relevant and reliable information supporting the claim.

C. Neither the department nor the taxpayer has the right to mandate or force the opposing party into arbitration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:364 (March 2003).

§307. Persons Authorized to Participate in Arbitration

A. Individuals, Partnerships, and Corporations. Any individual taxpayer participating in arbitration with the department may appear and act for himself or for a partnership of which he is a partner with authority to act on behalf of the partnership's members. A corporation, limited liability company, or limited liability partnership may be represented by a bona fide officer of the corporation upon presentation of a corporate resolution or other documentation evidencing the officer's authority to act on behalf of the organization.

B. Attorneys. Attorneys at law, qualified and licensed under the laws of the state, are entitled to represent any taxpayer participating in arbitration with the department. The arbitrator may permit attorneys at law, qualified and licensed under the laws of the several states or the District of Columbia to represent any taxpayer participating in arbitration with the department, in the same manner as these attorneys are permitted to practice in the courts of Louisiana.

C. Certified Public Accountants. Certified public accountants qualified and licensed under the laws of the state are entitled to represent any taxpayer participating in arbitration with the department. The arbitrator may permit certified public accountants, qualified and licensed under the laws of the several states or the District of Columbia to represent any taxpayer participating in arbitration with the department, in the same manner as these certified public accountants are permitted to practice in Louisiana.

D. Enrolled Agents. Enrolled agents qualified and licensed to practice before the Internal Revenue Service are entitled to represent any taxpayer participating in arbitration with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:364 (March 2003).

§309. Registry of Arbitrators

A. The department will maintain a registry of arbitration companies authorized to participate in the alternative dispute resolution process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:364 (March 2003).

§311. Time Delay for Providing Names of Arbitrators

A. As soon as practical, but not more than 30 business days after consent of the parties to participate in arbitration, the department will send to the taxpayer or the taxpayer's representative the names of potential arbitration companies to provide case management services for the arbitration session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§313. Selection of Arbitration Company

A. The department and taxpayer will select an arbitration company from the Registry maintained by the department. The arbitration company will select the arbitrator to preside over the matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§315. Disclosure of Conflict of Interest

A. An arbitrator must have no official, financial, or personal conflict of interest with any issue or party in controversy unless the conflict of interest is fully disclosed, in writing, to all parties and all parties agree, in writing, that the person may continue to serve. If an arbitrator is disqualified by either party, another arbitrator will be selected by the arbitration company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§317. Procedures for Arbitration

A. The arbitrator will take necessary steps to avoid delay and to achieve a just, speedy, and cost-effective resolution. The department and taxpayer will cooperate in the exchange of documents, exhibits, and information within either party's control. In addition, the department and taxpayer may conduct discovery as agreed upon by all parties. However, the arbitrator may provide for or place limitations on the discovery as the arbitrator deems appropriate. At the request of the department or the taxpayer, the arbitrator may require the deposition of any person who may possess information vital to the just resolution of the matter.

B. The arbitrator will select a hearing date. Each party must notify the arbitrator in writing at least 10 business days before the initial arbitration session of the following:

1. the party's intention to present witnesses;

2. whether the party will be represented by counsel; and

3. who will be present at the arbitration.

C. The department and taxpayer must submit a brief statement of facts, law, and issues to be resolved. The statement may not exceed 15 legal-size pages without prior approval from the arbitrator.

D. The arbitrator will distribute to the department and taxpayer the information provided in Subsection B and inform the parties of the arbitration process to be followed at least five business days before the initial arbitration session. Except where specified in the regulation, the arbitrator will determine the process to be followed.

E. The rules of evidence in arbitration will be the rules of evidence followed in the state district courts of Louisiana.

F. Any party desiring a stenographic or other recording of the proceedings must make arrangements directly with a stenographer or the person responsible for recording the proceedings. The party seeking to record the proceeding must notify the arbitrator and all other parties of the arrangements at least five business days before the arbitration hearing. The requesting party or parties shall pay the recording costs and the recording or transcript shall be made available to the arbitrator and the other parties for inspection and copying at a date, time, and place determined by the arbitrator.

G. If an arbitration decision is rendered on a case pending in any state court or the Louisiana Board of Tax Appeals, the decision will be entered in the court records.

H. The decision by the arbitrator will be made promptly and, unless otherwise agreed by the parties or specified by law, no later than 30 business days from the date of the closing of the arbitration hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§319. Discovery

A. The arbitrator will set forth the conditions of discovery. Any extensions of discovery must be in writing and approved by the arbitrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§321. Arbitration Hearing

A. In order to facilitate the arbitration process, the selected arbitrator will conduct hearings. Each party will be given an opportunity to present the facts, evidence, and argument that support its position regarding the disputed tax issue at the hearing. Hearings will be private and all matters will remain confidential. The only individuals who may participate in hearings will be the taxpayer, taxpayer representatives, department representatives, and any witnesses to be called.

B. Date, Time and Place of Hearing. Hearings will be held at the LaSalle Building in Baton Rouge or at any other place designated by the arbitrator with consideration given to the location and convenience of the parties and their witnesses. All witnesses will be sequestered prior to giving testimony.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§323. Sequence of the Arbitration Hearing

A. Unless otherwise determined by the arbitrator, the following sequence will be followed at the hearing.

1. Introduction. The arbitrator may make an introduction.

2. Opening Statements. The taxpayer or his representative will make an opening statement followed by the department's representative.

3. Taxpayer's Case. The taxpayer may introduce evidence, examine witnesses, and submit exhibits. The department's attorney or representative may cross-examine the witnesses.

4. Department's Case. The department may introduce evidence, examine witnesses, and submit exhibits. The taxpayer or taxpayer's representative may cross-examine the witnesses.

5. Evidence Procedure. Each party will have the opportunity to present relevant and credible evidence during the hearing. All statements will be made under oath administered by the arbitrator. The Rules of Evidence followed in the state district courts of Louisiana will apply to all evidence presented and objections will be permitted.

6. Rebuttal. Presentation of the evidence of the taxpayer in rebuttal and the argument of the taxpayer followed by the argument of the department, and of the taxpayer in rebuttal.

7. Summation. Each party may present a closing statement.

8. Concluding Remarks. The arbitrator may make closing remarks concerning the case.

9. Judgment. The arbitrator shall render a decision within 30 business days after the date of the close of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:365 (March 2003).

§325. Ex Parte Communication with the Arbitrator

A. No party or party representative may directly communicate with an arbitrator except at a hearing or during a scheduled conference concerning any issue related to the arbitration matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:366 (March 2003).

§327. Privacy

A. All arbitration sessions are private and confidential. To ensure the privacy of the arbitration sessions, only the parties and their representatives may attend the sessions. All parties participating in or attending a session are required to sign a confidentiality agreement. Any party that violates this confidentiality provision is subject to sanctions at the request of the other party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.
HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:366 (March 2003).

§329. Confidentiality

A. Except as authorized or required by law, no one participating in the session may disclose the existence, content, or results of the session without the written consent of all parties. Each participant to any process conducted, including the arbitrator, must execute a confidentiality agreement before beginning arbitration. Except as authorized, required, or consented to, no party, arbitrator, or any agent or other representative may make public, offer or introduce as evidence, or otherwise refer to in any administrative, judicial, or other proceeding, any statement made or any document or item of evidence provided during arbitration or any finding, conclusion, order, or result, or lack thereof relating to the process. This prohibition applies but is not limited to the following matters:

1. views expressed or suggestions made by a party with respect to possible settlement of the dispute;

2. admissions made by any party during arbitration;

3. statements made or views expressed by any witnesses, arbitrator, or other persons privy to the arbitration session; or

4. the fact that another party had or had not indicated a willingness to accept a proposal settlement.

B. The arbitrator is subject to the terms and conditions set forth in R.S. 47:1508 regarding the confidential character of tax records.

C. All returns, reports, and other documents presented during the arbitration session may be destroyed by order of the secretary after five years from the last day of December of the year in which the tax to which the records pertain became due, but not less than one year after receipt of the last payment of tax to which the records pertain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.
HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:366 (March 2003).

§331. Fees and Expenses

A. Each party will bear the fees and expenses for its own counsel, expert witnesses, travel, and preparation and presentation of its case. Except as otherwise agreed by the parties, the fees and expenses of the arbitrator will be borne equally by the taxpayer and the department in accordance with the arbitration company's fee schedule.

B. If an arbitration session has been scheduled and a party fails to appear at the session, the party failing to appear will be responsible for the payment of the reasonable costs and fees of the arbitrator and the reasonable travel expenses incurred by the other party, unless the party has provided reasonable notice in writing to the arbitrator and all other parties that they will not appear. It will be presumed, subject to a contrary showing under the circumstances, that giving five business days advanced written notice is reasonable notice.

C. If reasonable notice is not provided, the arbitrator shall determine if there was good cause for the failure to appear.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.
HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:366 (March 2003).

§333. Taxpayer's Duty to Protect Protests and Appeals

A. It is the duty of the taxpayer to protect his right to protest or appeal any assessment or proposed assessment or to pursue any right to refund relating to any issue that may also be subject to the arbitration process. Compliance with all conditions and time limits for perfecting and pursuing any and all administrative and judicial protests and appeals or requests for refund are the sole responsibility of the taxpayer. Any agreement between a taxpayer, taxpayer representative, and a representative of the department to alter the conditions or time limits must be authorized by the secretary of the Department of Revenue and executed in writing by both parties to be effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.
HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:366 (March 2003).

§335. Notice of a Waiver or Extension

A. When required by any party, notice that a written waiver or extension of any and all applicable prescriptive periods must be executed to each party's satisfaction. No party will be required to execute any waiver or extension of a statutory limitation as a condition of participating in an alternative dispute resolution process. Unless otherwise agreed to by the parties, any waiver or extension of prescription will apply to only those issues agreed upon as subject to the alternative dispute resolution process. If a written waiver or extension is required by a party, no alternative dispute resolution process will begin until an agreement has been executed.

B. The department and taxpayer will have 30 business days to resolve the issues and execute the waiver or extension. If no agreement is reached during that period of time, the arbitrator will terminate the alternative dispute resolution process. In the event that an alternative dispute resolution process has been terminated, the parties have a

right to initiate a new alternative dispute resolution process. If the second attempt to initiate an alternative dispute resolution process fails, any subsequent attempts will not be allowed unless the arbitrator agrees it is in the party's best interest to continue to arrive at an agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 1522.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:367 (March 2003).

Chapter 5. Authorized Representatives

§501. Designation of Tax Matters Person

A. Definitions. For purposes of this Chapter, the following terms have the meanings ascribed to them.

Affiliated Group—the same as defined in Section 1504 of the Internal Revenue Code.

Designated Tax Matters Person or *Tax Matters Person*—the person designated under R.S. 47:1671(D) by a legal entity as their authorized representative to sign any return, document or form and act on behalf of the legal entity, or any other member of the same affiliated group, with respect to any tax, fee, license, penalty, interest or other charge assessed, collected, enforced, or administered by the secretary of the Department of Revenue.

Legal Entity—a corporation, partnership, limited liability company, limited liability partnership, trust, estate, or any other legal entity.

Secretary—the Secretary of the Louisiana Department of Revenue or designee of the secretary.

B. Designation of Tax Matters Person; Authority of Person Designated

1. Any legal entity may elect to designate a "tax matters person" as their authorized representative for a specific tax and taxable year or period. For Louisiana tax purposes, a legal entity that elects to designate a tax matters person shall make the designation only as provided in this Rule. Similarly, the designation of a tax matters person for a specific tax and taxable year or period may be terminated only as provided in this rule. If a legal entity elects not to designate a tax matters person, or if a designation is terminated without the legal entity designating another tax matters person, the authorized representative shall be determined under R.S. 47:1671(C)(3).

2. The designated tax matters person may also be authorized to act on behalf of any other member of the same affiliated group.

3. The designated tax matters person shall be a natural person and citizen of the United States.

4. Only one tax matters person shall be designated and authorized to act on behalf of the legal entity or any other member of the same affiliated group.

C. Method of Making Designation

1. A legal entity may designate a tax matters person at any time by filing a written statement, captioned "Designation of Tax Matters Person," with each Department of Revenue designee who requests such statement. The statement shall:

a. identify the legal entity making the designation by name, address, and taxpayer identification number;

b. identify the designated tax matters person by name and title;

c. specify the type of tax and the taxable year(s) or periods to which the designation applies;

d. declare that it is a designation of tax matters person for the type of tax and taxable year(s) or period(s) specified;

e. authorize the tax matters person as an authorized representative to act on behalf of the legal entity, or any other member of the same affiliated group, and identify the type of tax and taxable year(s) or period(s) of authorization; and

f. be signed by the person(s) authorized by the legal entity to make the designation and identified by their title(s).

2. The designation shall be made as provided in this rule. A power of attorney cannot be substituted for the written statement.

D. Prior Designations Superseded. A designation of a tax matters person for a specific type of tax and taxable year or period shall supersede all prior designations of a tax matters person for that tax and year or period.

E. Restriction on Representation and Delegation of Authority. No person shall act in a representative capacity for the designated tax matters person with respect to the Louisiana Department of Revenue.

F. Resignation of Designated Tax Matters Person. A person designated as the tax matters person under this Rule may resign at any time by a written statement to that effect. The statement shall specify the tax and the taxable year(s) or period(s) to which the resignation relates and shall identify the legal entity and the tax matters person by name, address, and taxpayer identification number. The statement shall also be signed by the resigning tax matters person and shall be filed with each Department of Revenue designee with whom a designation of tax matters person statement was filed.

G. Revocation of Designation. The legal entity may revoke the designation of the tax matters person for a specific tax and taxable year or period at any time by filing a statement with the Department of Revenue designee with whom the designation of tax matters person statement was filed. The statement shall:

1. identify by name, address, and taxpayer identification number the legal entity and the person whose designation as tax matters person is being revoked;

2. specify the tax and taxable year(s) or period(s) to which the revocation relates;

3. declare that it is a revocation of a designation of the tax matters person for the tax and taxable year(s) or period(s) specified; and

4. be signed by the person(s) authorized by the legal entity to revoke the designation and identified by their title(s).

H. When Designation, Resignation, or Revocation Becomes Effective

1. Except as provided in Paragraph 2 of this Subsection, a designation, resignation, or revocation provided for in this Rule becomes effective on the day that the statement required by the applicable Paragraph of this Rule is filed.

2. If a notice of beginning of an administrative proceeding or other action is mailed before the date on which a statement of designation, resignation, or revocation provided for in this Rule with respect to that specific tax and taxable year or period is filed, the secretary is not required to give effect to the designation, resignation, or revocation until 30 days after the statement is filed.

I. Binding Actions of Tax Matters Person; Conclusive Presumption Created

1. The designated tax matters person shall bind the legal entity to all actions of the tax matters person with respect to matters between the secretary and the legal entity.

2. The name of the designated tax matters person signed on a return, declaration, statement, or any other document or form filed with the secretary shall create a conclusive presumption that the document or form was signed by such person and shall have the same force and effect as the act of the legal entity.

3. Other actions of the designated tax matters person that are binding on the legal entity include, but are not limited to:

a. consent to an agreement to suspend prescription;

b. signing an offer in compromise, voluntary disclosure agreement, installment agreement or any other offer or settlement agreement with the secretary.

J. Termination of Designation

1. In General. A designation of a tax matters person for a specific tax and taxable year(s) or period(s) under this Rule shall remain in effect until:

a. the death of the designated tax matters person;

b. adjudication by a court of competent jurisdiction that the designated tax matters person, because of mental incapacity or physical infirmity, is permanently incapable of managing their person or administering their estate; or

c. the day on which the resignation of the designated tax matters person, a subsequent designation, or revocation of the designation under this Rule becomes effective.

2. Actions by Designated Tax Matters Person before Termination of Designation. The termination of the designation of a tax matters person under this Subsection does not affect the validity of any action taken by that designated tax matters person before the designation is terminated. For example, if that designated tax matters person had previously signed an agreement to suspend prescription, the suspension remains valid even after termination of the designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1671.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:254 (February 2009).

Chapter 11. Donations

§1101. Donations to the Louisiana Military Family Assistance Fund

A. Taxpayers filing individual or corporate income or sales and use tax returns may designate all or any portion of a refund, credit, or vendor's compensation as a donation, or may donate an amount greater than the tax or refund due to the Louisiana Military Family Assistance Fund (Fund) at the time that the tax returns are submitted to the Department of Revenue.

1. For corporate and individual income tax, returns for tax periods beginning on or after January 1, 2005, may include a designated donation.

2. For sales and use tax, returns for tax periods beginning on or after January 1, 2006, may include a designated donation.

B. To make a donation to the fund, the taxpayer must comply with all of the requirements for proper payment of the tax due including filing a correct return and paying all taxes, interest, and penalties due.

1. The taxpayer must properly designate the amount of the donation intended on the tax return form.

2. The taxpayer may donate all or a portion of any refund, credit, or vendor's compensation to the fund by designating the amount to be donated on the appropriate line of the return.

3. The taxpayer may contribute additional amounts to the fund by increasing the amount of the payment made for taxes, interest, and penalties due and designating the amount to be donated on the appropriate line of the return. Any additional donation must accompany the return. Donations not accompanying the filing of a return will be returned.

4. Once a taxpayer has made the election to donate, the taxpayer may not change the donation amount after the tax return has been filed.

C. Adjustments to Donation Amounts

1. Donation of Vendor's Compensation or Overpayments

a. If a taxpayer elects to donate all or any portion of an expected overpayment and the amount of the overpayment is reduced because of return errors or disallowance of vendor's compensation, the donation amount will be reduced accordingly.

b. If a taxpayer elects to donate all or any portion of their vendor's compensation or an expected overpayment and the taxpayer has other outstanding liabilities for other taxes or tax periods, the overpayment will first be applied to the outstanding tax liabilities and the donation amount will be reduced accordingly.

c. If a taxpayer elects to donate all or any portion of their vendor's compensation or an expected overpayment and the taxpayer is subject to other offsets, garnishments, liens, or seizures, the overpayment will first be applied to those legal responsibilities and the donation amount will be reduced accordingly.

2. Additional Donations. If a taxpayer elects to contribute additional amounts by increasing the amount of the tax return payment and the amount due on the return is increased because of return errors or disallowance of vendor's compensation or the taxpayer fails to pay in full the amount shown due on the return, the taxes due will not be considered properly paid as required by §1101.B and the donation amount will be reduced accordingly.

3. Taxpayers will be notified of any donation adjustments.

4. The department will not seek to collect amounts designated as a donation by the taxpayer if the donation amount is adjusted as provided by §1101.C.1-2.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:120.31, 297.5, 306.2 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 31:3164 (December 2005).

Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1501. Requirement for Tax Preparers to File Income Tax Returns Electronically

A. Definitions

Authorized Individual Income Tax Return—any individual tax return that can be filed electronically.

Filed Electronically—filing a tax return by electronic means using software that has been approved for electronic filing by the Louisiana Department of Revenue.

Individual Income Tax Return—any tax return required to be filed by R.S. 47:101.

Tax Preparer—a person or entity that prepares for compensation or employs one or more persons to prepare for compensation any Louisiana individual income tax return.

a. A tax preparer is an entity that is assigned a tax identification number and includes all of the entity's locations.

b. The combined total of the returns prepared at all of the tax preparer's locations will be used to determine whether or not the tax preparer is subject to the electronic filing mandate.

B. For returns due on or after January 1, 2012, 90 percent of the authorized individual income tax returns prepared and filed by a tax preparer that prepares and files more than 100 Louisiana individual income tax returns during any calendar year are required to be filed electronically.

C. A tax preparer that is subject to the electronic filing mandate must be accepted in the IRS e-file Program and have an electronic filer identification number (EFIN) and use software that has been approved for e-file by the Louisiana Department of Revenue.

D. Once a tax preparer is subject to the electronic filing mandate, the tax preparer must continue to e-file the required percentage of authorized individual income tax returns in future years regardless of the number of returns filed.

E. Tax Preparer Undue Hardship Waiver of Electronic Filing Requirement

1. The secretary may waive the electronic filing requirement if it is determined that complying with the requirement would cause an undue hardship.

2. For the purpose of waiver of the electronic filing requirement, inability by the tax preparer to obtain broadband access at the location where the tax returns are prepared will be considered an undue hardship and waiver of the requirement will be granted.

F. The penalty imposed by R.S. 47:1520(B) for failure to comply with the electronic filing requirement does not apply to the requirement for tax preparers to file income tax returns electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 33:2463 (November 2007), amended LR 34:1425 (July 2008), amended LR 44:1638 (September 2018).

§1503. Corporation Franchise Tax Returns—Electronic Filing Requirements

A. Every corporation that files a Louisiana Corporation Franchise Tax Return shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department as follows:

1. For tax periods beginning on or after January 1, 2019, every corporation with total assets which have an absolute value equal to or greater than $500,000 (total assets with a value equal to or greater than $500,000 or with a value equal to or less than -$500,000) shall file the return electronically.

2. For tax periods beginning on or after January 1, 2020, every corporation with total assets which have an absolute value equal to or greater than $250,000 (total assets with a value equal to or greater than $250,000 or with a value equal to or less than -$250,000) shall file the return electronically.

3. For purposes of this Section, assets shall mean:

a. total worldwide assets of the corporation as reported on Line F of the LA CIFT 620;

b. total assets shall include both tangible and intangible assets; and

c. total assets shall be valuated based upon book value which takes into account depreciation and depletion of assets.

4. Corporations required to electronically file their Louisiana Corporation Franchise Tax Return may not send paper versions of any forms to be included as part of their return.

5. This electronic filing mandate applies to corporations and preparers who file the return on a business entity's behalf.

B.1. Failure to comply with this electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:609, 1511, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1639 (September 2018).

§1505. Corporation Income Tax Returns—Electronic Filing Requirements

A. Every corporation that files a Louisiana Corporate Income Tax Return shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department as follows.

1. For tax periods beginning on or after January 1, 2018, every corporation with total assets which have an absolute value equal to or greater than $500,000 (total assets with a value equal to or greater than $500,000 or with a value equal to or less than -$500,000) shall file the return electronically.

2. For tax periods beginning on or after January 1, 2019, every corporation with total assets with an absolute value equal to or greater than $250,000 (total assets with a value equal to or greater than $250,000 or with a value equal to or less than -$250,000) shall file the return electronically.

3. For purposes of this Section, assets shall mean:

a. total worldwide assets of the corporation as reported on Line F of the LA CIFT 620;

b. total assets shall include both tangible and intangible assets; and

c. total assets shall be valuated based upon book value which takes into account depreciation and depletion of assets.

4. Corporations required to electronically file their Louisiana corporation income tax return may not send paper versions of any forms to be included as part of their return.

5. This electronic filing mandate applies to corporations and preparers who file the return on a business entity's behalf.

B.1. Failure to comply with this electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 471520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614, 1511, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1639 (September 2018).

§1507. Partnership Returns—Electronic Filing Requirements

A. Every partnership that files a Louisiana Partnership Tax Return, except for those partnerships filing composite partnership returns, shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department. For taxable periods beginning on or after January 1, 2021, partnerships filing composite partnership returns must also file a Louisiana Partnership Return electronically. The format shall be as follows.

1. For tax periods beginning on or after January 1, 2018, every partnership with total assets which have an absolute value equal to or greater than $500,000 (total assets with a value equal to or greater than $500,000 or with a value equal to or less than -$500,000) shall file the return electronically.

2. For tax periods beginning on or after January 1, 2019, every partnership with total assets which have an absolute value equal to or greater than $250,000 (total assets with a value equal to or greater than $250,000 or with a value equal to or less than -$250,000) shall file the return electronically.

3. For purposes of this Section, assets shall mean:

a. total worldwide assets of the partnership as reported on Line F of the form IT- 565;

b. total assets shall include both tangible and intangible assets; and

c. total assets shall be valuated based upon book value which takes into account depreciation and depletion of assets.

4. Partnerships required to electronically-file their Louisiana Partnership Income Tax return may not send paper versions of any forms to be included as part of their return.

5. This electronic filing mandate applies to partnerships and preparers who file the return on a business entity's behalf.

B.1. Failure to comply with this electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 471520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201, 1511, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1639 (September 2018), LR 48:1106 (April 2022).

§1509. Fiduciary Income Tax Returns (Estates and Trusts)—Electronic Filing Requirements

A. Every fiduciary that files a Louisiana Fiduciary Income Tax Return shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department as follows.

1. For tax periods beginning on or after January 1, 2019, every fiduciary that files a Louisiana fiduciary income tax return with more than 10 Schedules K-1 attached for taxable years beginning on or after January 1, 2019 shall file the return electronically.

2. For tax periods beginning on or after January 1, 2020, every fiduciary that files a Louisiana fiduciary income tax return with one or more Schedules K-1 attached for taxable years beginning on or after January 1, 2020 shall file the return electronically.

3. Fiduciaries required to electronically-file may not send paper versions of any forms to be included as part of their return.

B.1. Failure to comply with this electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 471520(B).

3. If the taxpayer can prove the electronic filing of a tax return or report would create an undue hardship, the secretary may exempt the taxpayer from filing the return or report electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:181, 201, 300, 1511, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1640 (September 2018).

§1511. Lessors of Motor Vehicles—Electronic Filing Requirement

A. Definitions

Motor Vehicle—any self-propelled device used to transport people or property on the public highways.

B. R.S. 48:77 dedicates a percentage of the sales tax collections from the motor vehicle leases and rentals to the Transportation Trust Fund effective July 1, 2008.

C. Beginning with the July 2008 filing period, dealers who collect sales tax on motor vehicle leases and rentals are required to file their sales tax returns electronically with the Department of Revenue using the electronic format prescribed by the department.

1. The electronic sales tax return will provide for the separate reporting of the sales tax collected on motor vehicle leases and rentals.

2. The electronic sales tax return will provide for separate reporting of exempt motor vehicle leases and rentals.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or five percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and 48:77.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 34:1929 (September 2008).

§1513. Automobile Rental Tax Return, Form R-1329—Electronic Filing Requirement

A. R.S. 47:551 imposes a state tax of 2 1/2 percent and a local tax of 1/2 of 1 percent on the gross proceeds from automobile rental contracts.

B. The Department of Revenue is required to collect the 3 percent automobile rental tax and to provide the 1/2 percent local tax collection amount for distribution to the local tax authorities.

C. Effective with the July 2009 filing period, dealers who collect the automobile rental tax will be required to file the automobile rental tax return, form R-1329, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and 47:551.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1515. Tax Increment Financing District Sales Tax Returns, Form R-1029—Electronic Filing Requirement

A. R.S. 33:9038.34 authorizes certain local governmental subdivisions or entities to issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of the sales tax increments to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision or tax recipient entity, payable directly from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision or tax recipient entity, to finance or refinance all or any part of an economic development project as described in R.S. 33:9038.31 et seq.

B. Effective with the July 2009 filing period, dealers located in a tax increment financing district where the state sales tax increment is dedicated to finance or refinance an economic development project as authorized by R.S. 47:9038.34 or a joint venture or cooperative endeavor for a public purpose as authorized by R.S. 33:9038.35 will be required to file the Sales Tax return, Form R-1029, electronically with the Department of Revenue using the electronic format prescribed by the department.

C. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and R.S. 33:9038.34.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1517. Hotel and Motel Sales Tax Return, Form R-1029DS—Electronic Filing Requirement

A. Acts 1966, No. 556; Acts 1991, No. 624; Acts 1992, No. 1099; Acts 1993, No. 640; Acts 1995, No. 1191 authorize the Louisiana Stadium and Exposition District to collect a tax of 4 percent of the gross proceeds from hotel and motel room rentals in the parishes of Orleans and Jefferson as defined in R.S. 47:301(8). Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72 authorize the New Orleans Exhibition Hall Authority to collect a tax of 3 percent on the gross proceeds from hotel and motel room rentals in Orleans parish as defined in R.S. 47:301(8).

B. The Department of Revenue is required to collect the 4 percent room occupancy tax and distribute it to the Louisiana Stadium and Exposition District. The Department of Revenue is also required to collect the 3 percent room occupancy tax and distribute it to the New Orleans Exhibition Hall Authority.

C. Effective with the July 2009 filing period, dealers who collect the Louisiana Stadium and Exposition District room occupancy tax or the New Orleans Exhibition Hall Authority room occupancy tax will be required to file the Hotel and Motel Sales Tax return, Form R-1029DS, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and Acts 1966, No. 556; Acts 1991, No. 624; Acts 1992, No. 1099; Acts 1993, No. 640; Acts 1995, No. 1191.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1519. New Orleans Exhibition Hall Authority Additional Room Occupancy Tax and Food and Beverage Tax Return, Form R-1325—Electronic Filing Requirement

A. Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72 authorize the New Orleans Exhibition Hall Authority to collect an additional tax of varying rates, depending on the capacity of the establishment, on hotel and motel room rentals in Orleans parish as defined in R.S. 47:301(8). Acts 1987, No. 390 authorizes the New Orleans Exhibition Hall Authority to collect a tax of varying rates, depending on the gross sales of food and beverages of the establishment during the preceding calendar year, on the sales of food and beverages sold or served in Orleans parish or at any airport or air transportation facility owned by the City of New Orleans.

B. The Department of Revenue is required to collect the additional room occupancy tax and the food and beverage tax and distribute it to the New Orleans Exhibition Hall Authority.

C. Effective with the July 2009 filing period, dealers who collect the New Orleans Exhibition Hall Authority additional room occupancy tax or the food and beverage tax

will be required to file the New Orleans Exhibition Hall Authority Additional Hotel Room Occupancy Tax and Food and Beverage Tax return, Form R-1325, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

§1521. Louisiana State and Parish and Municipalities Beer Tax Return, Form R-5621—Electronic Filing Requirement

A. R.S. 26:492 authorizes parishes and municipalities to impose a tax on beverages of low alcoholic content of not more than $1.50 per standard barrel of 31 gallons.

B. The Department of Revenue is required to collect the parish and municipalities beer tax and distribute it to the local tax authorities.

C. Effective with the July 2009 filing period, dealers who collect the parish and municipalities beer tax will be required to file the Louisiana State and Parish and Municipalities Beer Tax return, Form R-5621, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and R.S. 26:492.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

§1523. Hotel/Motel Sales Tax Return, Form R-1029H/M—Electronic Filing Requirement

A. R.S. 47:302, 321, 331 and R.S. 51:1286, collectively, impose a 4 percent tax on the gross receipts from hotel and motel room rentals.

B. The Department of Revenue is required to collect the sales tax on hotel and motel room rentals and distribute it to various funds as indicated by R.S. 47:302.2 et seq., R.S. 47:322.1 et seq. and R.S. 47:332.1 et seq.

C. Effective with the July 2009 filing period, dealers who collect the state sales tax on hotel and motel room rentals will be required to file the Hotel/Motel Sales Tax return, Form R-1029H/M electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, R.S. 47:302.2 et seq., R.S. 47:322.1 et seq. and R.S. 47:332.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

§1525. Severance Tax—Oil or Gas

A. R.S. 47:1520(A)(1)(b) authorizes the secretary of revenue to require electronic filing of tax returns or reports by persons severing oil or gas from the soil or water from the state that are required to file reports under R.S. 47:635(A)(2) or 640(A)(2).

B. R.S. 47:635(A)(2) requires every person severing oil or gas from the soil or water of the state to submit, on or before the twenty-fifth day of the second month following the month to which the tax is applicable, a statement on forms approved by the department, of the business conducted by the severer during the month, showing the gross quantity of oil or gas severed or produced, the names of the owners at the time of severance, the portion owned by each, the location and place(s) where the oil or gas was produced or severed from the soil or water and any other reasonable and necessary information pertaining thereto that the secretary may require.

C. R.S. 47:640(A)(2) requires purchasers and other persons dealing in oil or gas severed from the soil or water in Louisiana to submit, on or before the twenty-fifth day of the second month following the month to which the tax is applicable, to the Department of Revenue a monthly

statement on forms approved by the department, showing the names and addresses of all persons from whom they have purchased oil or gas during that month, together with the total quantity of, and gross price paid for the oil or gas, and, at the time the report is made, pay the amount of tax deducted or withheld, or that may be due.

D. Effective with the July 2010 filing period, severers of oil or gas that are required to file reports under R.S. 47:635(A)(2) and 640(A)(2) shall be required to file the tax returns or report electronically with the Department of Revenue using the electronic format prescribed by the department.

E. R.S. 47:633(7)(b) and 633(7)(c)(i)(aa) provide reduced severance tax rates on oil produced from wells that have been certified by the Department of Revenue as "incapable wells" and "stripper wells" on or before the twenty-fifth day of the second month following the month of production.

F. R.S. 47:633(9)(b) and 633(9)(c) provide reduced severance tax rates on gas produced from wells that have been determined by the secretary of revenue to be "incapable oil wells" and "incapable gas wells."

G. Beginning with the July 2011 production month application that is due September 25, 2011, Form G-2, Application for Certification of Incapable Wells, and Form O-2, Application for Certification of Stripper/Incapable Wells, must be filed electronically with the Department of Revenue on or before the twenty-fifth day of the second month following the production month in which the reduced tax rate(s) is applicable. If the due date falls on a weekend or holiday, the application and electronic filing thereof is due on the next business day.

H. Failure to comply with these electronic filing requirements will result in the assessment of a penalty of $100 or five percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

3. If the taxpayer can prove electronic filing of a tax return, report, or application for certification would create an undue hardship, the secretary may exempt the taxpayer from filing the return, report, or application electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, 47:635(A)(2), 47:640(A)(2), 47:633(7)(b), 47:633(7)(c)(i)(aa),. 47:633(9)(b), and 47:633(9)(c).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:1271 (June 2010), amended LR 37:1614 (June 2011).

§1527. Electronic Filing Mandate for Reports and Returns related to the Sports Facility Assistance Fund

A. R.S. 47:1520(A)(1)(e) allows the secretary to require electronic filing of any return or report filed by a professional athletic team or a professional athlete which is required to be filed by the Department of Revenue for the administration of the Sports Facility Assistance Fund.

B. Effective for the 2011 tax year filings and all other tax years thereafter, all reports and returns filed by a professional athletic team or a professional athlete shall be filed electronically with the Department of Revenue using the electronic format provided by the department.

1. The returns and reports to be filed electronically include, but are not limited to, the following:

a. L-1 with the team roster attached;

b. L-3 reconciliation with attached, completed W-2s containing all federal information;

c. IT-540B with attached Schedules NRPA-1 and NRPA-2 for nonresident athletes; and

d. IT 540 for resident athletes.

2. The team rosters attached to the L-1 should include the following information:

a. team or franchise name;

b. team or franchise account number;

c. type of game or sporting event;

d. sporting game or event locations;

e. practice date if applicable;

f. sporting event or game date;

g. the names of each player and staff member who traveled to the sporting game or event in Louisiana;

h. the social security numbers of each player and staff member;

i. the addresses of each player and staff member;

j. the job description of each player and staff member;

k. the quarterly salary of each player and staff member;

l. total duty days as defined in LAC 61:I.1304.I.2;

m. Louisiana duty days which includes days of all practices, meetings and games;

n. the Louisiana wages of each athlete and staff member;

o. the Louisiana withholding tax of each athlete and staff member; and

p. the total roster Louisiana withholding tax.

C. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $1,000 per failure.

D. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other causes set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 37:914 (March 2011), amended LR 48:508 (March 2022)

§1529. Telecommunication Tax for the Deaf—Electronic Filing Requirements

A. R.S. 47:1520(A)(2) allows the secretary to require electronic filing of any return or report required by the Department of Revenue for the administration of the telecommunications for the deaf fund filed by a local or wireless telecommunication service company operating in Louisiana.

B. Effective for the third quarter of the 2018 taxable calendar and all other taxable calendar quarters thereafter, all reports and returns filed by a local or wireless telecommunication service company operating in Louisiana shall be filed electronically with the Department of Revenue on or before the thirtieth day following the close of the reporting period using the electronic format provided by the department.

C.1. Failure to comply with the electronic filing requirement of this section in the absence of an undue hardship exemption will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in Paragraph 1 of this Subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 1061, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1272 (July 2018).

§1530. Telecommunication Tax for the Deaf—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require a local or wireless telecommunications service company operating in Louisiana to remit the tax collected for the Telecommunications for the Deaf Fund to the Department of Revenue by electronic funds transfer.

B. Effective for the third quarter of the 2018 taxable calendar and all other taxable calendar quarters thereafter, all payments by a local or wireless telecommunications service company operating in Louisiana shall be electronically transferred to the Department of Revenue on or before the thirtieth day following the close of the reporting period using the electronic format provided by the department.

C. For the purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61:I.4910.

D. Failure to Timely Transfer Electronically

1. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 through 1602.

2. The deduction allowed by R.S. 47:1061 as compensation for collecting and remitting the tax shall not be allowed if the tax payment is not timely transmitted electronically.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61:I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. A tax return or report must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return or report required by the Department of Revenue are set forth in LAC 61:III.1529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519, 47:1511, and 1061.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1640 (September 2018).

§1532. Payment of Taxes by Credit or Debit Cards; Other

A. Authority to Receive Payment

1. Payments by Credit or Debit Card. All taxes due under any state law that the secretary is authorized to collect may be paid by credit card or debit card as authorized by this Section. Payment of taxes by credit or debit card is voluntary on the part of the taxpayer. Only credit cards or debit cards from a nationally recognized institution may be used for this purpose, and all such payments must be made in the manner and in accordance with the forms, instructions and procedures prescribed by the secretary. All references in this regulation to tax also include interest, penalties, fees, payments, additional amounts, and additions to tax.

2. Payments by Electronic Funds Transfer Other than Credit or Debit Card. Payment by electronic funds transfer other than payment by credit card or debit card is currently authorized by R.S. 47:1519. Specific provisions relating to

payments by electronic funds transfer other than payment by credit or debit card are contained in R.S. 47:1519 and the regulation promulgated pursuant to R.S. 47:1519, LAC 61:I.4910 (Electronic Funds Transfer). Thus, this regulation only provides for payments of taxes by credit and debit card. Louisiana Revised Statute 47:1519 and LAC 61:I.4910 shall remain the authorities for payment by electronic funds transfer other than payment by credit card and debit card.

B. Definitions

Credit Card—any credit card as defined in Section 103(k) of the Truth in Lending Act (15 U.S.C. 1602(k)), including any credit card, charge card, or other credit device issued for the purpose of obtaining money, property, labor, or services on credit.

Debit Card—any accepted card or other means of access as defined in Section 903(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693a(1)), including any debit card or similar device or means of access to an account issued for the purpose of initiating electronic fund transfers to obtain money, property, labor, or services.

Electronic Funds Transfer—any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated electronically so as to order, instruct, or authorize a financial institution to debit or credit an account and is accomplished by an automated clearinghouse debit or automated clearinghouse credit. The term *financial institution* includes a state or national bank, a state or federal savings and loan association, and a state or federal credit union. A credit or debit card issued by a financial institution is used to initiate an electronic funds transfer.

Payment—any amount paid to the Department of Revenue representing a tax, fee, interest, penalty, or other amount.

Secretary—the Secretary of the Department of Revenue or the secretary's representative.

Underlying Tax Liability—the total amount of tax owed by a taxpayer and due to the secretary.

C. Payment Deemed Made. A payment of tax by credit or debit card shall be deemed made when the issuer of the credit or debit card properly authorizes the transaction, provided that the payment is actually received by the secretary in the ordinary course of business and is not returned because of an error relating to the credit or debit card account as described in Subsection E of this Section.

D. Payment Not Made. No taxpayer making any payment of tax by credit or debit card to the secretary is relieved from liability for the underlying tax obligation except to the extent that the secretary receives final payment of the underlying tax obligation in cash or the equivalent. If final payment is not made by the credit or debit card issuer or other guarantor of payment in the debit or credit card transaction, the underlying tax obligation shall survive, and the secretary shall retain all special and alternative remedies or procedures for enforcement which would have applied if the debit or credit card transaction had not occurred and may proceed to enforce the collection of any taxes due. This continuing liability of the taxpayer is in addition to, and not in lieu of, any liability of the issuer of the credit or debit card or financial institution to the state of Louisiana. No person, by contract or otherwise, may modify the provisions of this Subsection.

E. Resolution of Errors Relating to the Credit Card or Debit Card Account

1. Applicable Procedures. In general, payments of taxes by credit or debit card shall be subject to the applicable error resolution procedures of Section 161 of the Truth in Lending Act (15 U.S.C. 1666), Section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), or any similar provisions of state law, for the purpose of resolving errors relating to the credit or debit card account, but not for the purpose of resolving any errors, disputes or adjustments relating to the underlying tax liability. Thus, nontax matters related to payment by credit or debit cards are to be resolved by persons ultimately liable for payment and financial intermediaries, without the involvement of the secretary.

2. Matters Covered by Error Resolution Procedures. The error resolution procedures of Paragraph E.1 of this Section apply to the following types of errors:

a. an incorrect amount posted to the taxpayer's credit or debit card account as a result of a computational error, numerical transposition, or similar mistake;

b. an amount posted to the wrong taxpayer's credit or debit card account;

c. a transaction posted to the taxpayer's credit or debit card account without the taxpayer's authorization; and

d. other similar types of nontax errors relating to the taxpayer's credit or debit card account that would be subject to resolution under Section 161 of the Truth in Lending Act (15 U.S.C. 1666), Section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), or similar provisions of state law.

3. No Basis for Claim or Defense against Secretary or State. An error described in this Subsection may be resolved only through the applicable error resolution procedures of Section 161 of the Truth in Lending Act (15 U.S.C. 1666), Section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), or similar provisions of state law, as set forth in Subsection F of this Section and shall not be a basis for any claim or defense in any administrative or court proceeding involving the secretary or the state of Louisiana.

F. Return of Funds Pursuant to Error Resolution Procedures. If a person is owed an amount because of the correction of an error under the error resolution procedures of Paragraph E.1 of this Section, the secretary may, in the secretary's sole discretion, return the amount to the person by arranging for a credit to that person's credit or debit card account with the issuer of the credit or debit card or any other financial institution or person that participated in the credit or debit card transaction in which the error occurred.

Returns of funds through credit or debit card credits are only available to correct errors relating to the credit or debit card account, and not to refund overpayments of taxes.

G. Tax Matters not Subject to Error Resolution Procedures. The error resolution procedures of Paragraph E.1 of this Section do not apply to any error, question, dispute, or any other matter concerning the amount of tax owed by any person for any taxable period. The error resolution procedures do not apply to determine a taxpayer's entitlement to a refund of tax for any taxable period for any reason. The error resolution procedures cannot be used to refund an overpayment of taxes. All tax matters that have been delegated to the secretary and the Department of Revenue shall be resolved by the secretary, without the involvement of financial intermediaries, through the administrative and judicial procedures established pursuant to Title 47 of the Louisiana Revised Statutes of 1950, as amended, and regulations promulgated pursuant to the Administrative Procedure Act. Thus, credit card and debit card issuers, financial institutions, other intermediaries and processing mechanisms are excluded from the resolution of an error when the alleged error involves the underlying tax liability, as opposed to the credit or debit card account.

1. Rights of Credit Card Customers. Payments of taxes by credit or debit card are not subject to Section 170 of the Truth in Lending Act (15 U.S.C. 1666i) or to any similar provision of state law.

2. Creditor. The term *creditor* under Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) does not include the secretary with respect to credit or debit card transactions in payment of any tax that the secretary is authorized to administer, enforce or collect.

H. Service Fee for Using Debit or Credit Card. At the time of payment, the service fee for the use of a credit or debit card shall be charged to the taxpayer and shall be collectible as part of the taxpayer's liability. The charge, however, shall not exceed the fee charged by the debit or credit card issuer, including any discount rate.

I. Authority to Enter into Contracts. The secretary may enter into contracts for the purpose of implementing a system to provide a convenient electronic method for receiving payments of taxes by credit or debit card.

J. Use and Disclosure of Information Relating to Payment by Credit or Debit Card. Any information or data obtained directly or indirectly by any person other than the taxpayer in connection with payment of taxes by a credit or debit card is subject to the confidentiality restrictions of R.S. 47:1508, whether the information is received from the Department of Revenue or from any other person, including the taxpayer.

1. No person other than the taxpayer shall use or divulge the information except as follows.

a. Credit or debit card issuers, financial institutions, or other persons participating in the credit card or debit card transaction may use or disclose such information for the purpose and in direct furtherance of servicing cardholder accounts, including the resolution of errors in accordance with Subsection E of this Section. This authority includes the following:

i. processing the credit or debit card transaction, in all of its stages through and including the crediting of the amount charged on account of tax to the Department of Revenue;

ii. billing the taxpayer for the amount charged or debited with respect to payment of the tax liability;

iii. collecting the amount charged or debited with respect to payment of the tax liability;

iv. returning funds to the taxpayer in accordance with Subsection F of this Section;

v. sending receipts or confirmation of a transaction to the taxpayer, including secured electronic transmissions and facsimiles; and

vi. providing information necessary to make a payment to the secretary, as explicitly authorized by the taxpayer (e.g., name, address, Social Security number, taxpayer identification number).

b. Notwithstanding the provisions of Paragraph J.1 of this Subsection, use or disclosure of information relating to credit and debit card transactions for purposes related to any of the following is not authorized:

i. the sale, or transfer for consideration, of confidential information separate from a sale or transfer for consideration of the underlying account or receivable;

ii. marketing for any purpose, such as marketing tax-related products or services or marketing any product or service that targets persons who have used a credit or debit card to pay taxes; and

iii. furnishing the information to any credit reporting agency or credit bureau, except with respect to the aggregate amount of a cardholder's account, with the amount attributable to payment of taxes not separately identified.

2. Any person who uses or discloses the information contrary to the provisions of R.S. 47:1508 and other than as authorized by this Subsection shall be guilty of a misdemeanor and, upon conviction, can be fined up to $10,000 or be imprisoned for up to two years, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519 and R.S. 47:1577.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 34:671 (April 2008).

§1533. Tobacco Tax—Electronic Filing Requirements

A.1. For tax periods beginning on or after October 1, 2019, every dealer that files a Louisiana Tobacco Tax Return shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

2. For tax periods beginning on or after January 1, 2023, every retail dealer of vapor products that files a Louisiana Tobacco Tax Return for Retail Dealers of Vapor Products

shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Dealers may not send paper versions of any returns or reports required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5077, 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:932 (July 2019), amended LR 48:2764 (November 2022).

§1534. Tobacco Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of tobacco tax by electronic funds transfer.

B.1. Effective for all taxable periods beginning on or after October 1, 2019, all payments by a tobacco dealer shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

2. Effective for all taxable periods beginning on or after January 1, 2023, all payments by a retail dealer of vapor products shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

C. For the purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 through 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns and reports must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return or report required by the Department of Revenue are set forth in LAC 61.III.1533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:933 (July 2019), amended LR 48:2765 (November 2022).

§1535. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax Return—Electronic Filing Requirements

A.1. For tax periods beginning on or after January 1, 2020 and before August 1, 2021, every industrial hemp-derived CBD retailer shall be required to file the Industrial Hemp-Derived CBD Tax return electronically with the Department of Revenue using the electronic format prescribed by the department.

2. For tax periods beginning on or after August 1, 2021, every consumable hemp products retailer shall be required to file the Consumable Hemp Products Tax return electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Retailers may not send paper versions of any returns required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended by the Department of Revenue, Policy Services Division, LR 47:1648 (November 2021).

§1536. Industrial Hemp-Derived CBD and Consumable Hemp Products Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of of tax by electronic funds transfer.

B.1. Effective for all taxable periods beginning on or after January 1, 2020 and before August 1, 2021, all payments by an industrial hemp-derived CBD retailer shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

2. Effective for all taxable periods beginning on or after August 1, 2021, all payments by a consumable hemp products retailer shall be electronically transferred to the Department of Revenue on or before the twentieth day

following the close of the reporting period using the electronic format provided by the department.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return required by the Department of Revenue are set forth in LAC 61.III.1535.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1519, 47:1520 and 47:1695.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended by the Department of Revenue, Policy Services Division, LR 47:1649 (November 2021).

§1537. Remote Seller Tax Return—Electronic Filing Requirements

A. For tax periods beginning on or after July 1, 2020, every remote seller shall be required to file the remote sellers tax return electronically with the Sales and Use Tax Commission for Remote Sellers (the "commission") using the electronic format prescribed by the commission.

B. Remote sellers may not send paper versions of any returns required to be filed.

C.1. R.S. 47:340(F) allows the commission to use the administrative provisions found in chapter 18 of subtitle II of the revised statutes in the same manner as the secretary of the Department of Revenue. Therefore, failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B) per authority granted to the commission in R.S. 47:340(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520 and 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revneue, Sales and Use Tax Commission for Remote Sellers, LR 46:44 (January 2020).

§1538. Remote Seller Derived Sales and Use Tax - Electronic Payment Required

A. Effective for all taxable periods beginning on or after July 1, 2020, all payments by any remote seller shall be electronically transferred to the commission on or before the twentieth day following the close of the reporting period using the electronic format provided by the commission.

B. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided in applicable state law and local ordinances.

C. If a remote seller has made a good faith attempt and exercises due diligence in initiating a payment according to this rule, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived by the commission. Before a waiver will be considered, remote sellers must furnish the commission with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

D. In any case where the remote seller can prove payment by electronic funds transfer would create an undue hardship, the commission shall exempt the remote seller from the requirement to transmit funds electronically.

E. The tax returns must be filed electronically, separately from the electronic transmission of the remittance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519 and 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

§1539. Alcoholic Beverage Tax Returns—Electronic Filing Requirements

A. For taxable periods beginning on or after April 1, 2021, every manufacturer and wholesale dealer handling beverages of high and low alcoholic content and every out-of-state wine producer, manufacturer and retailer who sells and ships wine directly to a consumer in Louisiana shall be required to file all alcoholic beverage tax returns and reports electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Manufacturers, wholesale dealers, and out-of-state wine producers, manufacturers, and retailers may not send paper versions of any returns or reports required to be filed.

C. 1.

Failure to comply with the electronic filing requirement of

this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:354(F), 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:272 (February 2021).

§1540. Alcoholic Beverage Taxes—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of taxes on all alcoholic beverages by electronic funds transfer.

B. Effective for all reporting periods beginning on or after April 1, 2021, all payments of the tax on alcoholic beverages shall be electronically transferred to the Department of Revenue on or before the fifteenth of the month following the close of the reporting period for beverages of high alcoholic content, and the twentieth day of the month following the close of the reporting period for beverages of low alcoholic content and wine shipped directly to a consumer in Louisiana using the electronic format provided by the department.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return required by the Department of Revenue are set forth in LAC 61.III.1539.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:354(F), 47:1511, and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:272 (February 2021).

§1541. Hazardous Waste Disposal Tax Return—Electronic Filing Requirements

A. For taxable periods beginning on or after April 1, 2021, every generator and disposer of hazardous waste subject to the tax levied in Chapter 7-A of Subtitle II of Title 47 of the Louisiana Revised Statutes shall be required to file all Hazardous Waste Disposal Tax Returns and Schedules electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Generators and disposers of hazardous waste may not send paper versions of any returns or schedules required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in Paragraph 1 of this Subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:831, 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:272 (February 2021).

§1542. Hazardous Waste Disposal Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of the tax on disposal and storage of hazardous waste by electronic funds transfer.

B. Effective for all taxable periods beginning on or after April 1, 2021, all payments of the tax on disposal and storage of hazardous waste shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return required by the Department of Revenue are set forth in LAC 61.III.1541.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:831, 47:1511, and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:273 (February 2021).

§1543. Transportation and Communication Utilities Tax Return—Electronic Filing Requirements

A. For taxable periods beginning on or after April 1, 2021, every public utility as defined by R.S. 47:1003 shall be required to file the Transportation and Communication Utilities Tax Return electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Public utilities may not send paper versions of any returns required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:273 (February 2021).

§1544. Transportation and Communication Utilities Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of the transportation and communication utilities tax by electronic funds transfer.

B. Effective for all taxable periods beginning on or after April 1, 2021, all payments of the transportation and communication utilities tax shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period for monthly filers and the thirtieth day following the close of the reporting period for quarterly filers using the electronic format provided by the department.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return required by the Department of Revenue are set forth in LAC 61.III.1543.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:273 (February 2021).

§1545. Report of Inspection and Supervision Fee—Electronic Filing Requirements

A. For fee periods beginning on or after April 1, 2021, every common carrier and public utility required to file the quarterly report of inspection and supervision fee shall file the report electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Common carriers and public utilities may not send paper versions of any reports required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in Paragraph 1 of this Subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:273 (February 2021).

§1546. Inspection and Supervision Fee - Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of the inspection and supervision fee by electronic funds transfer.

B. Effective for all reporting periods beginning on or after April 1, 2021, all payments of the inspection and supervision fee shall be electronically transferred to the Department of Revenue on or before the last day of the third month following the close of the reporting period using the electronic format provided by the department.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the fee payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a fee-payer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the fee-payer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the fee-payer from the requirement to transmit funds electronically.

G. The reports must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the report required by the Department of Revenue are set forth in LAC 61.III.1545.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:274 (February 2021).

§1547. Consolidated Filers—Electronic Filing Requirements

A. Definitions

Consolidated Filer—taxpayers approved, according to LAC 61:I.4351.A.1.a, to file consolidated sales tax returns to report sales from multiple locations on one consolidated monthly return

B. For tax periods beginning on or after December 1, 2021, consolidated filers shall be required to file the Form R-1029, Louisiana Sales Tax Return, electronically.

C. Consolidated filers may not file paper versions of any required returns.

D.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 47:1648 (November 2021).

§1548. Consolidated Filers - Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require consolidated filers to pay sales and use tax by electronic funds transfer.

B. Effective for all taxable periods beginning on or after December 1, 2021, all payments by any consolidated filer shall be electronically transferred to the department on or before the twentieth day following the close of the reporting period using the electronic format provided.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910(E).

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If a consolidated filer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910(E), but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, consolidated filers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the consolidated filer can prove payment by electronic funds transfer would create an undue hardship, the secretary may exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically; separately from the electronic transmission of the remittance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 47:1648 (November 2021).

Chapter 17. Administrative Fees

§1701. Fees for Searching for Returns and Other Documents, Authenticating and Certifying Copies of Records

A. Definitions

Authenticated Copy—a copy of any public rule, decision or order of the secretary, paper or report bearing the original signature of the secretary of the Department of Revenue to establish that the copy is an exact duplicate of such rule, decision, order, paper or report in the records and files maintained by the secretary in the administration of subtitle II of the *Louisiana Revised Statutes* of 1950, as amended.

Certified Copy—a copy of any confidential and privileged document and which is signed by the secretary, or designee, and two witnesses before a notary public certifying that the copy is a true and correct copy of the original document in the records and files maintained by the secretary in the administration and enforcement of the tax laws of this state.

Search—an examination of the records and files maintained by the secretary in the administration and enforcement of the tax laws of this state in response to a request made by a taxpayer, or their authorized representative, for a copy of any tax return previously filed by the taxpayer or any other document subject to the provisions of R.S. 47:1508.

B. Fees

1. For authenticating a copy of any public rule, decision or order of the secretary, paper or report, the fee shall be $25.

2. For a copy of any tax return previously filed by the taxpayer or any other document subject to the provisions of R.S. 47:1508, the fee to search for the return or document shall be $15 for each year or tax period requested, regardless of whether the requested return or document is located.

3. For a certified copy of a return or other document, the fee shall be $25 for each return or document which is to be certified.

4. All fees shall be paid in advance by check, money order, or other authorized method of payment, made payable to the Department of Revenue. Cash cannot be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1507 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016).

Chapter 21. Interest and Penalties

§2101. Penalty Waiver

A. The secretary may waive a penalty in whole or in part for the failure to file a return on time or the failure to timely remit the full amount due when the failure is not due to the taxpayer's negligence and is considered reasonable. All penalty waiver requests must be in writing and be accompanied by supporting documentation. If the combined penalties for a tax period exceed $100, all of the facts alleged as a basis for reasonable cause must be fully disclosed in an affidavit sworn before a notary public in the presence of two witnesses and accompanied by any supporting documentation. The affidavit must be signed by the taxpayer, or in the case of a corporation, by an officer of the corporation. Where the taxpayer or officer does not have personal knowledge of such facts, the sworn affidavit may be signed on the taxpayer's or officer's behalf by a responsible individual with personal knowledge of such facts. In lieu of an affidavit, the taxpayer may submit a request for waiver of penalties for delinquency form signed by the taxpayer, or in the case of a corporation, by an officer of the corporation. Where the taxpayer or officer does not have personal knowledge of such facts, the request for waiver of penalties for delinquency form may be signed on the taxpayer's or officer's behalf by a responsible individual with personal knowledge of such facts. The request for waiver of penalties for delinquency form must be accompanied by any supporting documentation.

B. Before a taxpayer's request for penalty waiver will be considered, the taxpayer must be current in filing all tax returns and all tax, penalties not being considered for waiver, fees and interest due for any taxes/fees administered by the Department of Revenue must be paid.

C. In determining whether or not to waive the penalty in whole or in part, the department will take in account both the facts submitted by the taxpayer and the taxpayer's previous compliance record with respect to all of the taxes/fees administered by the Department of Revenue. Prior penalty waivers will be a significant factor in assessing the taxpayer's compliance record. Each waiver request submitted by the taxpayer will be considered on an individual basis. Each tax period or audit liability will be considered separately in determining whether the penalty amount mandates approval of the waiver by the Board of Tax Appeals. The delinquent filing and delinquent payment penalties will also be considered separately in making this determination.

D. In the case of a request to enter into a voluntary disclosure agreement with the Department of Revenue, the secretary will remit or waive delinquent penalties as provided in LAC 61:III.2103 and/or any other applicable rules and regulations promulgated by the Department of Revenue concerning the waiver or remittance of such penalties under its voluntary disclosure program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1603.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:866 (June 2001), amended LR 29:950 (June 2003), amended by the Department of Revenue, Policy Services Division, LR 41:557 (March 2015).

§2103. Voluntary Disclosure Agreements

A. Definitions. For purposes of this Section, the following terms have the meanings ascribed to them.

Applicant—any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination or group that submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for a tax administered by the department. If the application is submitted through a representative, anonymity of the applicant can be maintained until the voluntary disclosure agreement is executed by the taxpayer and the secretary.

Application—a completed “application to request voluntary disclosure agreement” (Form R-60010) or an “application for multistate voluntary disclosure” filed with the Multistate Tax Commission’s National Nexus Program and all supplemental information including, but not limited

to, cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for a voluntary disclosure agreement. Supplemental information requested by the department and timely provided by the applicant shall be considered part of the application.

Application Date—the date a fully completed application requesting a voluntary disclosure agreement is received by the department. Supplemental information requested by the department and timely provided by the applicant shall not extend or delay the application date.

Delinquent Penalty—any specific penalty imposed pursuant to R.S. 47:1603 or 1604.1 as a result of the failure of the taxpayer to timely make any required return or payment.

Department—the Louisiana Department of Revenue.

Look-Back Period—a period for which a qualified applicant agrees to disclose and pay the tax and interest due. The look-back period shall be as follows.

a. Except for taxes collected and not remitted, the *look-back period* shall include the current calendar year up to the date of registration with the department and the three immediately preceding calendar years.

b. For taxes collected and not remitted, the look-back period shall include all periods in which tax was collected and not remitted. This look-back period shall not affect the look-back period described in Subparagraph a of this Paragraph for undisclosed liabilities unrelated to tax collected and not remitted.

c. For discontinued, acquired, or merged entities, the look-back period shall include undisclosed liabilities in the last calendar year in which the qualified applicant had nexus within this state and the three immediately preceding calendar years.

d. The secretary and the applicant may agree to adjust a look-back period to include other years.

e. The look-back period(s) shall be established at the time the secretary or his authorized representative signs the voluntary disclosure agreement.

Non-Qualified Applicant—includes any taxpayer who:

a. is registered with the department as of the application date but failed to file returns or underreported the amount due for a tax for which a voluntary disclosure agreement is requested;

b. submitted returns, extensions, payments, or was registered more than 60 days prior to the application date for a tax for which a voluntary disclosure agreement is requested;

c. has been contacted by the department concerning a liability regarding a tax for which a voluntary disclosure agreement is requested, including but not limited to a potential liability or contact for the purpose of performing an audit of the taxpayer's records; or

d. is affiliated with another entity that has been contacted by the department for the purpose of performing an audit of the affiliated entity's records. A non-qualified *applicant* under this Subparagraph may become a qualified applicant after the audit of the affiliated entity has been completed, provided the applicant is not disqualified under the criteria listed in Subparagraphs a through c of this Paragraph.

Qualified Applicant—any taxpayer, other than a non-qualified applicant, subject to the reporting and payment of a tax imposed by the state of Louisiana. Notwithstanding anything to the contrary, any applicant that entered into a voluntary disclosure agreement with the department prior to July 1, 2014 shall be deemed a qualified applicant. Registration with the department for reporting and payment of any tax for which a voluntary disclosure agreement is not being requested will not disqualify a qualified applicant from entering into a voluntary disclosure agreement.

Secretary—the secretary of the Louisiana Department of Revenue and any duly authorized representative(s).

Signing Date—the date the voluntary disclosure agreement is signed by the secretary or his authorized representative.

Undisclosed Liability—a tax liability that became due during the look-back period and which has not been determined, calculated, researched, identified by or known to the department at the time of disclosure and which would likely not be discovered through normal administrative activities. The undisclosed liability must exceed $500 during the look-back period to qualify for consideration of a voluntary disclosure agreement. The secretary has the discretion to conduct an audit of the applicant's records to confirm the amount of the undisclosed liability.

Voluntary Disclosure Agreement—a contractual agreement between a qualified applicant and the secretary wherein the qualified applicant agrees to pay the tax and interest due on an undisclosed liability, and the secretary agrees to remit or waive payment of the whole or any part of the penalty associated with that liability and to restrict collection of prior liabilities to the look-back period, except for periods in which tax was collected and not remitted.

B. Acceptance of Offer to Enter into Voluntary Disclosure Agreement

1. After the secretary has reviewed the application and determined from the information included therein that the applicant qualifies for a voluntary disclosure agreement, the secretary shall send a copy of the agreement to the applicant or the applicant's representative for signature.

2. The applicant or applicant's representative, acting under the authority of a power of attorney, must sign the agreement and return it to the secretary within 30 calendar days of the postmark or e-mail date, or within any extension of time authorized by the secretary beyond 30 calendar days from the postmark or e-mail date.

3. After the signed agreement is received from the applicant, the secretary or his authorized representative will sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

4. If the application was submitted to the Multistate Tax Commission, the applicant shall return signed agreements in accordance with policies established by the commission.

C. Waiver or Remittance of Payment of Penalty

1. After all tax and interest due for the look-back period have been paid, the delinquent penalties will be remitted or waived, unless the tax disclosed was collected but not remitted.

2. Where the tax was collected but not remitted, the secretary may consider waiving payment of the whole or any part of the delinquent penalties on a case-by-case basis.

D. Payment of Tax, Interest, and Penalty Due

1. All tax due for the look-back period must be paid within 60 calendar days of the secretary's signing date of the voluntary disclosure agreement or within any extension of time authorized by the secretary beyond 60 calendar days of the signing date. All schedules or returns required by the secretary to show the amount of tax due must be included with this payment.

2. The secretary shall compute the interest and penalty due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax, interest and delinquent penalty due. The applicant must submit payment of the full amount of the interest and any penalties not remitted or waived within 30 calendar days from the postmark or e-mail date of the schedule or, if applicable, within any extension of time granted by the secretary. If payment of the full amount due has not been received at the expiration of such time, the secretary may void the agreement.

E. The secretary may disclose tax information to the Multistate Tax Commission or any political subdivision of the state which has entered into an information exchange agreement with the department in order to coordinate the delivery and acceptance of applications for voluntary disclosure agreements. Any information so furnished shall be considered and held confidential and privileged by the Multistate Tax Commission or the political subdivision to the extent provided by R.S. 47:1508.

F. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

G. The secretary reserves the right to void the voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1502, R.S. 47:1511, R.S. 47:1580, and R.S. 47:1603.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 41:558 (March 2015).

§2115. Abatement and Compromise of Interest

A. Abatement of Interest under R.S. 47:1601(A)(2)(c)

1. The following definitions apply when determining whether interest may be abated under R.S. 47:1601(A)(2)(c).

a. *Managerial Act*—an administrative act that occurs during the processing of a taxpayer's case involving the temporary or permanent loss of records or the exercise of judgment or discretion relating to management of personnel. A decision concerning the proper application of the law is not a managerial act. Further, a general administrative decision, such as the department's decision on how to organize the processing of tax returns or its delay in implementing an improved computer system, is not a managerial act for which interest can be abated under this Section.

b. *Ministerial Act*—a procedural or mechanical act that does not involve the exercise of judgment or discretion, and that occurs during the processing of a taxpayer's case after all prerequisites, such as conferences and review by supervisors, have taken place. A decision concerning the proper application of the law is not a ministerial act.

2. The following circumstances are examples of situations that do not constitute an unreasonable error or delay by the department.

a. Interest accrues as a result of the taxpayer's failure to pay the tax liability he calculates for each period when due.

b. Interest accrues as a result of the taxpayer's failure to pay the entire balance owed once he and the department are in agreement as to the amount of the balance.

c. Interest accrues while the taxpayer waits for a determination of his refund claim in order to offset prior period underpayments.

d. Interest accrues as a result of the taxpayer's failure to cooperate with department personnel. Examples include but are not limited to:

i. the taxpayer does not timely furnish information to the department;

ii. the taxpayer delays meetings or appointments with department personnel.

B. Compromise of Interest under R.S. 47:1601(A)(2)(d)

1. Before the secretary may consider compromising any amount of interest, the taxpayer must have paid all outstanding taxes.

2. When determining whether or not to compromise interest for a taxpayer, the secretary will examine the taxpayer's filing and compliance history, any special circumstances that may exist, and the hazards of litigation. This list is not all-inclusive.

3. Interest may be compromised when the department and the taxpayer interpret the law differently and there is no binding judicial decision regarding the issue. If interest is

compromised with regard to an unresolved issue, the taxpayer will agree to thereafter operate under the department's interpretation of the law.

4. Interest may only be compromised for a specific taxpayer if the taxpayer has not had any interest compromised within the past five years.

5. Interest may only be compromised for a specific taxpayer if neither the taxpayer, his affiliates, nor his related entities have ever had any interest compromised that arose from the same issue.

6. The secretary may compromise any portion of the total interest for which compromise is requested.

7. Following is a partial list of circumstances in which interest will not be compromised.

a. Taxpayer is party to a voluntary disclosure agreement for the period in which the interest accrued.

b. Interest accrues as a result of participation in an abusive tax avoidance transaction.

c. Interest that accrues on trust taxes that the taxpayer has collected but not remitted.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1601(A)(2)(c) and (d) and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 33:111 (January 2007).

§2116. Interest Waiver and Filing Extensions Following Disasters

A. Following a federally declared disaster, if the Secretary of Revenue authorizes extensions of time to pay for taxpayers whose residence, business or tax preparer is located in the disaster area, the secretary may allow for the compromise of all or part of the interest related to the payments for which an extension has been granted. The Secretary of Revenue has the discretion to compromise interest in any part or all of a disaster area. The secretary or designee shall authorize any compromise of interest under this Section by issuance of a Revenue Information Bulletin (RIB). Any communication from the Department of Revenue other than a RIB specifically citing this regulation should not be relied upon for the authorization for the compromise of interest.

1. A compromise of interest may be made retroactive to date of the federally declared disaster.

2. A compromise of interest under this Section may be made automatic only for individual income tax and estimated payments. All other taxes will require a written request to compromise interest.

3. Any compromise granted under this Section shall be applicable to all similarly situated taxpayers whose primary residence, business or tax preparer is located in the disaster area or portion of the disaster area in which the Secretary of Revenue has authorized the compromise of interest.

B. Any amount upon which interest began to accrue before the federally declared disaster will not be eligible for an interest compromise under this Section.

C. Business Taxpayers Located in the Disaster Area

1. A business will be considered to be located in the disaster area if the location at which it routinely does its tax preparation is in the disaster area or if it has significant accounting records necessary for tax preparation located in the disaster area.

2. Taxpayers whose tax preparation is routinely performed at a location within the disaster area will be eligible to have interest from all business locations compromised because the taxpayer could not file the return or pay taxes timely due to the disaster.

3. Taxpayers filing consolidated sales tax returns that include locations within and without the disaster areas and whose tax preparation is performed outside the disaster area should file returns using the information available from the disaster area at the time the return is due. When the amended return is filed that accurately reflects taxes owed from the disaster area, the taxpayer should attach a written request to waive any interest resulting from inaccuracies from locations within the disaster area.

D. Annual report requirement following federally declared disasters. The annual reporting requirement for interest compromised under R.S. 47:1601(A)(2)(d) will be met by reporting the total interest compromised for all taxpayers attributable to the federally declared disaster. In the event that there is more than one federally declared disaster declared during a year, total interest compromised under each disaster will be reported separately.

E. Definitions

Disaster Area—a parish or location that has been declared a disaster area by the President of the United States.

Federally Declared Disaster—a disaster for which the President of the United States has made a presidential major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1601(A)(2)(d) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1138 (June 2009).

§2121. Reasonable Cause and Good Faith Exception to Presumption in R.S. 47:1604.1(A)(1)

A. Definitions. For purposes of this Section, the following terms shall have the meaning ascribed herein.

Advice—any communication, including the opinion of a professional tax advisor, setting forth the analysis or conclusion of a person, other than the taxpayer, provided to (or for the benefit of) the taxpayer and on which the taxpayer relies, directly or indirectly, with respect to the imposition of the R.S. 47:1604.1 negligence penalty. Advice does not have to be in any particular form.

Professional Tax Advisor—a person or entity whose job duty, function or service focuses on or involves providing tax and tax related advice or products, which may include the preparation of or providing the use of or access to tax returns, forms or documents

Professional Tax Preparer—a person or entity whose job duty, function or service focuses on or involves the preparation of or providing the use of or access to tax returns, forms or documents, which may include providing tax and tax related advice or products.

B. The penalty for negligent failure to comply authorized in R.S. 47:1604.1(A)(1) is presumed to apply when a taxpayer understates his tax liability by ten percent or more, but did not demonstrate a willful disregard of the tax laws.

C. The presumed penalty shall not apply when the understatement was due to reasonable cause where the taxpayer acted in good faith.

D. A determination of reasonable cause and good faith will be made on a case-by-case basis, considering all relevant facts and circumstances.

1. Generally, the most important factor in determining reasonable cause and good faith is the extent of the taxpayer's effort to assess the proper tax liability.

2. Circumstances that may indicate the extent of the taxpayer's effort to assess the proper tax liability, include but are not limited to:

a. an honest misunderstanding of fact or law that is reasonable in light of all of the facts and circumstances, including the experience, knowledge, and education of the taxpayer;

b. an isolated computational or transcriptional error;

c. Reliance on an information return, advice, or other facts, if under all the circumstances such reliance was reasonable and the taxpayer acted in good faith.

3. Reliance on an information return, including the return of a pass-through entity, or on the advice of a professional tax advisor or tax preparer does not automatically demonstrate reasonable cause and good faith.

a. All facts and circumstances shall be considered when determining whether a taxpayer has reasonably relied in good faith on an information return or the advice of a professional tax advisor or tax preparer. Facts to be considered include, but are not limited to, the taxpayer's education, sophistication and business experience.

b. A determination of whether a taxpayer acted with reasonable cause and in good faith with respect to an underpayment that is related to an item reflected on the return of a pass-through entity will take into account the taxpayer's own actions, as well as the actions of the pass-through entity.

c. Generally, a taxpayer knows, or has reason to know, that the information on an information return is incorrect if such information is inconsistent with other information reported or otherwise furnished to the taxpayer, or with the taxpayer's knowledge of the transaction. This knowledge includes, for example, the taxpayer's knowledge of the terms of his employment relationship or of the rate of return on a payor's obligation.

d. Reliance shall not be considered reasonable or in good faith if the taxpayer knew, or reasonably should have known, that the advice was rendered by a non-tax professional or non-tax preparer, or a professional tax advisor or tax preparer who lacked knowledge in the relevant aspects of federal or Louisiana tax law.

e. The advice relied on by the taxpayer shall be based upon all relevant facts and circumstances and the law as it relates to those facts and circumstances. Reliance shall not be considered reasonable or in good faith if the taxpayer fails to disclose a fact that he knows, or reasonably should know, to be relevant to the proper tax treatment of an item.

f. The advice relied on by the taxpayer shall not be based on unreasonable factual or legal assumptions and shall not unreasonably rely on the un-true or inaccurate assumptions representations, statements, findings, or agreements of the taxpayer or any other person. For example, the advice shall not be based upon a representation or assumption which the taxpayer knows, or has reason to know, is unlikely to be true, such as an inaccurate representation or assumption as to the taxpayer's purposes for entering into a transaction or for structuring a transaction in a particular manner.

g. A taxpayer may not rely on an opinion or advice that a regulation is invalid to establish that the taxpayer acted with reasonable cause and good faith unless the taxpayer discloses the position that the regulation in question is invalid in a statement attached to and filed with the taxpayer's return containing the understatement.

h. A taxpayer may not rely on an opinion or advice that is contrary to existing, applicable case law.

i. For purposes of this Paragraph, advice is any communication, including the opinion of a professional tax advisor, setting forth the analysis or conclusion of a person, other than the taxpayer, provided to (or for the benefit of) the taxpayer and on which the taxpayer relies, directly or indirectly, with respect to the imposition of the R.S. 47:1604.1 negligence penalty. Advice does not have to be in any particular form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:1333 (September 2021).

§2123. Good Cause Exception to Presumption of Willful Disregard

A. For purposes of the penalty for willful disregard provided in R.S. 47:1604.1(D)(1), willful disregard is presumed when a taxpayer fails to timely pay tax that has been collected or withheld from others unless good cause is shown.

B. Examples of good cause for failing to timely pay taxes collected or withheld from others, include:

1. The delinquency was directly attributable to a significant disaster or emergency declared by the President or the governor.

2. The delinquency was directly attributable to an extraordinary circumstance beyond the taxpayer's control such as, but not limited to, the following:

a. An actual or threatened event, other than a presidential or gubernatorial declared disaster or emergency, such as fire or casualty; and

b. An action against the taxpayer's tax preparer or legal representative for acts constituting fraud, theft, embezzlement, fraudulent conversion, or misappropriation of the taxpayer's property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:1335 (September 2021).

§2125. Request for Abatement of Presumed Penalty

A. A request for abatement of penalty under this section shall be limited to the following instances:

1. A penalty is assessed pursuant to the presumption in R.S. 47:1604.1(A)(2)(a) and the taxpayer is requesting abatement based on the exception set forth in R.S. 47:1604.1(A)(2)(b); or

2. A penalty is assessed pursuant to a presumption of willful disregard in accordance with R.S. 47:1604.1(E)(3) and the taxpayer is requesting abatement on the basis that good cause exists for the failure to timely pay collected or withheld taxes.

B. This section does not apply to any penalty assessed pursuant to R.S. 47:1604.1(A)(1).

C. Taxpayers requesting an abatement of penalty based on the exception set forth in R.S. 47:1604.1(A)(2)(b) or R.S. 47:1604.1(E)(3) shall comply with the following procedures:

1. a request for abatement shall be in writing, on a form prescribed by the secretary and shall:

a. contain a clear explanation detailing the basis for reasonable cause and good faith, or good cause;

b. be signed and dated by the taxpayer or an authorized representative with personal knowledge of the facts;

c. be accompanied by documentation supporting the basis for the request; and

d. be submitted to the Department of Revenue prior to the date that the assessment of the penalty pursuant to the presumption in R.S. 47:1604.1(A)(2)(a) or R.S. 47:1604.1(E)(3) becomes final in accordance with R.S. 47:1565(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 47:1334 (September 2021).

Chapter 25. Returns

§2501. Individual Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer may request a state filing extension by submitting one of the following:

a. a paper Louisiana Department of Revenue form requesting a filing extension;

b. a paper copy of the taxpayer's Internal Revenue Service form requesting an extension to file a federal income tax return for the same taxable period; or

c. an electronic application.

3. An electronic application may be submitted by:

a. the Department of Revenue's web site;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, estimated taxes due must be paid on or before the original due date.

C. A tax preparer subject to the electronic filing mandate under LAC 61:III.1501.B must file an electronic application for a state filing extension for individual income taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1137 (June 2009), amended LR 36:73 (January 2010), LR 39:103 (January 2013), LR 45:1809 (December 2019).

§2503. Corporation Income and Franchise Tax Filing Extensions

A. *Louisiana Revised Statute* Title 47, Section 287.614(D) provides that the secretary may grant a reasonable extension of time to file a state corporation income and franchise tax return, not to exceed seven months, from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

a. the Department of Revenue's web site at www.revenue.louisiana.gov/extensions;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income and franchise taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013).

§2505. Filling Extensions for Partnerships filing Composite Returns

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

a. the Department of Revenue's web site at www.revenue.louisiana.gov/extensions;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), LR 48:1106 (April 2022).

§2507. Fiduciary Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension for filing a fiduciary return, estates and trusts must make the request on or before the due date of the tax return.

2. For taxable periods beginning on or after January 1, 2019, an estate or trust must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

a. the Department of Revenue's web site;

b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019).

Chapter 27. Transferable Income and Franchise Tax Credits

§2701. Public Registry of Motion Picture Investor Tax Credit Brokers

A. This Section is applicable to all persons or persons employed by or representing an entity engaged in the sale or brokerage of motion picture investor tax credits which are granted, issued or authorized by the state pursuant to R.S. 47:6007. Every person who meets any of the below-provided requirements shall be subject to the requirements of R.S. 47:6007(C)(7).

B. Definitions

Actively Participate—any person or person employed by or representing an entity in a sale/brokerage of motion picture tax credits when the person:

a. holds himself/herself out to be engaged in the business of selling or brokering motion picture investor tax credits either on their own behalf or on behalf of the entity; or

b. has a history of frequent, regular, and repeated sales of motion picture investor tax credits either on their own behalf or on behalf of the entity; or

c. did not purchase the credits at issue for his/her/its own personal use. Any person failing to meet any of the

above-mentioned criteria shall be presumed a non-seller or non-broker and thus not subject to the requirements of R.S. 47:6007(C)(7).

Broker—any person or person employed by or representing an entity which facilitates the sale of a tax credit issued pursuant to R.S. 47:6007 between a transferor and a transferee in exchange for consideration. However, the term "broker" shall be limited to and include only those persons who actively participate, as defined herein, in the marketing or sale of motion picture investor tax credits and shall not include:

a. the entity which earns the motion picture investor credit pursuant to R.S. 47:6007, its affiliates or taxpayer members who receive tax credits via allocation, as verified by department Form R-6135 and R-6140; or

b. a tax return preparer or an employee of a partner affiliated with the tax return preparer, who facilitates the sale of tax credits for the benefit of his or her client.

Department—Louisiana Department of Revenue

Secretary—the secretary of the Department of Revenue.

Seller—any person or person employed by or representing an entity which transfers title or ownership of a tax credit issued pursuant to R.S. 47:6007 to a transferor in exchange for consideration. The term "seller" shall be limited to those persons who actively participate, as defined herein, in the marketing, sale, or acquisition for resale of motion picture investor tax credits and shall not include the entity which earns the motion picture investor credit pursuant to R.S. 47:6007, its affiliates or taxpayer members who receive tax credits via allocation, as verified by department Form R-6135 and R-6140.

Tax Return Preparer—any person who prepares for compensation, or who employs one or more persons to prepare for compensation, all or a substantial portion of any return of tax or any claim for refund of tax under the *Internal Revenue Code* or the *Louisiana Revised Statutes*.

C. Initial Registration. Beginning January 1, 2016, all sellers or brokers of motion picture investor tax credits shall apply for the registry and be deemed qualified after meeting the requirements of R.S. 47:6007(C)(aa)-(cc) and undergoing a criminal history background examination by the Louisiana Bureau of Criminal Identification and Information as provided for in R.S. 15:587(A)(1)(h) at the expense of the applicant. Applicants for the registry shall follow the procedure for registration as provided below in Subsection D. However, no seller or broker shall be prevented from transferring motion picture investor tax credits until the effective date of this regulation.

1. Any person deemed qualified to sell or broker motion picture investor tax credit shall be included in the public registry of motion picture investor tax credit brokers, which shall be maintained by the department and made available on its website, www.revenue.la.gov/brokerregistry.

2. No person may sell or broker motion picture investor tax credits on or after the effective date of this regulation without first qualifying for and being included on the public registry of motion picture investor tax credit brokers. All transfers made on or after the effective date of this regulation by a person subject to the requirements of R.S. 47:6007(C)(7) who is not listed on the public registry of motion picture investor tax credits shall be inoperable and of no legal effect and any such transfers shall be deemed ineligible for registration in the Louisiana tax credit registry established pursuant to R.S. 47:1524. Further, failure to so qualify and register with the department prior to selling or brokering tax credits issued pursuant to R.S. 47:6007 shall be punishable by a fine of not more than ten thousand dollars or imprisonment at hard labor for not more than five years, or both. In addition to the foregoing penalties, a person convicted under the provisions of R.S. 47:6007(C)(7) shall be ordered to make full restitution to any person who has suffered a financial loss as a result of this offense. If a person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's ability to pay.

3. Any person who is determined to no longer be in compliance with the requirements of R.S. 47:6007(C)(7) and LAC 61:III.2701.C after initial qualification may be removed from the public registry of motion picture investor tax credit brokers and prohibited from thereafter engaging in the transfer, sale or brokerage of motion picture investor tax credits.

D. Procedure for Registration. Applicants seeking to register with the public registry of motion picture tax credit brokers must follow the below procedures.

1. Submit a completed Form R-6130, Public Registry of Motion Picture Tax Credit Brokers, from the LDR website via either e-mail to TaxCredit.Registry@la.gov or mail to:

Louisiana Department of Revenue
Attn: Tax Credit Registry
P.O. Box 1071
Baton Rouge, LA 70821

2. Upon receipt of a completed Form R-6130, the LDR will send the applicant an LDR completed Louisiana State Police (LSP) authorization form and rap disclosure form to the applicant provided e-mail or address. The bottom portion of both forms should be completed and signed by the applicant. Both forms and payment must be presented to LSP when requesting a background check in person or via mail.

3. Applicants seeking registration have two options for obtaining the required fingerprint-based background check. They are as follows:

a. electronically submit fingerprints at the Louisiana State Police Headquarters facility located at 7919 Independence Boulevard, Baton Rouge, LA 70806. Applicants must present the following for completion of the background check:

i. payment of all applicable fees, including fingerprint fee and processing fee, via credit card, business check, cashier's check, or money order. Contact the LSP for details;

ii. a completed LSP authorization form;

iii. a completed LSP rap disclosure form;

NOTE: A response from the LSP is typically generated in 3-5 business days. Upon receipt of this information, a final determination from the LDR is typically generated in an additional 3-5 business days.

b. obtain fingerprint cards from one of the listed law enforcement locations http://www.myfbireport.com/locations/lawEnforcement/LA.php and mail the request for background check with all completed documents and fees to the below address:

Louisiana State Police
Criminal Records
P.O. Box 66614
Baton Rouge, LA 70896

c. the request must contain the following items:

i. two sets of original fingerprints with all required information fields completed on the card;

ii. payment of all applicable fees, including fingerprint fee and processing fee, via credit card, business check, cashier's check, or money order. Contact the LSP for details;

iii. a completed LSP authorization form;

iv. a completed LSP rap disclosure form.

NOTE: A response from the LSP is typically generated in 15-21 business days from the date payment is entered into the LSP receipt system. Upon receipt of this information, a final determination from the LDR is typically generated in an additional 3-5 business days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587(1)(h), R.S. 47:6007 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 43:342 (February 2017).

Chapter 29. Louisiana Sales and Use Tax Commission for Remote Sellers

§2901. Definitions

A. The terms not otherwise defined in this Chapter shall be defined as provided in R.S. 47:301(4)(m) and R.S. 47:339 unless another definition is specifically modified.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Commission—the Louisiana Sales and Use Tax Commission for Remote Sellers.

Local Taxing Authority—those parishes, municipalities, special tax districts, political subdivisions, parish governing bodies, and school boards, who are authorized under the provisions of the Constitution of Louisiana, the Louisiana Revised Statutes of 1950 and jurisprudence to levy and collect local sales and use taxes.

Remote Sales—sales, delivered into Louisiana, made by a remote seller.

Remote Seller(s)—a seller who sells for sale at retail, use, consumption, distribution, or for storage to be used for consumption or distribution any taxable tangible personal property, products transferred electronically, or services for delivery within Louisiana but who lacks physical presence in Louisiana, and is not considered a dealer as defined by R.S. 47:301(4)(a) through (l).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

§2903. Commission Policy Statements and Guidance

A. Purpose

1. This Rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance to communicate the commission's position and ensure the correct, consistent and fair enforcement of tax laws.

2. The commission will issue the following policy statements:

a. rules adopted according to the Administrative Procedure Act;

b. policy and procedure memoranda;

c. declaratory rulings:

i. private letter rulings;

ii. commission rulings; and

iii. statements of acquiescence or nonacquiescense;

d. commission information bulletins; and

e. informal advice.

3. All policy statements or guidance issued by the commission are binding regarding only the state and local taxes collected by the commission.

B. Distinguishing Rules from Other Policy Statements

1. Rules are adopted in accordance with Louisiana's Administrative Procedure Act (APA), R.S. 49:950 et seq., and the APA is the authoritative guide as to when a rule is required.

2. The APA excepts agency statements, guides, or requirements for conduct or action that regulate the internal management of the agency from the definition of a Rule [R.S. 49:951(6)]. Policy and Procedure Memoranda are issued under this exception.

3. The APA also provides that "The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection" [R.S. 49:951(7)]. The term Rule "does not include declaratory rulings or orders." [R.S. 49:951(6)]. Declaratory rulings are issued under these exceptions.

4. General information may be disseminated and general assistance provided, but remote sellers are only bound by statutes and regulations that have the force and effect of law. Commission information bulletins and informal advice offered to remote sellers do not establish legal requirements.

5. Within the parameters set forth by the APA, Title 47, and other applicable laws, discretion may be used to determine if policy guidance is needed and the type of policy guidance to be issued.

6. Reasons for issuing a rule may include:

a. the law or current rules are not clear and the issue affects many people;

b. there is inconsistency in the treatment of a tax issue among remote sellers;

c. the procedures a remote seller should follow to comply with the law are undefined, unclear, or inconsistently followed;

d. a request for a private letter ruling from one remote seller concerns an issue that may affect many;

e. a request for policy guidance from employees concerns an issue that may affect many remote sellers; or

f. issuance of a rule will assist the public in meeting its legal obligations in an effective and efficient manner.

7. Reasons for not issuing a rule may include:

a. the matter affects only one remote seller;

b. the law is clear;

c. a statutory change is more desirable; or

d. the matter may best be handled by another means.

C. Declaratory Rulings

1. Declaratory rulings are statements pertaining to a specific set of facts to provide guidance for commission employees and remote sellers. Declaratory rulings, policy and procedure memoranda, commission information bulletins, and informal advice are not agency or commission rules and are not binding on the public.

2. The following types of declaratory rulings will be issued with a uniform format and numbering system. Each declaratory ruling will indicate the date the ruling was issued, a summary title of what the ruling addresses (subject heading), whether it replaces, modifies, or supersedes a previous policy statement, applicable references and authority, a statement of scope, and other pertinent information.

a. Private Letter Rulings

i. Private letter rulings (PLR) provide guidance to a specific remote seller at the remote seller's request. It is a written statement issued to apply principles of law to a specific set of facts or a particular tax situation. A PLR does not have the force and effect of law.

ii. A PLR is not binding on the person who requested it or on any other remote seller. It is binding on the commission only as to that remote seller and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the commission's position unless a subsequent declaratory ruling, rule, court case, or statute supersedes it.

iii. Requests for PLR are submitted to the commission by an identified remote seller, or the remote seller's representative who has a power of attorney. Requests must contain the following information:

(a). name, address, and telephone number of person requesting the advisory opinion;

(b). a power of attorney, if the remote seller is represented by a third party;

(c). specific questions to be answered or issues to be addressed;

(d). complete statement of all relevant facts;

(e). citations to or copies of relevant statutes, regulations, court decisions, advisory opinions, or other authority that appear to support the remote seller's position;

(f). copies of relevant documents such as account statements, workpapers, reports, invoices, etc.; and

(g). a statement attesting:

(i). whether the remote seller requesting the opinion has the same issue under audit or appeal with the commission or any other taxing or revenue authority;

(ii). if the remote seller requesting the opinion has been notified that an examination or audit is pending;

(iii). if the remote seller requesting the opinion is litigating the issue;

(iv). if the commission, or any other taxing or revenue authority, has previously issued an advisory opinion on the same issue (with copy attached); and

(v). if the Attorney General's Office has been, or will be, requested to issue an opinion concerning the issue; and

(vi). that, prior to the issuance of a PLR, if the requesting remote seller is notified of a pending examination or audit by the commission or other taxing or revenue

authority, they will notify the commission of the pending examination.

iv. PLRs may be published but only after all remote seller identifying information has been removed and measures are taken to protect taxpayer confidentiality.

v. A PLR request may not be used to delay or interrupt an audit.

vi. Reasons for issuing a private letter ruling may include:

(a). it has been requested by an identified remote seller, or the remote seller's representative who has a power of attorney; and

(b). the law and regulations are not clear.

vii. Reasons for not issuing a private letter ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns alternative treatments or purely hypothetical situations;

(d). the inquiry concerns matters scheduled for audit or in audit, appeal, or litigation;

(e). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(f). the request is incomplete because it does not contain all of the information required by §2903.C.2.a.iii;

(g). the request can best be handled by another means; or

(h). the requesting remote seller withdraws the request at any point prior to issuance of the PLR.

b. Commission Rulings

i. A commission ruling provides guidance to the public and employees.

(a). It is a written statement issued to apply principles of law to a specific set of facts.

(b). A commission ruling does not have the force and effect of law and is not binding on the public. It is a statement of the commission's position and is binding on the commission until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.

(c). A commission ruling is requested by commission members or employees, who provide a complete factual and legal background similar to that required of remote sellers requesting a private letter ruling.

(d). A commission ruling request cannot be used to delay or interrupt an audit.

ii. Temporary commission rulings may be issued when necessary due to time constraints or emerging issues.

(a). Temporary commission rulings must clearly state their lack of finality and once a final commission ruling is issued, the temporary commission ruling is superseded.

(b). If the final commission ruling reaches a different conclusion than the temporary commission ruling, the commission will honor whichever ruling is more favorable to the remote seller, but only for those transactions that occurred after the temporary commission ruling was issued and before the final commission ruling.

iii. Reasons for issuing a commission ruling may include:

(a). to provide an official interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law as to a specific set of facts;

(b). to serve as guidance to remote sellers, tax practitioners, and employees if the law or regulations are not clear as to a specific set of facts.

iv. Reasons for not issuing a commission ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(d). the facts contain information that could identify a remote seller and the remote seller has not consented to publication of the commission ruling or there are other confidentiality concerns; and

(e). the request can best be handled by another means.

c. Statements of Acquiescence or Nonacquiescence

i. A statement of acquiescence or nonacquiescence (SA/SNA) is intended to provide guidance to the public and to employees.

ii. A SA/SNA is a written statement issued to announce the commission's acceptance or rejection of specific unfavorable court or administrative decisions. If a decision covers several disputed issues, a SA/SNA may apply to just one of them, or more, as specified.

iii. A SA/SNA is not binding on the public, but is binding on the commission unless superseded by a later SA/SNA, declaratory ruling, rule, statute, or court case.

iv. If the commission acquiesces, these guidelines will be followed.

(a). In cases that are substantially the same as the facts, the same result will be reached by commission officials and may be relied on by employees and remote sellers. Remote sellers must be careful to apply acquiescence to the same or substantially the same facts. Acquiescence does not mean agreement with the court's reasoning; simply that the commission will abide by it.

(b). The commission may acquiesce in the result only, which only concedes the litigation with that particular remote seller. The issue may still be pursued with other remote sellers. This indicates that the commission will likely seek out another opportunity to litigate the issue with the hope of having the issue addressed by an authoritative court.

(c). The commission may consider any of the following factors in deciding whether to issue a statement of acquiescence or nonacquiescence:

(i). whether the issue in the court or administrative decision affects many remote sellers;

(ii). whether the issue is one of fact or law, or a mixed question;

(iii). whether the decision is binding statewide with no statement needed;

(iv). whether other cases on the same or a similar issue are pending;

(v). whether cases in other jurisdictions have been decided, and in whose favor;

(vi). the cost of litigation as it relates to that issue, as well as overall;

(vii). the clarity of the applicable statutes and regulations on the disputed issue;

(viii). the soundness of the reasoning of the decision; or

(ix). the likelihood of success if the commission relitigates the issue.

D. Other Types of Policy Guidance

1. Policy and Procedure Memorandum

a. A policy and procedure memorandum (PPM) is an internal document providing internal administrative or management guidance to employees. A PPM does not have the force and effect of law and is not binding on the public. It does not focus on remote sellers' substantive or procedural rights or obligations. It is binding on employees.

b. A PPM may be issued for any of the following reasons:

i. to notify employees of internal policies that apply only to employees and do not apply to remote sellers;

ii. to notify employees of internal procedures and instructions that do not apply to remote sellers; or

iii. to inform employees of internal programs that affect only employees.

c. A PPM may not be the appropriate policy statement if:

i. a remote seller's substantive or procedural rights or obligations would be affected; or

ii. a rule would be more appropriate under the APA.

2. Commission Information Bulletin

a. A commission information bulletin (CIB) is an informal statement of information issued for the public and employees that is general in nature. A CIB does not have the force and effect of law and is not binding on the public or the commission. CIBs will be established in a standard format and issued in sequence.

b. A CIB announces general information useful in complying with the laws administered by the commission and may be issued under any circumstance deemed necessary by the commission including:

i. to inform the public and employees that a statute or regulation has been added, amended, or rescinded;

ii. to inform the public and employees that a case has been decided;

iii. to publish information to employees and the public that is based on data supplied by other agencies, such as comparative tax collections by parish;

iv. to publish information such as deadlines;

v. to inform the public of services offered by the commission, such as office hours, website features, and like information; or

vi. to revise a previous CIB or other similar publication.

3. Informal Advice

a. In addition to rules, declaratory rulings, policy and procedure memoranda, and commission information bulletins, remote sellers and employees may still seek advice on tax questions. To assist customers, the commission will provide informal advice. Informal advice does not have the force and effect of law and is not binding on the commission, the public, or the person who asked for the advice. Informal advice will have no effect on an audit.

b. Any of the following types of informal advice may be provided.

i. Informal Oral Advice. There is no formal procedure for requesting informal oral advice. Employees will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, and the like is considered informal oral advice.

ii. Informal E-Mail Advice. Has the same status as informal oral advice.

iii. Informal Written Advice. Requests for informal written advice should be in writing. Informal written advice is not a declaratory ruling.

iv. Newsletters, Pamphlets, and Informational Publications. The commission may publish informational newsletters, pamphlets, and publications at regular intervals. Statements contained in these publications do not have the force and effect of law and they are not binding on the public

or the commission. They are merely helpful tools for disseminating information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

§2905. Voluntary Disclosure Agreements

A. Definitions. For the purposes of this Section, the following terms are defined. Any terms not specifically defined shall be defined as provided in R.S. 47:339.

Applicant—any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination or group that has a state or local sales or use tax liability to the commission and submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for said undisclosed sales or use tax. Applicants may be registered or unregistered with the commission. If the application is submitted through a representative, anonymity of the applicant can be maintained until the commission accepts the application to request a voluntary disclosure agreement.

Application—a completed application to request voluntary disclosure agreement or an application for multistate voluntary disclosure filed with the Multistate Tax Commission's National Nexus Program and all supplemental information including, but not limited to, cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for a voluntary disclosure agreement. Supplemental information requested by the commission and timely provided by the applicant shall be considered part of the application.

Application Date—the date a fully completed application requesting a voluntary disclosure agreement is received by the commission. Supplemental information requested by the commission timely provided by the applicant shall not extend or delay the application date.

Commission—the Louisiana Sales and Use Tax Commission for Remote Sellers.

Delinquent Penalty—any specific penalty imposed pursuant to R.S. 47:1602,1604.1, 337.70 or 337.73 as a result of the failure of the taxpayer to timely make any required return or payment.

Look-Back Period—a period for which an applicant agrees to disclose and pay the tax and interest due.

Signing Date—the date the voluntary disclosure agreement is signed by the chairman or his authorized representative.

Undisclosed Liability—a tax liability that became due during the look-back period and which has not been determined, calculated, researched, identified by or known to the commission at the time of disclosure and which would likely not be discovered through normal administrative activities. The undisclosed liability must exceed $500 during the look-back period to qualify for consideration of a voluntary disclosure agreement. The commission has the discretion to conduct an audit of the applicant's records to confirm the amount of the undisclosed liability.

Voluntary Disclosure Agreement—a contractual agreement between an applicant and the commission wherein the applicant agrees to pay the tax and interest due on an undisclosed liability, and the commission agrees to remit or waive payment of the whole or any part of the penalty associated with that liability and to restrict collection of prior liabilities to the look-back period, except for periods in which tax was collected and not remitted.

B. Program Requirements

1. An undisclosed liability will qualify for a voluntary disclosure agreement if it results from the underpayment or non-payment of sales tax due to an error in the mathematical computation of the tax due on the return, interpretation of the law, or process of reporting the tax due on the return. An undisclosed liability also qualifies if it resulted from the merger or acquisition of a company that previously failed to properly report sales and use taxes to the commission.

a. An error in the mathematical computation of the tax due on the return is an error on the part of the taxpayer in mathematical computation on the face of the return or on any of the supporting documents or the unintentional failure to include all amounts necessary for calculating the correct amount of taxes due on the return.

b. An error in the interpretation of the law is a construction of the law on the part of the taxpayer contrary to the commission's construction of the law that caused the applicant to incorrectly determine that no tax or a smaller amount of tax was due.

c. An error in the process of reporting the tax due on the return is an error, omission, or a mistake of fact of consequence to the determination of the tax liability on the part of the taxpayer.

2. Notwithstanding the provisions of Paragraph 1 of this Subsection, an applicant shall fail to comply with the requirements for a voluntary disclosure agreement under the following conditions.

a. The applicant is registered as a dealer that is required to report retail sales or sales at retail, as defined in R.S. 47:301(4)(m), to the commission on the application date and the undisclosed liability results from the applicant's failure to file remote seller sales tax returns.

b. The undisclosed liability results from the filing of false, fraudulent, or grossly incorrect returns and the circumstances indicate that the taxpayer had intent to defraud the commission of the tax due under all state and local sales tax impositions.

c. The applicant has been contacted by the commission to inquire about a tax matter, including but not limited to nexus, a potential tax liability or an audit of the taxpayer's records provided such contact occurred in writing and prior to the application date of the agreement.

d. The applicant is affiliated, as defined by law, with an entity that has been contacted by the commission for the purpose of performing an audit. An applicant shall be considered in compliance with the requirements of the voluntary disclosure program after the audit of the affiliated entity has been completed, provided the undisclosed liability qualifies under the criteria described in Paragraph 1 of this Subsection and the applicant is not disqualified under the criteria listed in Subparagraphs a, b or c of this Paragraph.

3. Notwithstanding the conditions listed in Paragraphs 1 and 2 of this Subsection, applicants that applied for a voluntary disclosure agreement with the commission prior to the effective date of this rule and subsequently entered into a voluntary disclosure agreement with the commission shall be deemed to have met the program requirements.

C. Application and Evaluation of Offer to Enter into a Voluntary Disclosure Agreement

1. Applications to enter into voluntary disclosure agreements by taxpayers seeking relief from penalties in cases where a liability to the commission is owed shall be filed on forms provided and in the manner prescribed by the commission. The applicant or his authorized representative, acting under the authority of a power of attorney, shall sign the application, provide a statement of the facts, and include any other information or declarations required to verify that the applicant has complied with program requirements. Taxpayers may apply anonymously or disclose their identity on the application form.

2. If unregistered, the applicant shall apply to the commission for a sales tax account within 30 days of the application date.

3. The commission shall review the application and, based upon the information included therein, determine if the applicant complies with the requirements for a voluntary disclosure agreement. If the applicant complies, the offer will be accepted. If the applicant fails to comply, the offer will be denied.

D. Acceptance of Offer to Enter into Voluntary Disclosure Agreement

1. After the commission has reviewed the application and determined from the information included therein that the applicant qualifies for a voluntary disclosure agreement, the commission shall send a copy of the agreement, including the legal name of the taxpayer, to the applicant or the applicant's representative for signature.

2. The applicant or applicant's representative, acting under the authority of a power of attorney, must sign the agreement and return it to the commission within 30 calendar days of the postmark or e-mail date, or within any extension of time authorized by the commission beyond 30 calendar days from the postmark or e-mail date.

3. After the signed agreement is received from the applicant, the chairman will sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

4. If the application was submitted to the Multistate Tax Commission, the applicant shall return signed agreements in accordance with policies established by the Multistate Tax Commission.

E. Determining the Look-back Period and Treatment of Periods prior to the Look-back Period

1. Except for taxes collected and not remitted, the look-back period for existing entities shall include that portion of the current calendar year prior to and including the application date and the three immediately preceding calendar years or the amount of time they were required by R.S. 47:340(G)(6)(a) to be registered with the commission if less than three years.

2. Except for taxes collected and not remitted, the look-back period for a discontinued, acquired, or merged entity shall include the last calendar year in which the discontinued, acquired, or merged entity had nexus in a jurisdiction and the three immediately preceding calendar years.

3. For taxes collected and not remitted, the look-back period shall include all filing periods in which tax was collected and not remitted up to and including the application date. This look-back period shall not affect the look-back period described Paragraphs 1 or 2 of this Subsection for undisclosed liabilities unrelated to tax collected and not remitted.

4. The commission, in concurrence with the applicant, may adjust the look-back period to accommodate special circumstances.

5. Look-back periods shall be established from the application date, unless the liability results from a merged or acquired entity as described in Paragraph 2 of this Subsection or there is mutual agreement to adjust a look-back period as provided in Paragraph 4 of this Subsection.

6. Periods prior to the look-back period shall be considered part of the voluntary disclosure agreement. However, payment is not required for any taxes due for these periods.

7. Under the agreement, the applicant and the commission agree to suspend prescription for the look-back period as follows:

a. through June 30 of the calendar year subsequent to the signature date when that date occurs on or after January 1 and on or before June 30; and

b. through December 31 of the calendar year subsequent to the signature date when that date occurs on or after July 1 and on or before December 31.

F. Payment of Tax, Interest, and Penalty Due

1. All tax due for the look-back period must be paid within 60 calendar days of the chairman's signing date of the voluntary disclosure agreement or within any extension of time authorized by the commission beyond 60 calendar days of the signing date. All schedules or returns required by the

commission to show the amount of tax due must be included with this payment.

2. The commission shall compute the interest and penalty due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax, interest and delinquent penalty due. The applicant must submit payment of the full amount of the interest and any penalties not abated or waived within 30 calendar days from the postmark or e-mail date of the schedule or, if applicable, within any extension of time granted by the commission. If payment of the full amount due has not been received at the expiration of such time, the commission may void the agreement.

G. Waiver or Remittance of Payment of Penalty

1. After all tax and interest due for the look-back period have been paid, the delinquent penalties will be abated or waived, unless the tax disclosed was collected but not remitted.

2. Where the tax was collected but not remitted, the commission may consider waiving payment of the whole or any part of the delinquent penalties on a case-by-case basis.

H. The commission may disclose tax information to the Multistate Tax Commission or any political subdivision of the state which has entered into an information exchange agreement with the commission in order to coordinate thedelivery and acceptance of applications for voluntary disclosure agreements. Any information so furnished shall be considered and held confidential and privileged by the Multistate Tax Commission or the political subdivision to the extent provided by R.S. 47:1508.

I. The commission may conduct an audit of the look-back period to confirm that the correct amount of tax has been paid. Interest and penalty may be assessed on tax found due in excess of the amounts reported under the voluntary disclosure agreement. The commission shall not assess additional interest or penalty for amounts reported and paid under the voluntary disclosure agreement except in cases of fraud, material misrepresentation, or any such misrepresentation of the facts by the taxpayer.

J. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

K. The commission reserves the right to void the voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(G)(11).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers LR 48:2360 (September 2022).

Title 61
REVENUE AND TAXATION
Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§100. Introduction

A. The power of local and state governments to tax real and personal property is contained within the Constitution of the state of Louisiana. The broad constitutional principles are clarified in the *Revised Statutes* of the state of Louisiana. These statutes are further clarified and made workable by rules and regulations passed in accordance with the statutes and the constitution by the Louisiana Tax Commission. This summary of certain provisions of the Constitution and *Revised Statutes* is for convenience only, and is not intended as an official interpretation. Actual provisions of law supersede this summary.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 15:1097 (December 1989).

§101. Constitutional Principles for Property Taxation

A. Assessments. Property subject to ad valorem (property) taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in §101.C and §101.F, shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

B. Classification

1. The classification of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows.

	Classifications	Percentages
a.	Land	10%
b.	Improvements for Residential Purposes	10%
c.	Electric Cooperative Properties, excluding Land	15%
d.	Public Service Properties, excluding Land	25%
e.	Other Property (including Personal Property)	15%

2. The legislature may enact laws defining electric cooperative properties and public service properties (See R.S. 47:1851).

C. Use Value. Bona fide agricultural, horticultural, marsh and timber lands, as defined by general law, shall be assessed for tax purposes at 10 percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

D. Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district, except public service properties, which shall be valued at fair market value by the Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of §101.C. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

E. Review

1. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

F. Homestead Exemptions

1. General Provisions

a. The Louisiana Constitution permits no other property tax exemptions except those provided in the constitution.

b. The constitution exempts to the extent of $7,500 of assessed value, except in those parishes whereby voters approved that the next $7,500 of the assessed valuation on property receiving the homestead exemption which is owned and occupied by a veteran with a service connected disability rating of 100 percent by the United States Department of Veterans Affairs shall be exmpt from ad valorem taxation (see Louisiana Constitutional Article 7, §21(K)(1)(2)(3) regarding the additional exemption):

i. the bona fide homestead, consisting of a tract of land or two or more tracts of land, even if the land is classified and assessed at use value, with a residence on one tract and a field, with or without timber on it, pasture, or garden on the other tract or tracts, not exceeding 160 acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person or persons owning the property in indivision;

ii. the same homestead exemption shall also fully apply to the primary residence including a mobile home which serves as a bona fide home and which is owned and occupied by any person or persons owning the property in indivision, regardless of whether the homeowner owns the land upon which the home or mobile home is sited; however, this homestead exemption shall not apply to the land upon which such primary residence is sited if the homeowner does not own the land;

iii. the homestead exemption shall extend and apply fully to the surviving spouse or a former spouse when

the homestead is occupied by the surviving spouse or a former spouse and title to it is in the name of:

(a). the surviving spouse as owner of any interest or either or both of the former spouses;

(b). the surviving spouse as usufructuary; or

(c). a testamentary trust established for the benefit of the surviving spouse and the descendants of the deceased spouse or surviving spouse, but not to more than one homestead owned by either the husband or wife, or both;

iv. the homestead exemption shall extend to property owned by a trust when the principal beneficiary or beneficiaries of the trust are the settlor or settlors of the trust and were the immediate prior owners of the homestead, and the homestead is occupied as such by a principal beneficiary. The provisions of this Subparagraph shall apply only to property which qualified for the homestead exemption immediately prior to transfer, conveyance, donation in trust, or which would have qualified for the homestead exemption if such property were not owned in trust;

v. the homestead exemption shall extend to property where the usufruct of the property has been granted to no more than two usufructaries who were the immediate prior owners of the homestead and the homestead is occupied as such by a usufructary. The provisions of this Subparagraph shall apply only to property which qualified for the homestead exemption immediately prior to the granting of such usufruct, or which would have qualified for the homestead exemption if such usufruct had not been granted.

c. The homestead exemption shall extend only to a natural person or persons and to a trust created by a natural person or persons, in which the beneficiaries of the trust are a natural person or persons provided that the provisions of this Paragraph are otherwise satisfied.

d. Except as otherwise provided for in this Paragraph, the homestead exemption shall apply to property owned in indivision, but shall be limited to the pro rata ownership interest of that person or persons occupying the homestead. For example, a person owning a 50 percent interest in property would be entitled to a homestead exemption of $3,750 of the property's assessed value provided such person occupies the home.

e. No homestead exemption shall be granted on bond for deed property. However, any homestead exemption granted prior to June 20, 2003 on any property occupied upon the effective date of this Paragraph* by a buyer under a bond for deed contract shall remain valid as long as the circumstances giving rise to the exemption at the time the exemption was granted remains applicable. See Constitutional Article 7, §20.(A)(7).

f. In no event shall more than one homestead exemption extend or apply to any person in this state.

g. This exemption shall not extend to municipal taxes. However, the exemptions shall apply:

i. in Orleans Parish, to state, general city, school, levee, and levee district taxes; and

ii. to any municipal taxes levied for school purposes.

h. Homestead exemptions are allowable in any year in which the owner occupied the home prior to December 31 of that year.

i. Property owned by a partnership or corporation is not entitled to homestead exemption (Corporation: A.G.'s Opinion May 7, 1969, A.G.'s Opinion 1940-42, p. 4119; Partnership: A.G.'s Opinion 1936-38, p. 1044).

j. Purchase arrangement which does not transfer title does not give occupant entitlement to homestead exemption (Lease/purchase: A.G.'s Opinion 1940-42, p. 4110, and p. 4115; A.G.'s Opinion 1942-44, p. 1679; Bond for Deed: A.G.'s Opinion No. 87-345, May 12, 1987).

k. Any homestead receiving the homestead exemption that is damaged or destroyed during a disaster or emergency declared by the governor whose owner is unable to occupy the homestead on or before December 31 of a calendar year due to such damage or destruction shall be entitled to claim and keep the exemption by filing an annual affidavit of intent to return and reoccupy the homestead within five years from December 31 of the year following the disaster with the assessor within the parish or district where such homestead is situated prior to December 31 of the year in which the exemption is claimed. In no event shall more than one homestead exemption extend or apply to any person in this state.

2. The purpose of this Section is to partially implement the provisions of Article VII, Section 20(B) of the Constitution of Louisiana relative to the providing of tax relief to residential lessees in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

a. A residential lessee is defined as a person who owns and occupies a residence, including mobile homes, but does not own the land upon which the residence is situated.

b. A residential lessee shall be entitled to a credit against any ad valorem tax imposed relative to the residence property, in an amount equal to the amount of tax applicable on property with an assessed valuation of $7,500 or the actual amount of tax, whichever is less, provided the residential lessee is not otherwise entitled to the homestead exemption (R.S. 47:1710).

3. Residence

a. Only one homestead exemption can be claimed. (A.G.'s Opinion 1942-44, p. 1660, A.G.'s Opinion 1942-44, p. 1678, A.G.'s Opinion 1940-42, p. 4117).

b. If other requirements are met, a person may be entitled to the exemption, even if the taxpayer is a citizen of another state or country (A.G.'s Opinion 1948-50, p. 729).

c. Taxpayer does not lose the exemption by temporary absence (A.G.'s Opinion 1948-50, p. 729).

d. State employee living in another parish does not lose his entitlement if he returns to occupy the property regularly (A.G.'s Opinion 1936-38, p. 1055), and does not rent the property to another (A.G.'s Opinion 1936-38, p. 1054).

e. Army officer required to live away from home who allows relatives to occupy the property rent free does not lose his homestead exemption (A.G.'s Opinion 1940-42, p. 4088).

f. Taxpayer who establishes a second residency for political purposes does not lose the homestead exemption on his first residence (A.G.'s Opinion 86-364, Oct. 17, 1986).

g. If part of a property is used as income producing property, the part occupied by the owner as a residence is exempt, the income producing part is not (portion of home used as a place of business is not exempt, A.G.'s Opinion 1940-42, p. 4129; A.G.'s Opinion 1934-36, p. 1144; rented half of double house not exempt, A.G.'s Opinion 1934-36, p. 1138).

h. When there is more than one tract with a residence on one and a field, pasture or garden on the other, tract must actually be used as a field, pasture or garden to be eligible for exemption, taxpayer must personally use the field, pasture or garden, and, if the tract is let out to another, it is not exempt (A.G.'s Opinion 1940-42, p. 1660).

G. Special Assessment Level

1. The assessment of residential property receiving the homestead exemption which is owned and occupied by any of the following and who meet all of the other requirements of this Section shall not be increased above the total assessment of that property for the first year that the owner qualifies for and receives the special assessment level provided that such person or persons remain qualified for and receive the special assessment level:

a. people who are 65 years of age or older;

b. people who have a service-connected disability rating of 50 percent or more by the United States Department of Veterans Affairs;

c. members of the armed forces of the United States or the Louisiana National Guard who owned and last occupied such property who are killed in action, or who are missing in action or are a prisoner of war for a period exceeding 90 days; or

d. any person or persons permanently totally disabled as determined by a final non-appealable judgment of a court or as certified by a state or federal administrative agency charged with the responsibility for making determinations regarding disability.

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds $100,000 for tax year 2021 (2022 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. An eligible owner shall apply for the special assessment level by filing a signed application establishing that the owner qualifies for the special assessment level with the assessor of the parish or, in the parish of Orleans, the assessor of the district where the property is located.

4. The special assessment level shall remain on the property as long as:

a. that owner, or that owner's surviving spouse who is 55 years of age or older or who has minor children, remains the owner of the property, and:

i. the owner who has a service-connected disability of 50 percent or more, or that owner's surviving spouse who is 45 years of age or older or who has minor children, remains the owner of the property;

ii. the spouse of the owner who is killed in action remains the owner of the property;

iii. the first day of the tax year following the tax year in which an owner who was missing in action or was a prisoner of war for a period exceeding 90 days is no longer missing in action or a prisoner of war; and

iv. even if the ownership interest of any surviving spouse or spouse of an owner who is missing in action as provided for in this Subparagraph is an interest in usufruct;

b. the value of the property does not increase more than 25 percent because of construction or reconstruction.

5. A new or subsequent owner of the property may claim a special assessment level when eligible under this Section. The new owner is not necessarily entitled to the same special assessment level on the property as when that property was owned by the previous owner.

6. The special assessment level on property that is sold shall automatically expire on the last day of December in the year prior to the year that the property is sold. The property shall be immediately revalued at fair market value by the assessor and shall be assessed by the assessor on the assessment rolls in the year it was sold.

7. A usufructuary is entitled to the benefit of the special assessment level attained by the prior owner/occupant, provided that either:

a. the usufructuary is the owner's surviving spouse, occupying the house, who is 55 years of age or older or who has minor children, and the value of the property does not increase more than 25 percent because of construction or reconstruction; or

b. the usufructuary is the immediate prior owner of the homestead and the homestead is occupied by such usufructuary. A usufructuary is entitled to the special assessment level freeze if and when he or she qualifies independently.

8. The special assessment level, like the homestead exemption, should be applied to the extent of a homeowner's undivided interest in the occupied property.

9. Any owner entitled to the special assessment level set forth in this Paragraph who is unable to occupy the homestead on or before December 31 of a future calendar year due to damage or destruction of the homestead caused by a disaster or emergency declared by the governor shall be entitled to keep the special assessment level of the homestead prior to its damage or destruction on the repaired or rebuilt homestead provided the repaired or rebuilt homestead is reoccupied by the owner within five years from December 31 of the year following the disaster. The assessed value of the land and buildings on which the homestead was located prior to its damage shall not be increased above its assessed value immediately prior to the damage or destruction described in this Subparagraph. If the property owner receives a homestead exemption on another homestead during the same five-year period, the damaged or destroyed property shall not be entitled to keep the special assessment level, and the land and buildings shall be assessed in that year at the percentage of fair market value set forth in this constitution. In addition, the owner must also maintain the homestead exemption set forth in Article VII, Section 20(A)(10) to qualify for the special assessment level in this Subparagraph.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 42:744 (May 2016), LR 43:648 (April 2017), LR 44:577 (March 2018), LR 45:531 (April 2019), LR 46:560 (April 2020), LR 47:456 (April 2021).

§103. Exempt Property

A. In addition to the homestead exemption provided for in Section 20 of Article VII of the constitution, the following property and no other shall be exempt from ad valorem taxation:

1. public lands; other public property used for public purposes;

2. property of a nonprofit corporation or association organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member and which is declared to be exempt from federal or state income tax;

a. medical equipment leased for a term exceeding five years to such a nonprofit corporation or association which owns or operates a small, rural hospital and which uses the equipment solely for health care purposes at the hospital, provided that the property shall be exempt only during the term of the lease to such corporation or association, and further provided that “small, rural hospital” shall mean a hospital which meets all of the following criteria:

i. it has less than 50 Medicare-licensed acute care beds; and

ii. it is located in a municipality with a population of less than 10,000 which has been classified as an area with a shortage of health manpower by the United States Health Service;

3. property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

4.a. property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association. The exemption should be allowed only if it is determined that the requesting organization has met all of the constitutional requirements for exemption. Assessors may request the following information from the taxpayer in order to make a determination of exemption:

i. completed LTC Form TC-80, Application for Exemption—Real Estate Taxes;

ii. certified copy of the articles of incorporation of the organization;

iii. certified copy of the by-laws of the organization;

iv. copy of the Internal Revenue Service letter granting the organization tax-exempt status;

v. audited financial statements for the preceding three years, along with an affidavit from the organization's CPA and/or treasurer that the financial statements are true and correct;

vi. federal tax returns filed for the preceding three years; and

vii. affidavit from the president or other duly appointed officer stating:

(a). the price paid for each share of stock issued by the organization for the past five years;

(b). whether or not over the previous five years any dividends have been paid or interest accrued on the value of the stock of the organization; and

(c). whether or not any part of the net earnings of the organization inure to the benefit of any member of the organization.

NOTE: See Louisiana Constitution of 1974, Article VII, Section 21.B, for specific conditions of authorization.

b. None of the property listed in §103.A.2, 3, and 4 shall be exempt if owned, operated, leased or used for commercial purposes unrelated to the exempt purposes of the corporation or association;

5. cash on hand or deposit;

6. stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution;

7. obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof;

8. loans by life insurance companies to policyholders, if secured solely by their policies;

9. the legal reserve of domestic life insurance companies;

10. loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

11. debts due for merchandise or other articles of commerce or for services rendered;

12. obligations of the state or its political subdivisions;

13. personal property used in the home or on loan in a public place;

14. irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

15. agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes (including crop dusting aircraft), animals on the farm, and property belonging to an agricultural fair association (also see R.S. 47:1707);

16. property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

17. rights-of-way granted to the State Department of Highways (DOTD);

18. boats using gasoline as motor fuel;

19. commercial vessels used for gathering seafood for human consumption;

20. ships and oceangoing tugs, towboats and barges engaged in international trade and domiciled in Louisiana ports:

a. however, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States;

21. materials, boiler fuels, and energy sources used by public utilities to fuel the generation of electricity;

22. all incorporeal movables of any kind or nature whatsoever, except public service properties, bank stocks, and credit assessments on premiums written in Louisiana by insurance companies and loan and finance companies. (See *Louisiana Civil Code* of 1870, as amended, and R.S. 47:1709).

B. Also exempt are raw materials, goods, commodities, articles and personal property imported into this state from outside the states of the United States or, held in storage while in transit through this state which are moving in interstate commerce.

NOTE: See Louisiana Constitution, Article VII, Section 21.D; and, R.S. 47:1951.1, R.S. 47:1951.2 and R.S. 47:1951.3 for specific conditions of authorization.

1. Property described in §103.B, whether or not entitled to exemption, shall be reported to the proper taxing authorities on the forms required by law.

C. Motor vehicles used on the public highways of this state, from state, parish, municipal, and special ad valorem taxes.

D. New manufacturing establishments and additions to existing manufacturing establishments to be granted tax exemptions by the State Board of Commerce and Industry, with the approval of the governor, as authorized by Article VII, Section 21.F of the Louisiana Constitution of 1974.

E. Coal or lignite stockpiled in Louisiana for use in Louisiana for industrial or manufacturing purposes or for boiler fuel, gasification, feedstock, or process purposes.

F. Value of enhancements to certain structures located in downtown, historic, or economic development districts to be granted a limited exemption by the State Board of Commerce and Industry, if approved by the governor and the local governing authority, as authorized by Article VII, Section 21.H of the Louisiana Constitution of 1974.

G. Goods held in inventory by distribution centers, to be granted tax exemptions by the parish economic development or governing authority, with the approval of each affected tax recipient body in the parish, as authorized by Article VII, Section 21.I of the Louisiana Constitution of 1974.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §21.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:478 (March 1998), LR 32:426 (March 2006), LR 34:675 (April 2008).

§105. Constitutional Principles in Determination of Fair Market Value and Use of Reappraisal

A. The Louisiana Constitution establishes the basic principle in the following cases but each case requires statutory clarification.

1. Fair market value shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

2. All property subject to taxation shall be reappraised and valued at intervals of not more than four years.

B. These are the constitutional principles upon which property taxation is based in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989).

§107. Statutory Guide for Property Taxation

A. The *Revised Statutes*, in accordance with the constitutional principles heretofore mentioned, provide additional standards and principles to be abided by in establishing the methods and procedures for taxing property.

B. The Louisiana Tax Commission must promulgate and adopt all rules and regulations pertaining to property taxation in accordance with R.S. 49:951 et seq. These statutes merely outline the procedures for publicizing and ultimately enacting or changing the rules and regulations pertaining to the taxation of property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:951 through 49:968.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989).

§109. Fair Market Value Defined

Fair Market Value—the price for property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances; it shall be the highest price estimated in terms of money which property will bring if exposed for sale on the open market with reasonable time allowed to find a purchaser who is buying with knowledge of all the uses and purposes to which the property is best adapted and for which it can be legally used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 34:677 (April 2008).

§111. Criteria for Determining Fair Market Value

A. The criteria for determining fair market value shall apply uniformly throughout the state. Uniform guidelines, procedures and rules and regulations as are necessary to implement said criteria shall be adopted by the Louisiana Tax Commission only after public hearings held pursuant to the Administrative Procedure Act (R.S. 47:2323.A).

B. Each assessor shall follow the uniform guidelines, procedures, and rules and regulations within his respective parish or district in determining fair market value of all property subject to taxation. Any manual or manuals used by an assessor shall be subject to approval by the Louisiana Tax Commission or its successor agency (R.S. 47:2323.B).

C. The fair market value of real and personal property shall be determined by the following generally-recognized appraisal procedures: the market approach, the cost approach, and/or the income approach.

1. In utilizing the market approach, the assessor shall use an appraisal technique in which the market value estimate is predicated upon prices paid in actual market transaction and current listings.

2. In utilizing the cost approach, the assessor shall use a method in which the value of a property is derived by estimating the replacement or reproduction cost of the property; deducting therefrom the estimated depreciation; and then adding the market value of the land, if any.

3. In utilizing the income approach, the assessor shall use an appraisal technique in which the anticipated net income is capitalized to indicate the capital amount of the investment which produces the net income (R.S. 47:2323).

NOTE: See Definitions, Chapter 3, for the appropriate use of these approaches.

D. When performing a valuation of any affordable rental housing property, the assessor shall not consider any of the following in determining fair market value:

1. income tax credits available to the property under section 42 of the *Internal Revenue Code*;

2. below-market interest rate on financing obtained under the Home Investment Partnership Program under the Cranston-Gonzales National Affordable Housing Act, or the Federal Home Loan Bank Affordable Housing Program established pursuant to the Financial Institution Reform, Recovery, and Enforcement Act of 1989;

3. any other federal, state, or similar program intended to provide or finance affordable rental housing to persons of low or moderate income and requiring restricted occupancy and rental rates based on the income of the persons occupying such housing.

NOTE: Also see, Chapter 2, §213.G-G.3 and Chapter 3, §303.C.4-4.c.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:920 (November 1984), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:648 (April 2017).

§113. Assessments: General Information

A. Assessment Date. Assessments shall be made on the basis of the condition of things existing on the first day of January of each year (R.S. 47:1952). For purposes of determining exemptions in Orleans Parish, the status of property as of August 1 of each year shall be determinative.

B. Domicile. All property subject to taxation, including merchandise or stock in trade, shall be placed upon theassessment lists in the respective parishes or districts where situated. Personal property other than aircraft (§1501.A.4.), drilling rigs (§1101.B.), leased equipment (§2101.A.), watercraft (§701.A.), and public service property (La. R.S. 47:1855) acquires a situs at the domicile of the holder or owner, but tangible personal property used

in business operations in any other taxing district is to be taxed where situated on January 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 34:677 (April 2008), LR 45:531 (April 2019).

§114. Property Defined

Property—includes every form, character and kind of property, real, personal and mixed, tangible and intangible, corporeal and incorporeal, and every share, right, title or interest in such property (R.S. 47:1702).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1702.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 15:1097 (December 1989).

§115. Real Property Defined

Real Estate or *Immovable Property*—includes not only land, city, town and village lots, but all things thereunto pertaining, and all structures and other appurtenances thereto, as pass to the vendee by the conveyance of the land or lot (R.S. 47:1702).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1702.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989).

§117. Personal Property Defined

Personal Property or *Movable Property*—includes all things other than real estate which have any pecuniary value, all moneys, credits, investments in bonds, stocks, franchises, shares in joint stock companies or otherwise (R.S. 47:1702 and 2322).

1. Personal property shall mean tangible property that is capable of being moved or removed from real property without substantial damage to the property itself or the real property from which it is capable of being removed. Personal property shall include, but not necessarily be limited to, inventory, furniture, fixtures, machinery and equipment, and all process and manufacturing machinery and equipment, including the foundation therefor (R.S. 47:2322).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1702 and R.S. 47:2322.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989).

§118. Data Collection by the Assessor

A. The assessor may use self-reporting forms, as approved and adopted by the Louisiana Tax Commission or its successors, to gather data necessary to determine fair market value. A self-reporting form shall be returned to the assessor by the first day of April, or 45 days after receipt, whichever is later (R.S. 47:2324).

B. By failing to file a report when it is due, a property owner loses the right to appeal the appraisal by the assessor (R.S. 47:2329). If the failure to file is intentional, a penalty of 10 percent of the tax due shall be imposed (R.S. 47:2330(A)). If a taxpayer files a false report with the intent to defraud, a penalty of 10 percent of the tax due shall be imposed (R.S. 47:2330(A)).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2324, R.S. 47:2329 and R.S. 47:2330.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 34:677 (April 2008).

§119. Forms

A. Forms for use in reporting personal property including, but not limited to, inventory, furniture and fixtures, machinery and equipment, and other taxable property, shall be approved and adopted by the Louisiana Tax Commission or its successor after adequate public notice and hearing held pursuant to the Administrative Procedure Act.

1. Such forms and the rules and regulations necessary for their administration shall be applicable throughout the state and shall be applied uniformly upon similar types of property (R.S. 47:2326).

2. Forms filed by a taxpayer with an assessor to assist in his determination of fair market value are confidential (R.S. 47:2327).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2324 through R.S. 47:2327.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989).

§121. Reappraisal

A. Real property, as defined in R.S. 47:2322, shall be reappraised and reassessed at least every four years.

B. Personal property, as defined in R.S. 47:2322, shall be reappraised and reassessed every year.

C. Incorporeal real or immovable property, as defined in R.S. 47:2322 and R.S. 47:1702, shall be reappraised and reassessed once every four years.

D. Taxable intangible public service properties, bank stocks, and credit assessments on premiums written in Louisiana by insurance companies and loan and finance companies, per R.S. 47:1709 or incorporeal personal or movable property, as defined in R.S. 47:1702, shall be reappraised and reassessed every year.

E. Public service property, as defined in R.S. 47:1851, shall be reassessed every year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2331.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 34:677 (April 2008), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:649 (April 2017), LR 46:560 (April 2020).

§123. Statutes Pertaining to Specific Personal Property

A. Listing and Assessing of Notes and Indebtedness

1. All credits, including open accounts, bills receivable, judgments and all promissory notes, not exempt, shall be assessed at the personal property ratio. Valuation shall be at an average of the capital employed in the business after deduction from accounts payable, bills payable and other liabilities of a similar character, not exempt. Liabilities due from branches or subsidiaries shall not be deducted (R.S. 47:1962).

2. Indebtedness and all evidence of indebtedness, shall be taxable only at the situs and domicile of the holder or owner thereof (R.S. 47:1952).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952 and R.S. 47:1962.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998).

§125. Statutes Pertaining to Specific Real Property

A. Timeshare property shall be assessed as a single entity unless the property is subject to the Louisiana Condominium Act. The statute further provides that the managing entity shall have the responsibility for collecting and paying the taxes. Further, a timeshare unit subject to a condominium declaration shall not exceed the assessed value of non-timesharing condominium units, apartments or other accommodation (R.S. 9:1131.9).

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:1131.9.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 15:1097 (December 1989).

Chapter 2. Policies and Procedures for Assessment and Change Order Practices

§201. Introduction

A. The Louisiana Tax Commission (LTC) is Constitutionally and statutorily required to aid, assist, and supervise assessors in the administration of ad valorem taxation. The LTC shall also administer and enforce all laws related to the state supervision of local property tax assessments and the assessments of public service, bank stock, and insurance company properties.

B. In order to promote effective performance and compliance with the requirements of the Constitution and laws of the state, the LTC shall issue and, from time to time, may amend or revise rules and regulations containing minimum standards of assessment and appraisal performance standards and devise necessary forms to enforce a uniform statewide system for the preparation of assessment lists, tax rolls, and assessment changes to the tax rolls.

C. The Policies and Procedures for Assessment and Change Order Practices are intended as a support manual to the existing laws of Louisiana and the existing LTC Real/Personal Property rules and regulations, and as each may be amended in the future relative to legislative action and constitutional amendment.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(E) and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005).

§203. Change Orders

A. General Provision

1. A change order request may be made to correct an error in assessment if the change does not increase the taxpayer's tax liability or the taxpayer expressly consents to the change. A change to an assessment that increases the taxpayer's tax liability is governed by R.S. 47:1966.

2. Change order requests shall be submitted via the LTC website (www.latax.state.la.us).

3. All change order requests shall comply with Louisiana Law and the Real/Personal Property Rules and Regulations of the LTC.

4. All change order requests shall require that the actual physical address of the property be identified. In the event that there is no actual physical street address, the assessor's office shall furnish the street/highway location and a brief location description.

5. Change order batches should not exceed a total of 50 change order requests, in order to facilitate speedy transmission.

6. Change order requests are subject to audit by the LTC.

7. All change order requests should be submitted to the LTC no later than noon on Thursday of each week in order to be considered on the next public meeting docket of the LTC.

8. All change order requests are subject to review by LTC staff for approval or denial by the commission at their regularly scheduled open meetings.

B. Form of the Change Orders

1. LTC website change order system requests shall comply with the Louisiana State Tax Commission electronic change order export specifications. These specifications can be found on the LTC website at www.latax.state.la.us.

a. Each parish assessors' office shall be identified by their federal information processing standards (FIPS) parish identification code.

b. All export data submitted to the LTC shall require utilization of the standard format currently posted on the LTC's website. Any parish that imports an individual parish change order data batch into the LTC's website must adhere to the LTC's format specifications.

c. Each parish will contact the LTC's change order supervisor to set up their individual parish login name and password. The chosen parish password should be confidentially guarded to protect the integrity of each parish's change order system.

C. Required content of all Change Orders

1. All change orders shall include the following:

a. enumerated reason for the change order as provided in all regulations of the LTC;

b. specifications identified and described in the LTC Electronic Change Order Export Specifications download file; (See §201.3.b above)

c. physical address of the property, including full numerical street address with applicable zip code. If vacant land, street/highway and brief location description must be provided.

D. Reasons for Change Orders

1. All Change Orders submitted shall delineate one of the following reasons:

a. adjudicated to parish—date adjudicated;

b. adjudicated to city of: (municipality)—date adjudicated;

c. exempt non-profit organization application filed/exclusive use verified—category: acquisition date;

d. homestead exemption—assessor's office error—acquisition date: occupancy date;

e. homestead exemption—taxpayer application—acquisition date: occupancy date;

f. special assessment level—land: improvement;

g. improvement—cancel—dual to assessment no. (provide no.);

h. improvement—cancel/not taxable—reason;

i. improvement—decrease value, error in square feet and/or classification calculation;

j. improvement—taxpayer appraisal—assessor concurs;

k. industrial exemption—exempt roll; contract no. improvement—personal property;

l. industrial exemption—expired—contract no.—expiration date;

m. land—cancel—dual to assessment no. (provide no.);

n. land—decrease value—reason;

o. personal property—cancel—business closed prior to January 1st (August 1st—Orleans Parish);

p. personal property—taxpayer provided additional information;

q. personal property—assessor's office error—reason;

r. public property—property donated or sold to a bona fide exempt public entity—donation or sale date;

s. public property—leased or rented to non-public party—date of lease: term of lease;

t. redemption—removed from adjudication roll. date redeemed;

u. redemption—taxpayer redeemed from tax sale—date redeemed;

v. use value—allow under category: no. of acres;

w. use value—change classification category to: no. of acres;

x. appeal;

y. other—assessor shall state reason.

2. The LTC change order reasons list is subject to periodic revision, as may be deemed necessary.

E. When a parish assessor receives notice of a decision on an appeal, the assessor shall implement the ruling, including completing and submitting a change order request to the LTC, within a reasonable time, which shall not exceed 15 calendar days from the decision becoming final. A LTC decision is final when either:

1. the appeal period of 30 days has run without a petition for judicial review having been filed; or

2. after disposition of a petition for judicial review under R.S. 47:1998.

F. Whenever a change order request is approved by the LTC, the assessor's website and all lists maintained by the assessor shall be updated to reflect such approval.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 20. (A)(1); R.S. 47:1703, R.S. 47:1703A., R.S. 47:1703.1.B., R.S. 47:1835, R.S. 47:1837, R.S. 47:1952, R.S. 47:1966, R.S. 47:1990, and R.S. 47:1991

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005), amended LR 32:426 (March 2006), LR 48:1518 (June 2022).

§207. Use Value Properties

A. Assessors shall confirm eligibility of use value properties and list the properties indicating its use value classification, number of acres (by each classification), and a physical address (or clear directions to property) to enable the LTC staff appraisers to locate, if deemed necessary.

B. To be eligible for use value assessment classification, the property must be bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18(C) of the Louisiana Constitution of 1974. Use value properties must meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in R.S. 47:2301 ("Use value of bona fide agricultural, horticultural and timberland means the highest value of such land when used by a prudent agricultural, horticultural or timber operator for the sole purpose of continuing the operation, as a commercial agricultural, horticultural or timber use"). R.S. 47:2302 ("land devoted to the production for sale, in reasonable commercial quantities" or in the case of timberland "timberland under a contract with a state or federal agency restricting its use for timber production"), and further requirements are:

1. at least 3 acres in size (no rounding up to achieve this acreage requirement), or have produced an average gross annual income of at least $2,000 in one or more of the designated classifications for the four proceeding years, per R.S. 47:2303.A; and

2. the landowner has signed an agreement that the land will be devoted to one or more of the designated uses as defined in R.S. 47:2304;

3. taxpayer shall sign a use value application, which shall be considered permanent (except the parishes of Orleans and Jefferson, which require that the taxpayer shall sign a use value application at least every four years), per R.S. 47:2304(B)(1); except that in the event of a sale of the property, the purchaser must sign a new application within 60 days from date of the sale;

4. Loss of Eligibility. If land having a use value assessment is sold for a price four times greater than its use value, the land shall be presumed to be no longer eligible to be classified as bona fide agricultural, horticultural, marsh or timberland. Some legislative provisions are further identified in R.S. 47:2305;

5. if the land ceases to meet the use value eligibility requirements, the taxpayer is statutorily responsible for notifying the assessor where the property is located within 60 days following the effective date of loss of eligibility;

6. in the event that the landowner obtains a use value assessment by means of false certifications on his application, or fails to timely notify the assessor of loss of eligibility for use value assessment, he shall be liable for a penalty equal to five times the difference between the tax under a market value assessment and the tax under a use value assessment for the tax years in which the use value assessment was attributable to the false certifications or failure to timely notify the assessor of loss of eligibility (R.S. 47:2306).

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(C), R.S. 47:1837 and R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005).

§209. Non-Profit Organizations

A. All assessors' offices shall furnish an application for exemption-real estate taxes to any organization wishing to apply for ad valorem exemptions provided for in Constitution, Article VII, Section 21.B and obtain all necessary supporting documents from the applicant in order to determine the exemption eligibility.

B. The assessors' offices shall review and determine whether the organization complies with the exclusive use requirement mandated by Constitution, Article VII, Section 21.B.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21.B and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005).

§211. Industrial Exemption Properties

A. All property of manufacturing establishments with contracts for the exemption from ad valorem taxes with the State Board of Commerce and Industry or its successor, with the approval of the governor and administered by the Department of Economic Development (DED), shall be listed on the parish exempt rolls, until such time as the exempted contract has expired or is terminated.

B. Assessors' offices shall review all Industrial Exemption applications and DED contracts issued to determine proper exempt status for ad valorem taxation purposes.

1. If an assessor determines that any portion of an Industrial Exemption is not eligible for ad valorem tax exemption, pursuant to Article VII, Section 21(F) of the Louisiana Constitution of 1974 and rules of the Industrial Tax Exemption Program, the assessor shall informally address concerns to the DED Manager of the Industrial Tax Exemption Program. If informal communication does not satisfactorily answer the assessor's concerns, formal notice shall immediately be submitted to DED, with written ineligibility reasons given.

2. All contract status reports submitted to the assessors' offices by DED and the taxpayer's annual LAT 5-A reports shall be reviewed for accuracy. Any inaccuracies noted shall be reported, in writing, to DED immediately upon discovery.

3. Assessors' offices shall review and confirm contract expiration dates and immediately notify DED, in writing, of any disparity identified.

4. If any exempted manufacturing business is determined to have ceased its operations (business closed) during a contracted exemption period, the assessors' office should provide notice to DED of such cessation.

5. Assessors are urged to obtain rules for the Industrial Tax Exemption Program available at www.lded.state.la.us/come-to-louisiana/business-resources/state-business-incentives/industrial-tax-exemption-program.aspx or by contacting DED's Business Incentives Division.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 21(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005), amended LR 32:427 (March 2006), LR 34:677 (April 2008).

§213. Assessment Policies and Procedures

A. All property within the State of Louisiana shall be assessed at a percentage of fair market value or use value, as the law provides, and either placed on the regular tax rolls, exempt rolls, or adjudicated tax rolls.

B. Assessors shall value property at fair market value and then assessed valuations shall be based upon the percentage classification requirements of the Louisiana Constitution, Article VII, Section 18(B).

C. All property shall be reappraised and valued in accordance with the constitution at intervals of not more than four years. This quadrennial cycle reappraisal date is determined by the Louisiana Tax Commission.

D. "Sales chasing" and "sales listing chasing" is expressly prohibited. "Sales chasing" is the procedure by which an individual property assessment is based solely upon the price the property sold for. "Sales listing chasing" is the procedure by which an individual property assessment is based solely upon the listed sales price of the property.

E. The assessors shall submit applicable reporting forms to all taxpayers located within their parish, whether taxable or exempt, to ensure equity and uniformity in the assessment and valuation of all properties utilizing proper reporting data. If a taxpayer fails to report or files a false report, the assessors should apply those penalties provided for in state law.

F. The assessor shall collect and consider publicly available information and data, as well as market sales, cost, and income data, in determining fair value, and shall consider such information in determining fair market value. Any publicly available information and data, including market sales, cost, and income data, is deemed to have been presented to the assessor prior to the deadline for filing a complaint with the Board of Review provided for in R.S. 47:1992. Such information includes, but is not limited to:

1. aerial or other photography;

2. any Louisiana public record, including those of the Clerks of Court or other political subdivisions, including but not limited to building permits, conveyance records, city directories, occupancy permits, or demolition permits, and of the Department of Natural Resources, including but not limited to data from the Strategic Online Natural Resource Information System (SONRIS);

3. CAMA and/or mapping records;

4. public records;

5. legal news publications;

6. newspaper publications;

7. 911 Emergency Response System records;

8. occupational licenses;

9. occupancy permits;

10. physical inspections;

11. sales data, including but not limited to multiple listings reports (e.g. Multiple Listing Service and DeedFax);

12. utility records;

13. voter registrations;

14. cost data or cost guides and their related sources, including but not limited to N.A.D.A., Manufactured Housing Appraisal Guide and Marshall and Swift Cost Manual;

15. income data or income guides and their related sources, including but not limited to reports from the National Apartment Association, Trends reports, the HOST Almanac, and Multiple Listing Service.

G. The LTC recommends that the assessor preserve a copy of all documents and written communication submitted by a taxpayer and shall maintain an individual file for each assessment/taxpayer for at least four years and shall record the date each document was received. In addition to a copy of any documents, the LTC recommends that the assessor also maintain a log of all non-written communication from a taxpayer, including the date of the communication, a brief summary of the communication, and the name and contact information of the persons privy to the communication, which shall be maintained in the individual file for such assessment/taxpayer. Such documents, written communication, and log of non-written communication shall be confidential and not available to the public.

H. When performing a valuation of any affordable rental housing property, the assessor shall not consider any of the following in determining fair market value:

1. income tax credits available to the property under Section 42 of the Internal Revenue Code;

2. below-market interest rate on financing obtained under the Home Investment Partnership Program under the Cranston-Gonzales National Affordable Housing Act, or the Federal Home Loan Bank Affordable Housing Program established pursuant to the Financial Institution Reform, Recovery, and Enforcement Act of 1989;

3. any other federal, state, or similar program intended to provide or finance affordable rental housing to persons of low or moderate income and requiring restricted occupancy and rental rates based on the income of the persons occupying such housing.

I. The fair market value of real property determined by the commission in connection with a review of the correctness of an assessment under R.S. 47:1989 shall be utilized by the assessor for assessment purposes in the subsequent tax years until reappraisal in a future mandated reappraisal year, unless there has been a change in the physical condition of the property that would justify reappraisal or a change in value. Nothing in this

subparagraph shall be interpreted or applied to limit an assessor's ability or obligation to reduce an assessment due to a change in the condition of the property or under R.S. 47:1978 or R.S. 47:1978.1.

NOTE: Also see, Chapter 1, §111.D. thru D.3. and Chapter 3, §303.C.4. thru C.4.c.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 18, et seq., R.S. 47:1703, R.S. 47:1703.1, R.S. 47:1703.C., R.S. 47:1837, R.S. 47:1951, et seq., R.S. 47:1952, R.S. 47:1953, R.S. 47:1955, R.S. 47:1956, R.S. 47:1957, R.S. 47:1959, R.S. 47:1961, R.S. 47:1971, R.S. 47:1972, R.S. 47:2306, R.S. 47:2323, R.S. 47:2324; R.S. 47:2325, R.S. 47:2329, R.S. 47:2330, and R.S. 47:2331.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), LR 34:678 (April 2008), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:649 (April 2017), LR 46:560 (April 2020), LR 48:1519 (June 2022).

Chapter 3. Real and Personal Property

§301. Definitions

Composite Multiplier—a factor obtained by multiplying the cost index for the base year times percent good.

Depreciation—loss in value of an object, relative to its replacement cost new, reproduction cost new, or original cost, whatever the cause of the loss in value. Depreciation is sometimes subdivided into three types: physical deterioration (wear and tear), functional obsolescence (suboptimal design in light of current technologies or tastes), and economic obsolescence (poor location or radically diminished demand for the product.

Economic Life—the normal useful life of the property as experienced by a particular business or industry.

External (Economic) Obsolescence—the loss of appraisal value (relative to the cost of replacing a property with property of equal utility) resulting from causes outside the property that suffers the loss. Usually locational in nature in the depreciation of real estate, it is more commonly marketwide in personal property, and is generally considered to be economically infeasible to cure.

Effective Age of a Property—its age compared with other properties performing like functions. It is the actual age less the age which has been taken off by face-lifting, structural reconstruction, removal of functional inadequacies, modernization of equipment, etc. It is an age which reflects a true remaining life for the property, taking into account the typical life expectancy of buildings or equipment of its class and usage. It is a matter of judgment, taking all factors into consideration.

Extended Life Expectancy—the increased life expectancy due to seasoning and proven ability to exist. Just as a person will have a total normal life expectancy at birth which increases as he grows older, so it is with structures and equipment.

Fair Market Value—the price for property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances; it shall be the highest price estimated in terms of money which property will bring if exposed for sale on the open market with reasonable time allowed to find a purchaser who is buying with knowledge of all the uses and purposes to which the property is best adopted and for which it can be legally used.

Functional Obsolescence—loss in value due to lack of utility or desirability of part or all the property, inherent to the improvement or equipment. Thus a new structure or piece of equipment may suffer functional obsolescence.

Inventory—raw materials, work in process, finished goods or supplies.

Non-Operating or *Non-Utility Property*—property owned by a public service company used for purposes other than the normal operation of that public service company. See §2901 for further details.

Obsolescence—a decrease in the value of a property occasioned solely by shifts in demand from properties of this type to other types of property and/or to personal services. Some of the principal causes of obsolescence are:

1. changes in the esthetic arts;

2. changes in the industrial arts, such as new inventions and new processes;

3. legislative enactments;

4. change in consumer demand for products that results in inadequacy or overadequacy;

5. migration of markets that results in misplacement of the property.

Percent Good—equals 100 percent less the percentage of cost represented by depreciation. It is the present value of the structure or equipment at the time of appraisal, divided by its replacement cost.

Physical Depreciation—loss in value due to physical deterioration.

Reconciliation—the final step in the valuation process wherein consideration is given to the relative strengths and weaknesses of the three approaches to value, the nature of the property appraised, and the quantity and quality of available data in formation of an overall opinion of value (either a single point estimate or a range of value). Also termed "correlation" in some texts.

Remaining Life—the normal remaining life expectation. It is the length of time the structure or equipment may be expected to continue to perform its function economically.

Rules and Regulations of the Tax Commission—guidelines and procedures adopted which establish criteria to be applied uniformly in determining fair market value, use value and/or assessed value as stated in the Section applicable to a particular type or class of property.

Taxpayer—as used in the Tax Commission's Rules and Regulations, the terms "taxpayer" and "property owner" are interchangeable and mean the individual(s) and/or entity(ies) who own the property and/or is responsible for payment of property taxes

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1853 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:77 (February 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 10:16 (January 1984), LR 13:763 (December 1987), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 32:427 (March 2006), LR 47:456 (April 2021), LR 48:1520 (June 2022).

§303. Real Property

A. In making appraisals of any real property, including but not limited to residential, commercial and industrial land and improvements, the assessors shall follow the criteria and requirements in §111 of this Part.

B. The following procedure shall be used for assessing, listing and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Tax Commission.

1. Improvements shall be added to the rolls based upon the condition of things existing on January 1 of each year (except Orleans Parish). New improvements for Orleans Parish shall be added to the next year's tax roll, based upon the condition of things existing on August 1 of each year. The value of the improvements shall be in accordance with the uniform valuation date and quadrennial reappraisal cycle as determined by the Tax Commission.

C. In assessing affordable rental housing, the income approach is recommended. As defined in this Section, *affordable rental housing* means residential housing consisting of one or more rental units, the construction and/or rental of which is subject to section 42 of the *Internal Revenue Code* (26 USC 42), the Home Investment Partnership Program under the Cranston-Gonzalez National Affordable Housing Act (42 USC 12741 et seq.), the Federal Home Loan Banks Affordable Housing Program established pursuant to the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989 (*Public Law* 101-73), or any other federal, state or similar program intended to provide affordable housing to persons of low or moderate income and the occupancy and maximum rental rates of such housing are restricted based on the income of the persons occupying such housing.

1. When utilizing the income approach in appraising affordable rental housing as defined herein, the total potential and/or anticipated rental income a property may generate shall be limited by the covenants and restrictions that burden the property. Hypothetical (or anticipated) market rent shall not be utilized in appraising affordable rental housing without taking into account the covenants and restrictions burdening the property.

2. Audited financial statements shall be submitted to the assessor as an attachment to the LAT filing, or as soon thereafter as practicable, but no later than June 15 of each year. For properties under construction and newly constructed property prior to the first full year of operation, the owner shall provide net operating income based on projected or pro-forma operating income and expense information.

3. The capitalization rate shall be set by the Tax Commission in conjunction with its rulemaking session.

a. It is recommended that the capitalization rate for affordable rental housing properties categorized as tier 1 shall be within a range of 5.5-6.5 percent, increased by the effective tax rate; for affordable rental housing properties categorized as tier 2 shall be within a range of 6.5-7.5 percent, increased by the effective tax rate; and for affordable rental housing properties categorized as tier 3 shall be within a range of 7.5-8.5 percent, increased by the effective tax rate. The tiers are as established and defined by the Real Estate Research Corporation for Apartment Investment Properties. These capitalization rates shall remain in effect until modified by the Tax Commission in accordance with its rulemaking authority.

4. When performing a valuation of any affordable rental housing property, the assessor shall not consider any of the following in determining fair market value:

a. Income tax credits available to the property under section 42 of the *Internal Revenue Code*.

b. Below-market interest rate on financing obtained under the Home Investment Partnership Program under the Cranston-Gonzales National Affordable Housing Act, or the Federal Home Loan Bank Affordable Housing Program established pursuant to the Financial Institution Reform, Recovery, and Enforcement Act of 1989.

c. Any other federal, state, or similar program intended to provide or finance affordable rental housing to persons of low or moderate income and requiring restricted occupancy and rental rates based on the income of the persons occupying such housing.

NOTE: Also see, Chapter 1, §111.D. thru D.3. and Chapter 2, §213.G. thru G.3.

5. The income approach is recommended when assessing affordable rental housing. However, if another approach to value is utilized, the covenants and restrictions burdening the property must be considered and given the appropriate and proportional weight in the valuation process.

a. Although not recommended, if the sales comparison (market) approach is utilized to value affordable rental housing, the assessor's office must compare sales of comparable rent restricted properties. For affordable rental housing properties, the assessor must either use sales of other affordable rental housing properties (with the same or substantially similar restrictions and covenants) or, if that data isn't available, calculate adjustments to the sales of non-rent restricted, but otherwise comparable, properties. The assessor must specifically consider the restrictions on rent, transferability of the property, and the other covenants

burdening the subject property in calculating and applying these adjustments.

b. Although not recommended, if the cost approach is utilized to value affordable rental housing, the assessor must calculate and subtract economic and functional obsolescence due to the restrictions on rent, the transferability of the property, and the other covenants burdening the subject property from the replacement cost. The assessor must consider all of the covenants burdening the subject property in calculating and applying obsolescence.

6. If an approach other than the income approach is utilized to value affordable rental housing, the assessor should also perform an income approach to value to verify the accuracy of the value determined by the other approach(es). If the income approach to value is substantially different (more than 10 percent) than the other approach(es) to value, it is strongly recommended that the income approach to value be used to ensure a fair and accurate valuation and assessment of the subject property.

D. All real property shall be reappraised based on a mandatory quadrennial reappraisal cycle, as set forth herein.

1. All real property shall be reappraised for the 2016 tax year in all parishes. Beginning in tax year 2016, all real property is to be valued as of January 1, 2015.

2. All real property shall be reappraised for the 2020 tax year in all parishes. Beginning in tax year 2020, all real property is to be valued as of January 1, 2019.

3. All real property shall be reappraised for the 2024 tax year in all parishes. Beginning in tax year 2024, all real property is to be valued as of January 1, 2023.

E. The annual ratio studies of the Tax Commission shall be performed in accordance with the uniform valuation date and quadrennial reappraisal cycle as determined by the Tax Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:487 (March 2004), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 42:745 (May 2016), LR 43:650 (April 2017), LR 44:577 (March 2018), LR 44:577 (March 2018), LR 45:532 (April 2019), LR 46:560 (April 2020), LR 48:1521 (June 2022).

§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications

A. Electronic Change Order Specifications

NOTES: Programmer must allow for all fields listed below, whether they have values or not. The tilde (~) will be used as the delimiter for character data and the comma (,) will be used as the field delimiter. (See examples) It is not necessary to use spaces between commas that contain no data. Each record is a line in the ASCII text file and must have a carriage return and line feed at the end of each line.

Please Note: Please contact the Louisiana Tax Commission (225) 925-7830 Extension 212 or the Tax Commission's web site www.latax.state.la.us/download.asp for the latest specifications before creating the files listed below.

Change Order Information				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_year	Numeric	4	Yes	Tax year submitting (ex. 2000,2001,2002,2003,2004, 2005)
FIPS_code	Numeric	5	Yes	Parish identification number. FIPS table furnished (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Ward	Character	3	Yes	Ward identification number.
Assessor_ref_no	Character	15	No	Assessor's Change Order reference item number assigned by the Assessor's staff.
Place_FIPS	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS table.)
Parcel_address	Character	50	No	Parcel, Physical or E911 Address of property location.
Assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
Assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free
Homestead_exempt	Numeric	1	Yes	0 = None (Default), 1 = Homestead Exemption, 2 = Over 65 Freeze
Homestead_percent	Numeric	3	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100 = 100% - Default)
Restoration_tax_expmt	Character	1	Yes	Restoration Tax Abatements of historical property. "N" = No (Default), "Y" = Yes
Taxpayer_name	Character	50	Yes	Taxpayer's name. (Format: Last, First or Company Name)
Contact_name	Character	50	No	Contact's name for corporate taxpayers or C/O accounts.
Taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
Taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
Taxpayer_addr3	Character	40	No	Taxpayer's address line 3.
TC_fee_pd	Character	1	No	Tax Commission fee paid. "N" = No (Default), "Y" = Yes
Reason	Character	100	Yes	Reason for requesting change order. (See LTC Reasons List.)
Check_no	Character	10	No	Check number if Tax Commission fee is due.
Check_amount	Numeric	6	No	Check amount if Tax Commission fee is due.
LTC_sub_class_old1	Character	4	Yes	Old LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)

Change Order Information				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
LTC_sub_class_new1	Character	4	Yes	New LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old1	Numeric	6	Yes	Old quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new1	Numeric	6	Yes	New quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old1	Character	1	Yes	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new1	Character	1	Yes	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old1	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new1	Numeric	1	Yes	New status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total1	Numeric	10	Yes	Old total assessed value of property class item 1.
Value_new_total1	Numeric	10	Yes	New total assessed value of property class item 1.
Value_old_hs1	Numeric	4	Yes	Old homestead credit of property class item 1.
Value_new_hs1	Numeric	4	Yes	New homestead credit of property class item 1.
Value_old_tp1	Numeric	9	Yes	Old taxpayer's share of assessed value of property class item 1.
Value_new_tp1	Numeric	9	Yes	New taxpayer's share of assessed value of property class item 1.
LTC_sub_class_old2	Character	4	No	Old LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new2	Character	4	No	New LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old2	Numeric	6	No	Old quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new2	Numeric	6	No	New quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old2	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new2	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old2	Numeric	1	No	Old status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new2	Numeric	1	No	New status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total2	Numeric	10	Yes	Old total assessed value of property class item 2.
Value_new_total2	Numeric	10	Yes	New total assessed value of property class item 2.
Value_old_hs2	Numeric	4	No	Old homestead credit of property class item 2.
Value_new_hs2	Numeric	4	No	New homestead credit of property class item 2.
Value_old_tp2	Numeric	9	No	Old taxpayer's share of assessed value of property class item 2.
Value_new_tp2	Numeric	9	No	New taxpayer's share of assessed value of property class item 2.
LTC_sub_class_old3	Character	4	No	Old LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new3	Character	4	No	New LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old3	Numeric	6	No	Old quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new3	Numeric	6	No	New quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old3	Character	1	No	Old unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
Units_new3	Character	1	No	New unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
Other_exempt_old3	Numeric	1	No	Old status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new3	Numeric	1	No	New status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total3	Numeric	10	Yes	Old total assessed value of property class item 3.
Value_new_total3	Numeric	10	Yes	New total assessed value of property class item 3.
Value_old_hs3	Numeric	4	No	Old homestead credit of property class item 3.
Value_new_hs3	Numeric	4	No	New homestead credit of property class item 3.

Change Order Information				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Value_old_tp3	Numeric	9	No	Old taxpayer's share of assessed value of property class item 3.
Value_new_tp3	Numeric	9	No	New taxpayer's share of assessed value of property class item 3.
LTC_sub_class_old4	Character	4	No	Old LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new4	Character	4	No	New LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old4	Numeric	6	No	Old quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new4	Numeric	6	No	New quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total4	Numeric	10	Yes	Old total assessed value of property class item 4.
Value_new_total4	Numeric	10	Yes	New total assessed value of property class item 4.
Value_old_hs4	Numeric	4	No	Old homestead credit of property class item 4.
Value_new_hs4	Numeric	4	No	New homestead credit of property class item 4.
Value_old_tp4	Numeric	9	No	Old taxpayer's share of assessed value of property class item 4.
Value_new_tp4	Numeric	9	No	New taxpayer's share of assessed value of property class item 4.
LTC_sub_class_old5	Character	4	No	Old LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new5	Character	4	No	New LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old5	Numeric	6	No	Old quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new5	Numeric	6	No	New quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old5	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new5	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old5	Numeric	1	No	Old status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new5	Numeric	1	No	New status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total5	Numeric	10	Yes	Old total assessed value of property class item 5.
Value_new_total5	Numeric	10	Yes	New total assessed value of property class item 5.
Value_old_hs5	Numeric	4	No	Old homestead credit of property class item 5.
Value_new_hs5	Numeric	4	No	New homestead credit of property class item 5.
Value_old_tp5	Numeric	9	No	Old taxpayer's share of assessed value of property class item 5.
Value_new_tp5	Numeric	9	No	New taxpayer's share of assessed value of property class item 5.
LTC_sub_class_old6	Character	4	No	Old LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new6	Character	4	No	New LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old6	Numeric	6	No	Old quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new6	Numeric	6	No	New quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old6	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new6	Character	1	No	New unit of measure for item 6. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old6	Numeric	1	No	Old status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new6	Numeric	1	No	New status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total6	Numeric	10	Yes	Old total assessed value of property class item 6.

Change Order Information				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Value_new_total6	Numeric	10	Yes	New total assessed value of property class item 6.
Value_old_hs6	Numeric	4	No	Old homestead credit of property class item 6.
Value_new_hs6	Numeric	4	No	New homestead credit of property class item 6.
Value_old_tp6	Numeric	9	No	Old taxpayer's share of assessed value of property class item 6.
Value_new_tp6	Numeric	9	No	New taxpayer's share of assessed value of property class item 6.
LTC_sub_class_old7	Character	4	No	Old LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new7	Character	4	No	New LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old7	Numeric	6	No	Old quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new7	Numeric	6	No	New quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old7	Character	1	No	Old unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new7	Character	1	No	New unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old7	Numeric	1	No	Old status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new7	Numeric	1	No	New status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total7	Numeric	10	Yes	Old total assessed value of property class item 7.
Value_new_total7	Numeric	10	Yes	New total assessed value of property class item 7.
Value_old_hs7	Numeric	4	No	Old homestead credit of property class item 7.
Value_new_hs7	Numeric	4	No	New homestead credit of property class item 7.
Value_old_tp7	Numeric	9	No	Old taxpayer's share of assessed value of property class item 7.
Value_new_tp7	Numeric	9	No	New taxpayer's share of assessed value of property class item 7.
LTC_sub_class_old8	Character	4	No	Old LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new8	Character	4	No	New LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old8	Numeric	6	No	Old quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new8	Numeric	6	No	New quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old8	Character	1	No	Old unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new8	Character	1	No	New unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old8	Numeric	1	No	Old status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new8	Numeric	1	No	New status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total8	Numeric	10	Yes	Old total assessed value of property class item 8.
Value_new_total8	Numeric	10	Yes	New total assessed value of property class item 8.
Value_old_hs8	Numeric	4	No	Old homestead credit of property class item 8.
Value_new_hs8	Numeric	4	No	New homestead credit of property class item 8.
Value_old_tp8	Numeric	9	No	Old taxpayer's share of assessed value of property class item 8.
Value_new_tp8	Numeric	9	No	New taxpayer's share of assessed value of property class item 8.
LTC_sub_class_old9	Character	4	No	Old LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new9	Character	4	No	New LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old9	Numeric	6	No	Old quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new9	Numeric	6	No	New quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old9	Character	1	No	Old unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new9	Character	12	No	New unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old9	Numeric	1	No	Old status of any special exemptions to be applied to item 9. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new9	Numeric	1	No	New status of any special exemptions to be applied to item 9.

Change Order Information				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
				0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total9	Numeric	10	Yes	Old total assessed value of property class item 9.
Value_new_total9	Numeric	10	Yes	New total assessed value of property class item 9.
Value_old_hs9	Numeric	4	No	Old homestead credit of property class item 9.
Value_new_hs9	Numeric	4	No	New homestead credit of property class item 9.
Value_old_tp9	Numeric	9	No	Old taxpayer's share of assessed value of property class item 9.
Value_new_tp9	Numeric	9	No	New taxpayer's share of assessed value of property class item 9.
LTC_sub_class_old10	Character	4	No	Old LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
LTC_sub_class_new10	Character	4	No	New LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Quantity_old10	Numeric	6	No	Old quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Quantity_new10	Numeric	6	No	New quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
Units_old10	Character	1	No	Old unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Units_new10	Character	1	No	New unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property
Other_exempt_old10	Numeric	1	No	Old status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Other_exempt_new10	Numeric	1	No	New status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
Value_old_total10	Numeric	10	Yes	Old total assessed value of property class item 10.
Value_new_total10	Numeric	10	Yes	New total assessed value of property class item 10.
Value_old_hs10	Numeric	4	No	Old homestead credit of property class item 10.
Value_new_hs10	Numeric	4	No	New homestead credit of property class item 10.
Value_old_tp10	Numeric	9	No	Old taxpayer's share of assessed value of property class item 10.
Value_new_tp10	Numeric	9	No	New taxpayer's share of assessed value of property class item 10.
Property_desc	Character	Unlimited	Yes	Personal, Public Service or Real Estate Property Description (Legal Description).

Fields listed in these specifications highlighted in yellow indicate newly added fields for the current tax year. Fields listed in these specifications highlighted in turquoise indicate an existing field revised showing old-field name or value in red below new field name. Always check the Louisiana Tax Commission's (LTC) web site at www.latax.state.la.us for the latest Electronic Change Orders Specifications for uploading batches to the LTC's "On-line Change Order System" web site. All files created by an Assessor's office and/or their software vendor is subject to review and testing by the Louisiana Tax Commission for compliance and accuracy of data submitted. A sample of data in the format designated herein is due to the Louisiana Tax Commission by October 15th each year for testing and certification of the format by the Tax Commission.

B. Property Classifications Standards

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Real Estate				
10	Agricultural Lands Class I	1000	Agricultural Lands Class I (Use Value)	Agricultural Land—Class I containing 3 acres or more in area using the first four classifications of the U.S. Soil Conservation Service.
		1050	Agricultural Lands Class I Less Than 3 Acres (Use Value)	Agricultural Land—Class I containing less than 3 acres in area using the first four classifications of the U.S. Soil Conservation Service.
11	Agricultural Lands Class II	1100	Agricultural Lands Class II (Use Value)	Agricultural Land—Class II containing 3 acres or more in area using the first four classifications of the U.S. Soil Conservation Service.
		1150	Agricultural Lands Class II Less Than 3 Acres (Use Value)	Agricultural Land—Class II containing less than 3 acres in area using the first four classifications of the U.S. Soil Conservation Service.
12	Agricultural Lands Class III	1200	Agricultural Lands Class III (Use Value)	Agricultural Land—Class III containing 3 acres or more in area using the first four classifications of the U.S. Soil Conservation Service.
		1250	Agricultural Lands Class III Less Than 3 Acres (Use Value)	Agricultural Land—Class III containing less than 3 acres in area using the first four classifications of the U.S. Soil Conservation Service.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		1265	Agricultural Lands Class IIIW (Use Value)	Agricultural Land—Class III (65%) Class IV (35%) containing 3 acres or more in area using the first four classifications of the U.S. Soil Conservation Service.
13	Agricultural Lands Class IV	1300	Agricultural Lands Class IV (Use Value)	Agricultural Land—Class IV containing 3 acres or more in area using the first four classifications of the U.S. Soil Conservation Service.
		1350	Agricultural Lands Class IV Less Than 3 Acres (Use Value)	Agricultural Land—Class IV containing less than 3 acres in area using the first four classifications of the U.S. Soil Conservation Service.
15	Timberlands Class I	1500	Timberlands Class I (Use Value)	Timberland—Class I containing 3 acres or more in area capable of producing more than 120 cubic feet of timber per acre per annum.
		1550	Timberlands Class I Less Than 3 Acres (Use Value)	Timberland—Class I containing less than 3 acres in area capable of producing more than 120 cubic feet of timber per acre per annum.
16	Timberlands Class II	1600	Timberlands Class II (Use Value)	Timberland—Class II containing 3 acres or more in area capable of producing more than 85 but less than 120 cubic feet of timber per acre per annum.
		1650	Timberlands Class II Less Than 3 Acres (Use Value)	Timberland—Class II containing less than 3 acres in area capable of producing more than 85 but less than 120 cubic feet of timber per acre per annum.
17	Timberlands Class III	1700	Timberlands Class III (Use Value)	Timberland—Class III containing 3 acres or more in area capable of producing less than 85 cubic feet of timber per acre per annum.
		1750	Timberlands Class III Less Than 3 Acres (Use Value)	Timberland—Class III containing less than 3 acres in area capable of producing less than 85 cubic feet of timber per acre per annum.
18	Timberlands Class IV	1800	Timberlands Class IV (Use Value)	Timberland—Class IV containing 3 acres or more in area capable of producing less than 85 cubic feet of timber per acre per annum and which is subject to periodic overflow from natural or artificial water courses, and which is otherwise consider to be swampland.
		1850	Timberlands Class IV Less Than 3 Acres (Use Value)	Timberland—Class IV containing less than 3 acres in area capable of producing less than 85 cubic feet of timber per acre per annum and which is subject to periodic overflow from natural or artificial water courses, and which is otherwise consider to be swampland.
20	Fresh Water Marsh	2000	Fresh Water Marsh (Use Value)	Fresh Water Marsh containing 3 acres or more in area being wetland not devoted to agricultural, horticultural or timber purposes.
		2050	Fresh Water Marsh Less Than 3 Acres (Use Value)	Fresh Water Marsh containing less than 3 acres in area being wetland not devoted to agricultural, horticultural or timber purposes.
22	Brackish Water Marsh	2200	Brackish Water Marsh (Use Value)	Brackish Water Marsh containing 3 acres or more in area being wetland not devoted to agricultural, horticultural or timber purposes.
		2250	Brackish Water Marsh Less Than 3 Acres (Use Value)	Brackish Water Marsh containing less than 3 acres in area being wetland not devoted to agricultural, horticultural or timber purposes.
24	Salt Water Marsh	2400	Salt Water Marsh (Use Value)	Salt Water Marsh containing 3 acres or more in area being wetland not devoted to agricultural, horticultural or timber purposes.
		2450	Salt Water Marsh Less Than 3 Acres (Use Value)	Salt Water Marsh containing less than 3 acres in area being wetland not devoted to agricultural, horticultural or timber purposes.
30	Other Acreage (Greater than 3 Acres)	3000	Agricultural Acreage (Market Value)	Agricultural Land 3 acres or more in area valued at market level since a use value classification has not been filed with the Assessor's Office.
		3010	Timber Acreage (Market Value)	Timber Land 3 acres or more in area valued at market level since a use value classification has not been filed with the Assessor's Office.
		3020	Marsh Acreage (Market Value)	Marsh Land 3 acres or more in area valued at market level since a use value classification has not been filed with the Assessor's Office.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		3022	Lake Servitude Lands (Market Value)	Lake servitude land containing 3 acres or more in area valued at market level since a use value classification has not been filed with the Assessor's Office.
		3024	Batture Land (Market Value)	Batture land containing 3 acres or more in area valued at market level since a use value classification has not been filed with the Assessor's Office.
		3030	Commercial Acreage (Market Value)	Commercial land 3 acres or more in area designated for office and retail use.
		3040	Industrial Acreage (Market Value)	Industrial land 3 acres or more in area designated for industrial use.
		3050	Institutional Acreage (Market Value)	Institutional land 3 acres or more in area designated for public buildings, schools, churches and properties that have unique uses.
		3060	Residential Acreage (Market Value)	Residential land 3 acres or more in area used for residential permanent improvements such as single-family residences, townhouses and apartments.
		3070	Trailer Parks (Market Value)	Residential land 3 acres or more in size used for trailer parks.
32	Other Acreage (Greater Than 1 Acre But Less Than 3 Acres)	3200	Agricultural Acreage (Market Value)	Agricultural land more than 1 acre but less than 3 acres in area valued as market value since use value form has not been filed with the assessor's office.
		3210	Timber Acreage (Market Value)	Timber land more than 1 acre but less than 3 acres in area valued as market value since use value form has not been filed with the assessor's office.
		3220	Marsh Acreage (Market Value)	Marsh lands more than 1 acre but less than 3 acres in area valued at market value since use value form has not been filed with the assessor's office.
		3222	Lake Servitude Lands (Market Value)	Lake servitude land containing more than 1 acre but less than 3 acres in area valued at market value since use value form has not been filed with the Assessor's Office.
		3224	Batture Lands (Market Value)	Batture land containing more than 1 acre but less than 3 acres in area valued at market value since use value form has nor been filed with the Assessor's Office.
		3230	Commercial Acreage (Market Value)	Commercial land more than 1 acre but less than 3 acres in area designated for office and retail use.
		3232	Golf Course	When the land is to be valued by the hole as opposed to by the acre.
		3240	Industrial Acreage (Market Value)	Industrial land more than 1 acre but less than 3 acres in area designated for industrial use.
		3250	Institutional Acreage (Market Value)	Institutional land more than 1 acre but less than 3 acres in area designated for public buildings, schools, churches and properties that have unique uses.
		3260	Residential Acreage (Market Value)	Residential land more than 1 acre but less than 3 acres in area used for residential permanent improvements such as single-family residences, townhouses and apartments.
		3270	Trailer Parks (Market Value)	Residential land more than 1 acre but less than 3 acres in area used for residential trailer parks.
34	Subdivision Lots	3400	Residential Subdivision Lot	Residential subdivision lots that have recorded plats.
	(As Per Recorded Subdivision Plats)	3410	Trailer Park	Trailer park lots that have recorded plats.
		3420	Commercial Subdivision Lot	Commercial subdivision lots that have recorded plats.
		3430	Industrial Subdivision Lot	Industrial subdivision or business park lots that have recorded plats.
		3440	Institutional Subdivision Lot	Institutional subdivision or campus lots that have recorded plats.
36	Other Lots	3600	Residential Non-Subdivision Lot	Residential non-subdivision lot or parcel not having recorded plats.
	(Consisting of 1 Acre or Less)	3610	Trailer Park	Trailer park non-subdivision lot or parcel not having recorded plats.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		3620	Commercial Non-Subdivision Lot	Commercial acreage less than 3 acres in size (market value).
		3630	Industrial Non-Subdivision Lot	Industrial acreage less than 3 acres in size (market value).
		3640	Institutional Non-Subdivision Lot	Institutional acreage less than 3 acres in size used by government, schools or churches (market value).
		3690	Miscellaneous Lands	Will not be valued in the same manner as other lands. (Ex. Common areas for condominium complexes where the land is assessed to the association but may have a different valuation method from either acreage or residential/commercial subdivision lots. Ex. A sliver of land that remains when a new road/street is cut and the taxpayer is left with this virtually worthless piece of property.)
37	No Land Value	3700	No Land Value (Leased Property)	Land leased by tenant for placement of manufactured homes (mobile home/trailer) or leasehold improvements. (this land class could be used for condominiums where land value is part of the improvement value.)
40	Improvements For Residential Purposes	4000	Single Family Residence	Single Family Residence (Free standing structure or improvement) including decks, patios, pavement, swimming pools, hot tubs (Jacuzzi), gazebos, etc.
		4010	Manufactured Housing	Manufactured housing (mobile homes/trailers).
		4015	Modular Homes	Modular Homes
		4020	Townhouse/Duplexes	Includes townhouse or duplexes. (includes stand alone triplexes and fourplexes.)
		4030	Urban Row Houses	Includes urban row houses.
		4040	Multi-Family (Apartments)	Includes dormitories; high-rise apartments; homes for the elderly; group care homes; fraternity/sorority houses; rooming and boarding houses; bed and breakfast inns; and high-rise row houses. (includes fourplexes or larger units consisting of multiple buildings.)
		4050	Clubhouses	Includes clubhouses used by homeowner associations or apartment complexes.
		4060	Resort Cottages and Cabins	Includes resorts cottages and cabins being used as a residential rental unit.
		4061	A-Frame Cabins	A-Frame Cabins
		4070	Log and Dome Houses	Includes log and dome houses.
		4080	Tropical Housing (Camps)	Includes tropical housing; camps; and boathouses.
		4090	Old Residences (Historical)	Includes older residences that have classified as antique or historical in nature.
		4091	Prefabricated Cottages	Prefabricated Cottages
		4092	Elevated Homes	Elevated Homes
		4095	Storage, Garages and Workshops	Includes residential storage facilities, workshops, barns, stables, detached garages, greenhouses and apartment complex laundromats.
		4099	Unidentified Residential Improvements	Includes those residential improvements yet to be classified by assessor's staff.
45	Improvements: Commercial or Industrial	4500	Clubs and Hotels	Includes hotels; city clubs; mortuaries; clubhouse; senior centers; country clubs; recreational enclosures; and health clubs.
		4510	Motels	Includes motels (extended-stay motels); lodges; bath houses; and guest cottages.
		4520	Stores and Commercial Buildings	Includes restaurants table service, dining atriums and cafeterias (truck stops, fast food and playrooms); markets; drugstores; discount stores; retail stores; department stores; barber shop and beauty salons; laundromats; laundry and dry cleaning stores; shopping centers; bars/taverns and cocktail lounges; convenience markets and mini-marts; dairy sales building; department and mall anchor stores; florist shops; roadside and farmers' markets; neighborhood (community, regional, discount, mixed retail with apartments & offices); shopping center shells; snack bars; warehouse stores: discount, food and showroom.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		4530	Garages, Industrials, Lofts and Warehouses	Includes Industrial Buildings; Laboratories; Lofts; Computer Centers; Passenger Terminals; Broadcasting Facilities (Radio/TV Stations); Armories; Post Offices; Warehouses; Cold Storage Facilities; Creameries; Transit Warehouses; Mini-warehouses; Shipping docks; Loading Docks; Hangers: Maintenance, Storage and T-Hangers; Complete Auto Dealerships; Showrooms; Garages: Service and Repair, Storage (Municipal and Service Sheds) Industrials, Engineering/R&D (Laboratories, Manufacturing, Light/Heavy); Flex-mall Buildings; Mini-lube Garages; Parking Structures; Underground Parking Garages; Surface-level Parking Plots; Surface-level Parking Lots; Misc. Buildings: Bakery, Bottle & Cannery Plants; Control Towers, Laundry, Boiler, Recycling, Sound Stage and Telephone.
		4540	Offices, Medical and Public Buildings	Includes office buildings; atriums/ vestibules; mechanical penthouses; parking level floors; banks: branch, central office and mini-banks; medical office buildings and dental clinics; dispensaries; general hospitals, outpatient and surgical centers; convalescent hospitals; veterinary hospitals; kennels; government buildings, community service, mixed-use facilities; fire stations: staffed and volunteer; jails, correctional facilities and police stations; offices and office building shells; and public libraries.
		4550	Churches, Theaters and Auditoriums	Includes churches, sanctuaries, churches with sunday schools; church fellowship halls, classrooms and foyers/narthexes; fraternal buildings; theaters: cinemas and live stage; auditoriums; casinos; museums; convention centers; arcade buildings; visitor centers; skating rinks; bowling centers; fitness centers; community recreation centers; indoor tennis clubs; handball/racquetball and pavilions.
45	Improvements: Commercial or Industrial	4560	Sheds and Farm Buildings	Includes utility buildings; equipment buildings; golf cart buildings; boat storage buildings and sheds; shed office structures; materials storage buildings; bulk oil storage buildings; toolsheds; prefabricated sheds; lumber storage, vertical buildings; and horizontal sheds; potato storage buildings; fruit packing barns; bulk fertilizer storage; bag fertilizer storage; seed warehouses; cotton gin buildings; dehydrator buildings; dairies; milk houses; barns; free stall barns; barn lofts; hog barns and sheds; sheep barns and sheds; tobacco barns; stables; arenas; poultry houses; greenhouses; labor dormitories; transient labor cabins; corn cribs; farm silos; grain handling systems; grain elevators; livestock, hay and sun shelters; enclosed and screened cages; poultry floor operation, breeder, broiler and turkey barns; sheds, cattle, loafing and feeding; environmental storages; controlled atmosphere buildings; shop buildings and sheds.
		4570	Schools and Classrooms	Elementary, middle, high, alternative, vocational schools; day care centers; colleges and universities; classroom buildings; special education or learning classrooms; laboratory classrooms; lecture classrooms; administrative buildings; academic libraries; fine arts buildings; manual arts and college technical trades buildings; multipurpose buildings; bookstores; gymnasiums; physical education buildings; fieldhouses; natatoriums; shower buildings; restroom buildings; commercial or institutional greenhouses; and maintenance buildings.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		4590	Old Commercial Buildings (Historical)	Includes older residences that have classified as antique or historical in nature.
		4599	Unidentified Commercial Improvements	Commercial improvements yet to be classified by assessor's staff
Personal Property				
50	Inventories and Merchandise	5000	Inventories and Merchandise	Inventories of items that are tangible personal property which are held for sale, process of production, consumed in the production of the goods or services to be available for sale or are utilized in marketing or distribution activities.
51	Machinery and Equipment	5100	Machinery and Equipment	Machinery and equipment
52	Business Furniture and Fixtures	5200	Business Furniture and Fixtures	Office furniture and equipment.
53	Miscellaneous Personal Property	5300	Computer Hardware/Software	Includes computer hardware, software, computer network equipment, printers, etc.
		5310	Electronics	Includes electronic typewriters, copy machines, postage machines, etc.
		5320	Leasehold Improvements	Includes all leasehold improvements being expensed by tenant of rental property.
		5330	Telecommunications Equipment	Includes all telephone systems, telephone switching equipment not public service.
		5340	Cell Towers	Includes cell towers and related equipment not part of public service.
		5350	Video Poker Machines	Includes video poker machines, slot machines and other gambling related equipment.
		5360	Cable Television	Allow vendors to tie the property class to the LAT 8 for reporting on cable television equipment.
		5390	Other	Non-classified miscellaneous personal property not falling into any of the existing defined miscellaneous personal property classes.
		5399	Non-Reporting of LAT	Assessor’s adjustment for non-reporting of LAT Forms.
54	Credits (Insurance and Finance Companies)	5400	Credits	Loan and finance companies personal property.
55	Leased Equipment	5500	Leased Equipment	Lease equipment such as copiers, postage machines, computers, phone systems, heavy equipment, etc.
56	Pipelines (Other than Public Service)	5600	Lease Lines	Pipelines - leased
		5610	Gathering Lines	Pipelines - gathering lines
		5620	Pipelines other than Public Service	Pipelines other than public service pipelines.
57	Oil and Gas Surface Equipment	5700	Oil and Gas Surface Equipment	Oil and gas surface equipment.
	(Units not to Exceed Total Number of Wells)			
60	Watercraft	6000	Watercraft (Inshore)	Watercraft (Inshore) other than those employed in interstate commerce, are subject to valuation and assessment by Parish Assessor.
		6100	Watercraft (Offshore)	Watercraft (Offshore) other than those employed in interstate commerce, are subject to valuation and assessment by Parish Assessor.
62	Aircraft	6200	Private Aircraft	Privately held aircraft.
		6210	Commercial Aircraft	Commercial aircraft other than public service airlines aircraft.
64	Financial Institutions	6400	Financial Institutions	Financial institutions shares of stock of all banks, banking companies, firms, associations or corporations in the banking business.
66	Drilling Rigs	6600	Drilling Rigs	Drilling rigs and related equipment.
68	Oil and Gas Wells	6800	Oil Wells	Oil wells, abandon wells, orphan wells, plug wells
		6801	Future Utility	Future utility
		6802	Non Future Utility	Non future utility
		6810	Gas Wells	Gas wells.
		6811	Future	Future
		6812	Non Future	Non future
		6820	Injection Wells, Service Wells	Injection wells, service wells, saltwater disposal, brine wells, water wells
		6830	Commercial Disposal Wells	Commercial disposal wells

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Public Service				
80	Airline Companies	8000	Aircraft	Commercial Airline Companies' aircraft assessed by the Louisiana Tax Commission.
		8010	Ground Equipment	Commercial Airline Companies' ground equipment assessed by the Louisiana Tax Commission.
81	Barge Line Companies	8100	Barge Lines	Barge Line Companies' assets assessed by the Louisiana Tax Commission.
82	Electric, Gas and Water Companies	8200	Lines	Electric, Gas and Water Companies' lines assessed by the Louisiana Tax Commission.
		8202	Utility Coop - Lines	Coop
		8206	Utility Noncoop - Lines	Noncoop
		8210	Land	Electric, Gas and Water Companies' land assessed by the Louisiana Tax Commission.
		8220	Improvements	Electric, Gas and Water Companies' improvements assessed by the Louisiana Tax Commission.
		8230	Machinery and Equipment	Electric, Gas and Water Companies' machinery and equipment assessed by the Louisiana Tax Commission.
		8240	Construction Work In Progress	Electric, Gas and Water Companies' construction work in progress assessed by the Louisiana Tax Commission.
		8250	Other	Electric, Gas and Water Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
83	Pipeline Companies	8300	Lines	Pipeline Companies' pipelines assessed by the Louisiana Tax Commission.
		8310	Oil and Gas Storage	Pipeline Companies' oil and gas storage tanks assessed by the Louisiana Tax Commission.
		8320	Machinery and Equipment	Pipeline Companies' machinery and equipment assessed by the Louisiana Tax Commission.
		8330	Land	Pipeline Companies' land assessed by the Louisiana Tax Commission.
		8340	Right of Ways	Pipeline Companies' right of ways assessed by the Louisiana Tax Commission.
		8350	Open Access	Pipeline Companies' open access assessed by the Louisiana Tax Commission.
		8360	Improvements	Pipeline Companies' improvements assessed by the Louisiana Tax Commission.
		8370	Construction Work in Progress	Pipeline Companies' construction work in progress assessed by the Louisiana Tax Commission.
		8380	Other	Pipeline Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
84	Private Car Line Companies	8400	Private Car Lines	Private Car Line Company assets assessed by the Louisiana Tax Commission.
85	Railroad Companies	8500	Main Lines	Railroad Companies' main lines assessed by the Louisiana Tax Commission.
		8510	Second Lines	Railroad Companies' secondary lines assessed by the Louisiana Tax Commission.
		8520	Side Lines	Railroad Companies' side lines assessed by the Louisiana Tax Commission.
		8530	Land	Railroad Companies' land assessed by the Louisiana Tax Commission.
		8540	Improvements	Railroad Companies' improvements assessed by the Louisiana Tax Commission.
		8550	Other	Railroad Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
		8560	Rolling Stock	Railroad Companies' rolling stock assessed by the Louisiana Tax Commission.
86	Telephone Companies	8600	Lines	Telephone Companies' lines assessed by the Louisiana Tax Commission.
		8610	Land	Telephone Companies' land assessed by the Louisiana Tax Commission.
		8620	Improvements	Telephone Companies' improvements assessed by the Louisiana Tax Commission.

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
		8630	Machinery and Equipment	Telephone Companies' machinery and equipment assessed by the Louisiana Tax Commission.
		8640	Construction Work in Progress	Telephone Companies' construction work in progress assessed by the Louisiana Tax Commission.
		8650	Other	Telephone Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.

C. Electronic Tax Roll Export Specifications

Parish Information (Parish.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
FIPS_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Gov_name	Character	30	Yes	Parish name (Example: St. Tammany Parish)
Gov_agency	Character	40	Yes	Agency name (Example: Assessor's Office)
Address1	Character	30	Yes	Agency address line 1.
Address2	Character	30	Yes	Agency address line 2.
Tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000, 2001, 2002, 2003, 2004, etc.)
City	Character	20	Yes	City name (Example: Covington)
State	Character	2	Yes	State name (Example: LA)
Zip	Numeric	5	Yes	Zip code (Example 70433).
Zip4	Character	4	Yes	Extended zip code (9999).
Assessor_name	Character	45	Yes	Assessor's name

Assessment Information (Assmt.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
FIPS_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
Assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
Assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free, "IE" = Industrial Exemption, "RS" = Restoration and "OT" = Other
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = homestead exemption, 2 = 100% Disabled Vet Homestead and 3 = 100% Unmarried Surviving Spouse of Active Duty Homestead
homestead_percent	Numeric	6.2	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100.00 (Default) = 100%)
Restoration_tax_expmt	Character	1	Yes	Restoration Tax Abatements on historical property. "N" = No (Default), "Y" = Yes
Tax_acct	Numeric	6	No	Tax account or tax bill number for grouping assessments together.
Place_FIPS	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS Table)
Taxpayer_id	Numeric	10	No	Taxpayer's identification number. (Social Security or Federal ID numbers.)
Taxpayer_name	Character	50	Yes	Taxpayer's name.
Contact_name	Character	50	No	Contact's name for company taxpayers or for in care of (C/O) contacts.
Taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
Taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
taxpayer_addr3	Character	40	No	Tax payer's address line 3.
freeze	Numeric	1	Yes	0 = None (default), 1 = Over 65 Freeze, 2 = Disabled, 3 = Disabled Vet Freeze and 4 = Widow of POW/MIA
usufruct	Character	1	Yes	"N" = No (default) and "Y" = Yes

Assessment Value Information (Avalue.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
FIPS_code	Numeric	5	Yes	Parish identification number (PIN). (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Market_value	Numeric	12	Yes	Fair Market Value of the real estate property class or the original cost of the personal property class.
Total_value	Numeric	10	Yes	Total assessed value of the property. (Total of the Taxpayer's (Taxable) share and Homestead credit added together.)
homestead_credit	Numeric	6	Yes	Assessed value to be credited by Homestead Exemption.
Taxpayer_value	Numeric	10	Yes	Assessed value to be paid by Taxpayer (Taxable amount).
Quantity	Numeric	6	Yes	Quantity units in the number of Front Feet, Square Feet, Lot(s), Acre(s), Improvement(s) or Year(s) for Personal Property.

Assessment Value Information (Avalue.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Units	Character	1	Yes	Unit of Measure (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements and "Y" = Year.)
LTC_sub-class_code \	Character	4	Yes	LTC Property Sub-Class Code. (See LTC Property Class Code Listings.) Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
Other_exempt	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional, 4 = Timber and 5 = Marshland

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000, 2001, 2002, 2003, 2004, etc.)
FIPS_code	Numeric	5	Yes	Parish identification number. (see FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Group_description	Character	35	Yes	Millage description if not part of a group or the group name of a millage.
Millage	Numeric	7.3	Yes	Millage (Format: 999.99)
Mill_type	Character	1	Yes	M = millage, f = flat/ltc/variable fees, a = acreage, o = overlay/partial
Place_FIPS	Numeric	5	Yes	Federal place code of taxing authority levying millage. (see FIPS table)
Parish_city	Character	1	Yes	Millage type indicator. "p" = parish tax, "c" = city tax (this field indicates which tax collector is collecting the millage.)
Percent	Numeric	6.2	Yes	Percent of assessed value applicable to the millage. (Applies to split district millages, use 100.00 as default value if percent is not applied.)
Total_tax	Numeric	11.2	Yes	Total taxes assessed to the property. (format: 99999999.99)
Homestead_credit	Numeric	11.2	Yes	Homestead exemption share of taxes credited. (Format: 99999999.99)
Taxpayer_tax	Numeric	11.2	Yes	Taxpayer's share of taxes owed. (format: 99999999.99)

Millage Group Information (Tgroup.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000, 2001, 2002, 2003, 2004, etc.)
FIPS_code	Numeric	5	Yes	Parish identification number. (see FIPS table.)
Group_description	Character	35	Yes	Group description or name of millage.
Millage_description	Character	35	Yes	Description or name of millage.
Millage	Numeric	7.3	Yes	Millage (Format: 999.99)
Flat_mill	Numeric	1	Yes	Indicates flat fee (0=no flat fee, 1=flat fee used)
Flat_fee	Numeric	6.2	Yes	Flat fee amount (format 999.99)
Place_fips	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS Table)

Parcel Information (Parcel.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
FIPS_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
Town_range	Character	7	No	Township/Range. (Format: T7S-R8E)
Section_no	Numeric	3	No	Section number parcel is located.
Ward_no	Character	3	Yes	Ward identification number.
Subd_name	Character	30	Yes	Subdivision name is available of parcel location
Block_no	Character	4	Yes	Subdivision or city block/square number
Lot_no	Character	4	Yes	First subdivision or city lot number owned by a particular owner
Place_fips	Numeric	5	Yes	Federal Place Code of Taxing Authority (See FIPS table)
Tax_dist	Numeric	3	No	Tax district number if available.
par_address	Character	50	Yes	Parcel address. (911 address)
Occupancy	Character	50	Yes	What the structure is being used for (Residence, Office, Retail, etc.)
Vacant_lot	Character	1	Yes	“Y” = Yes, “N” = No (Default)
Transfer_date	Character	10	Yes	Date of purchase (Format: 01/01/1999)
Purchase_price	Numeric	12.2	Yes	Purchase price of the real property only. (Format: 999999999.99) (Sales price required on all recent sales of real estate only.)
Verified	Character	1	Yes	Sale has been confirmed by the Assessor's office as being arms length. "Y" = Yes, "N" = No (Default)
Conv_ book	Character	10	No	Conveyance book number
Conv_folio	Character	10	No	Conveyance page number
Instr_no	Character	8	No	Conveyance instrument number
Instr_type	Character	75	Yes	Type of instrument (Cash, Mortgage, Bond for Deed, etc.)
Lender_id	Character	8	No	Lender or mortgage company’s identification number supplied by Tax Commission.

Parcel Information (Parcel.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_sale	Character	1	No	Y = Yes and N = No (default)
Taxsale_date	Character	10	No	Date of tax sale (Format: 01/01/1999)
assess_date	Character	10	Yes	Date of last assessment/reassessment (Format: 01/01/1999)
Subd_phase	Character	3	Yes	Subdivision phase

Legal Description Information (Legal.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000, 2001, 2002, 2003, 2004, etc.)
FIPS_code	Numeric	5	Yes	Parish identification number. (see FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Legal_description	Character	unlimited	Yes	Full legal description

Additional Owner Information (Owners.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000, 2001, 2002, 2003, 2004, etc.)
FIPS_code	Numeric	5	Yes	Parish identification number. (see FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Taxpayer_id	Numeric	10	No	Taxpayer's identification number.
Own_percent	Numeric	6.2	No	Percent of ownership. (format: 999.99)
Taxpayer_name	Character	50	Yes	Taxpayer's name.
Primary_owner	Character	50	Yes	Primary owner’s name
Contact_name	Character	50	No	Contact's name.
Taxpayer_addr1	Character	40	No	Taxpayer's address line 1.
Taxpayer_addr2	Character	40	No	Taxpayer's address line 2.
Taxpayer_addr3	Character	40	No	Taxpayer's address line 3.

Improvement Information (Improve.txt) (Required)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
FIPS_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Building_use	Character	1	Yes	"C" = commercial, "r" = residential
Structure_no	Character	12	No	Structure number of improvement.
Imp_asqft	Numeric	9.2	No	Square footage of detached auxiliary building. (Format: 999999.99)
Imp_gsqft	Numeric	9.2	Yes	Square footage of carports or garages. (Format: 999999.99)
Imp_lsqft	Numeric	9.2	Yes	Square footage of living, heated or useable area. (Format: 999999.99)
Imp_nsqft	Numeric	9.2	No	Square footage of porches, non living areas. etc. (Format: 999999.99)
Imp_tsqft	Numeric	10.2	No	Square footage of all structures assessed. (Format: 999999.99)
No_baths	Numeric	3.1	No	Number of bathrooms
No_bedrooms	Numeric	2	No	Number of bedrooms
Year_built	Numeric	4	Yes	Year built (Format: 9999)
Life_expectancy	Numeric	2	No	Life expectancy of structure or improvement
fact_cond	Character	40	Yes	Condition of improvement (Worn Out, Badly Worn, Average, Good, Very Good, Excellent)
fact_qual	Character	40	Yes	Quality of construction (Low, Fair, Average, Good, Very Good, Excellent)
Imp_nsqft	Numeric	9.2	No	Square footage of porches, non living areas. etc. (Format: 999999.99)
Fact_wall	Numeric	4	No	Wall construction.
Fact_roof	Numeric	4	No	Roof construction.

Place FIPS Information (FIPS.txt)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
Parish_name	Character	35	Yes	Parish name
FIPS_code	Numeric	5	Yes	Parish FIPS code
Place_name	Character	30	Yes	Place name
Place_FIPS	Numeric	5	Yes	Place FIPS code
Zipcode	Numeric	5	Yes	Place zip code
Class_code	Character	2	Yes	Place classification code - See FIPS class code definitions
Ward_no	Character	3	If applicable	Place ward number if applicable
Tax_name	Character	45	Yes	Taxing entity name
Tax_addr1	Character	30	Yes	Taxing entity address
Tax_addr2	Character	30	No	Taxing entity address line 2
Tax_city	Character	20	Yes	Taxing entity city
Tax_state	Character	2	Yes	Taxing entity state
Tax_zip	Numeric	5	Yes	Taxing entity zip

Tax Exemption Program Information (TEP.txt)				
Field Name	**Field Type**	**Field Length**	**Required**	**Comments**
tax_year	Numeric	4	Yes	Tax year submitting (ex. 2017, 2018)
fips_code	Numeric	5	Yes	Parish FIPS code
assessment_no	Character	20	Yes	Assessment number.
business_name	Character	50	Yes	Business named on the contract
contract_no	Character	20	Yes	Contract number
contract_start_date	Character	10	No	Date contract started (Format: 01/01/1999)
contract_end_date	Character	10	No	Date contract ends (Format: 01/01/1999)
contract_status_type	Character	2	Yes	"IE" = Industrial Exemption, "RS" = Restoration
original_contract_amt	Numeric	12	Yes	Value of the original contract
revised_contract_amt	Numeric	12	No	Current value of contract, if revisions have been made
exemption_percent	Numeric	3	Yes	Default is 100%
fair_market_value	Numeric	12	Yes	Fair Market Value
assessed_value	Numeric	12	Yes	Total assessed value of the property (based on assessment level)
exempt_taxes	Numeric	12	Yes	Total tax amount subject to exemption/abatement

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), amended LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:745 (May 2016), LR 43:651 (April 2017), LR 44:578 (March 2018), LR 45:532 (April 2019), LR 48:1522 (June 2022).

§305. Real Property Report Forms

A. If an assessor chooses to use the self-reporting form, he shall furnish the appropriate self-reporting form for real property to each property owner within his respective parish or district, on or before February 15, in the year in which the property is to be appraised. Upon completion, the property owner shall return the form to the assessor by the first day of April of that year or, 45 days after receipt, whichever is later. The self-reporting forms are to assist the assessor in determining the fair market value of the real property and, if used, shall be delivered to each person in whose name the real property is assessed.

1. LAT 1, the Residential or Homeowner's Report Form, is to be used by the owner reporting any property that consists of land with improvements, whether urban or rural, and used for residential purposes. Space is also provided on this form to report improvements other than residences such as barns, sheds, storage bins, etc. This form is also to be used by the owner of any improvement that is located on land owned by someone other than the owner of the improvement.

2. LAT 2, the Land Report Form, is to be furnished to the owner of any parcel of vacant land. This form is also to be furnished, in addition to the Residential or Homeowner's Report Form, to each landowner with at least 3 acres of land, or with land that has produced an average gross annual income of at least $2,000 in one or more of the designated classifications for the four preceding years. The Land Report Form is not the application form for use value assessment. It is, however, to be used to serve notice of the requirements for obtaining a use value assessment.

3. LAT 3, the Apartment Report Form, in addition to the Land Report Form, is to be used by the owner of any apartment or residential complex that is not applicable to LAT 1. If the land upon which the apartment is located is not owned by the apartment owner, the Land Report Form is not required to be sent to the apartment owner.

4. LAT 4, the Commercial and Industrial Report Form, is to be furnished to and used by the owner of any improvement of a commercial or industrial type.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2324.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:358 (November 1976), amended LR 7:185 (April 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 12:36 (January 1986), LR 13:187 (March 1987), LR 16:1063 (December 1990).

§307. Personal Property Report Forms

A. The appropriate self-reporting Personal Property Report Form, is to be forwarded each year, on or before February 15 in the year in which the property is to be appraised, to each person in whose name the property is assessed. Upon completion, the property owner shall return the form to the assessor by the first day of April of that year or 45 days after receipt, whichever is later. Prior to the deadline for filing a complaint with the Board of Review provided for in R.S. 47:1992, the property owner shall also submit to the assessor, or the designee contracted by the assessor, any and all additional documentation and information the property owner believes is relevant to the determination of fair market value of the reported property. It is the party seeking a fair market value reduction for its property based on obsolescence who has the burden of producing sufficient data and information to substantiate its claim. The assessor shall legitimately consider all evidence and information submitted or publicly available to the assessor, including the consideration of functional and/or economic obsolescence. The assessor shall promptly respond to a taxpayer's request for a reduction in value and/or obsolescence. Both assessors and taxpayers are expected and ordered to act in good faith on issues concerning personal property renditions and requests for a fair market value reduction based on obsolescence. On appeal to the Tax

Commission, the assessor shall be prepared to offer an articulated analysis for the assessor's determination of value, including the consideration of functional and/or economic obsolescence, and shall be prepared to offer an articulated analysis for the assessor's evaluation of the sufficiency of the taxpayer's documentation.

1. LAT Form 5, Personal Property Report Form, should be furnished to all individuals, partnerships, corporations, associations, etc., engaged in business and owning personal property. After receiving completed personal property report forms from any business that has consigned merchandise, or leased, loaned or rented equipment, another LAT Form 5 should be sent to those companies owning such property. Service station owners and all oil and gas related businesses should refer to §903 for specific instructions on completion of this form.

2. LAT Form 5A, Tax Exemption Analysis Form, should be furnished, in addition to LAT Form 5, to all concerns enjoying a tax exemption granted under Article VII, Section 21 (F) of the Louisiana Constitution.

3. LAT Form 6, Loan and Finance Companies Form, should be furnished to all loan and finance companies doing business in the parish or taxing district.

4. LAT Form 7, Cellular Industry Form, should be furnished to all cellular industry companies doing business in the parish or taxing district.

5. LAT Form 8, Cable TV Industry Form, should be furnished to all cable television industry companies doing business in the parish or taxing district.

6. LAT Form 11, Watercraft Form, should be sent to owners of watercraft domiciled in the parish and to all owners operating watercraft out of the parish on the assessment date. This form should be used as a supplement to LAT Form 5 for companies that own such property but are not interstate towing or barge line companies, whose watercraft are assessed by the Tax Commission as public service properties.

7.a. LAT Form 11A, Watercraft-Outer Continental Shelf Waters Form, shall be furnished to all corporations, partnerships, sole proprietorships, joint ventures, partners in commendam, limited liability partnerships, limited liability corporations or individuals engaged in outer continental shelf waters operations, who shall submit said report form as follows:

i. local parish assessor;

ii. Department of Revenue and Taxation, Secretary (pursuant to Act 59 of 1994); and

iii. local tax collector.

b. All forms shall bear original signatures by the applicable taxpayer for certification purposes.

8. LAT Form 12, Oil and Gas Property Form, should be sent to any company, business or individual having such property in the parish or taxing district. Refer to the oil and gas properties section (§903) for specific instructions on completion of this form.

9. LAT Form 13, Drilling Rig and Related Equipment Form, should be sent, in addition to LAT Form 5, to any company, business or individual having such property in the parish or taxing district. Refer to the drilling rigs and related equipment Section (§1101) for specific instructions on completion of this form.

10. LAT Form 14, Pipelines Form, should be furnished to all companies owning and/or operating pipelines other than pipelines which are assessed as public service properties by the Tax Commission. This form is considered to be a supplement to LAT Form 5 and LAT Form 12. Refer to the pipelines Section (§1301) for specific instructions on completion of this form.

11. LAT Form 15, Aircraft Form, should be furnished to all individuals, partnerships, corporations, associations, etc., owning and/or operating an aircraft in Louisiana as of the assessment date. This form is considered to be a supplement to LAT Form 5. Refer to the aircraft Section (§1501) for specific instructions on completion of this form.

B. Forms Related Notations

1. The assessor shall request and receive additional information, if needed, to determine fair market value under the authority of R.S. 47:1957 and as otherwise provided by law.

2. Failure to submit required forms is a waiver of the right to appeal assessed value (R.S. 47:1992.C and F, R.S. 47:2329) and, may result in a penalty (R.S. 47:2330.B).

3. False or fraudulent reporting may result in a penalty (R.S. 47:2330.A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:2324 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Tax Commission, LR 2:358 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 21:186 (February 1995), LR 33:489 (March 2007), LR 45:533 (April 2019), LR 48:1522 (June 2022).

§309. Tax Commission Miscellaneous Forms

A. TC Form 8, Agreement to Suspend Subscription of Ad Valorem Tax Form, should be used when audit or other circumstances deem it appropriate.

B. TC Form 9, Insurance Companies Form, should be sent to all property and casualty insurance companies, both foreign and domestic, licensed to write insurance in Louisiana.

C. TC Form 33, Abstract of Assessments Form, shall be annually completed and furnished to the Tax Commission by each parish assessor on or before the filing of the parish assessment rolls for certification by the Tax Commission.

D. TC Forms C01, C02, C03, C04A and C04B, should be used to electronically process change order requests submitted by tax assessor's offices.

1. All change order forms TC-21, Alpha 4 (Electronic), and/or LTC web site format shall be submitted in accordance with the provisions of Title 47, Sections 1835, 1966, 1990 and 1991. The assessor shall provide each affected taxpayer with a copy of any change order that has been issued.

E. Application For Exemption—Real Estate Taxes may be used for exemption clarification in a case of a protest/appeal to the Tax Commission.

F. TC Form 65, Application for Special Assessment Level, should be used by certain eligible persons, 65 years of age or older, to apply for the special assessment level in accordance with R.S. 47:1712. This form is publicly available on the Louisiana Tax Commission's official website at www.latax.state.la.us.

G. TC Form 75, Homestead Exemption Affidavit shall be used by those persons who may be eligible for the Homestead Exemption pursuant to §3505 of these rules. This form is publicly available on the Louisiana Tax Commission's official website at www.latax.state.la.us.

H. TC Form TC-TU01-A, Tulane Non-Exempt Property Report.

I. TC Form TC-TU01-B, Tulane Non-Exempt Property Report of the Pre-Exemption Property Values.

J. TC Form TC-TU02, Tulane University Exemption Allocation Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1712, R.S. 47:1835, R.S. 47:1837, R.S. 47:1966, R.S. 47:1990. R.S. 47:1991 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 21:186 (February 1995), amended LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 27:424 (March 2001), LR 28:517 (March 2002), LR 30:487 (March 2004), LR 32:430 (March 2006), LR 33:490 (March 2007).

Chapter 5. Loan and Finance Companies

§501. Guidelines for Ascertaining Fair Market Value of Loan and Finance Company Personal Property

A. The taxable personal property of loan and finance companies includes office equipment, office furniture and fixtures, repossessed property and certain credits (loans which are not secured by property located in Louisiana; Column 3, loans secured by personal endorsement; Column 5, and signature loans; Column 6). Loans secured by mortgages on property located in Louisiana are exempted from taxation by authority of the Louisiana Constitution.

B. Each parish assessor shall provide loan and finance companies with copies of LAT Form 5 and LAT Form 6.

1. LAT Form 5 should be utilized to identify the existence and value of office furniture and equipment. When using the cost approach in appraisal of the property, these items are to be brought to present day values and depreciated according to the effective age of the items in compliance with the appropriate tables in §2503 for office equipment and office furniture and fixtures, respectively.

2. LAT Form 6 shall be utilized to identify and value repossessed property, which shall be assessed at 15 percent of fair market value. The value of repossessed property is determined in accordance with the appropriate Section of these rules and regulations.

3. LAT Form 6 shall also be utilized to identify and value taxable credits. Such credits shall be offset and lessened by the actual bona fide accounts payable, bills payable and other liabilities of a similar character (R.S. 47:1962). This is accomplished by determining the percentage taxable receivables (sum of average of third, fifth and sixth columns on face of form) are to average total receivables, then deducting that percentage of allowable payables (sum of average of first, second and third columns on reverse of form) from total taxable receivables. This remainder shall be assessed at 15 percent of fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1962.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 16:1063 (December 1990).

Chapter 7. Watercraft

§701. Guidelines for Ascertaining Fair Market Value of Watercraft

A. General. Watercraft, other than those employed in interstate commerce, are subject to valuation and assessment by parish assessors. Gasoline powered watercraft and vessels employed in fisheries activities for human consumption are exempt from property taxation. As with other forms of personal property, watercraft are to be taxed where situated on January 1. Fair market value is the standard for valuation of watercraft. The procedures for valuation of watercraft follow.

B. Valuation

1. Fair market value is the valuation standard for watercraft. When using the cost approach, the assessor shall estimate the fair market value of each vessel having situs in his parish through use of the information provided him on LAT Form 11.

2. The same procedure shall be used as for other forms of machinery and equipment. That is, cost of the vessel will be brought up to current value through use of the appropriate index and depreciated based on the effective age of the vessel. The appropriate cost index, percent good factors and composite multipliers appear in Tables 703.A and 703.B. Obsolescence may be applied according to days worked as per Table 706. Consideration of additional obsolescence may be granted upon showing evidence of loss, substantiated by the taxpayer in writing.

3. Consideration of Obsolescence When Using the Cost Approach. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

4. Gulf of Mexico Watercraft Fleet. When determining the three approaches to value, the assessor may use a variable annual income approach, as compiled by a certified

marine surveyor-appraisal company, at the request of the Louisiana Assessors' Association, for weighting and correlating current market conditions as a part of the fair market valuation process.

C. Vessel Types and Definitions

1. *Deck Barge*—have both inland and offshore applications and can be used to transport and store materials and liquids at the work site. These are also good for transporting heavy equipment, vehicles, material, rock, sand, building supplies, food, water, etc. Deck barges are also essential for carrying construction-based materials such as cranes, containers, aggregate materials, refinery parts, etc.

2. *Dredge Barge*—the operation of removing material from one part of the water environment and relocating it to another. In all but a few situations the excavation is undertaken by a specialist floating plant, known as a dredger. Dredging is carried out in many different locations and for many different purposes, but the main objectives are usually to recover material that has some value or use, or to create a greater depth of water. Dredging is mandatory to many rivers and harbors to continue keeping the depth and the opening to allow vessels in and out.

3. *Transport Barge*—a made-to-order water transportation vessel. These are built mainly for river and canal transport of bulk goods. Owners can add different walls or winches onto the barge to fit the client's needs.

4. *Crane Barge*—also known as a crane vessel or floating crane, is a vessel with an attached crane specialized in lifting heavy loads. These come in many sizes with the largest crane vessels being used for offshore construction.

5. *Oil Barge*—a vessel with tanks (normally integral tanks) for carriage of oil cargo, including bulk crude oil. Most of these barges are ABS classified. Classifications are defined later in this report. Classes of the vessels are based according to its area of operation, the type of operation, and the nature of cargo. ABS equipment requires thicker steel and more rigorous inspections.

6. *Spar Barge*—a type of floating oil platform typically used in very deep waters and is named for logs used as buoys in shipping that are moored in place vertically. Spar production platforms have been developed as an alternative to conventional platforms. The deep draft design of spars makes them less affected by wind, wave and currents and allows for both dry tree and subsea production.

7. *Shugart Barge*—raked on one end or can be boxed with connecting angle on all 4 sides. These are used for carrying many different materials. These are used on inland waterways.

8. *Spud Barge*—a specialized type of vessel used for marine construction operations. Spud barges are also referred to as jack-up barges and are a flat-decked barge with a large area for storing construction supplies and equipment for use during construction. These barges are not tied together or have a need to be tied to a dock, they are held in position by various length steel spuds (beams) in the ground, this spud is pulled up when relocated. These barges can carry many different materials and come in various sizes.

9. *Pile Driving Barge*—has the ability to assemble Flexifloat® modules into a number of shapes which offers significant advantages in pile-driving operations. For example, it allows a "T"-shaped assemblies permit location for the on-deck machine to get as close to the working edge of the barge as possible while retaining excellent 360-degree stability.

10. *Hopper Barge*—a non-mechanical vessel that cannot move around by itself, unlike some other types of barges. Hopper barges are designed to carry materials, like rocks, sand, soil and rubbish, for dumping into the ocean, a river or lake for land reclamation. Hopper barges are seen in two distinctive types: raked hopper or box hopper barges. The raked hopper barges move faster than the box hoppers; they are both designed for movement of dry bulky commodities.

11. *Tank Barge*—as storage vessels generally used to carry bulk liquids. They may consist of one or more storage tanks separated by interior walls. Some tank barges can be more expensive by being "double skinned" -which means two layers of interior steel for protection.

12. *Pressure Barge*—a container vessel designed to hold gases or liquids at a pressure substantially different from the ambient pressure. Pressure vessels can be dangerous and fatal accidents have occurred in the history of their development and operation. Consequently, pressure vessel design is manufacture and operations are regulated by engineering authorities backed by legislation. For these reasons, the definition of a pressure barge varies from country to country.

13. *Keyway Barge*—designed with a U shape to it so portable truck-mounted drilling rigs can be backed onto the deck of these barges and up to the edge of the key slot. The barge then can be positioned around inland oil wells to perform a variety of procedures necessary to maintain production of the wells. The barge is then lead in place to work around each location.

14. *Industrial Barge*—as its name implies, is a flat decked cargo hauler vessel. It is designed to serve as a mobile base of operations for construction or mining projects. It has three advanced constructors that can fabricate any needed materials and its deck is large enough to carry everything in the Industrial Machinery line. The basic model comes rather bare and many galactic survivalists modify it to suit their needs. This vessel can also be called a flat deck barge or material barge, due to these barges carrying containers, rigs, power plants and many other items.

15. *Industrial Vessel*—a vessel which, by reason of its special outfit, purpose, design, or function engages in certain industrial ventures. This classification includes such vessels as dredges, cable layers, derrick barges, and construction and wrecking barges, but does not include vessels which carry passengers or freight for hire, OSVs, oceanographic research vessels, or vessels engaged in the fisheries.

16. *Pontoon Barge*—a vessel great for inland applications that can be used to store and transport materials quickly esp. for shallow water. They also are great to transport workers to job sites. These barges can also be

convenient to house people working on jobs on unique locations where housing is limited or travel time delays job production.

17. *Dry Dock Barge*—a narrow basin or vessel that can be flooded to allow a load to be floated in, then drained to allow that load to come to rest on a dry platform. Dry dock barges are used for the construction, maintenance, and repairs of marine transportation and other marine equipment.

18. *Quarter Barge*—a vessel that is outfitted with living accommodations, galley rooms, shower and restroom facilities. These barges can be pre-made for crews ranging from 50 people up to 300+ people. They can also be customized to meet the customer's request. They are self-sufficient with generators, potable water and sewage plants

19. *Utility Barge*—a utility barge is a flat-bottomed vessel that can provide a safe working environment and improve confidence when working on the water esp. when carrying freight, typically on canals and rivers.

20. *Utility Vessel*—complements a range of heavy-duty workboats and offshore vessels. The UV Series is comprised of several designs that share the same basic principles: the ability to support a wide variety of light duty operations such as buoy laying, survey and research work, diving operations, lighthouse supply, fire-fighting, pollution control, fish farming and maintenance work.

21. *Jack Up Vessel*—the floating lifting platform, is powered to move around on sea, rivers and canals. When the jack up vessel has reached the desired location, it is then lifted above water level, so the platform is not subjected to the movement of the water. Jack up vessels are mainly used for piling, drilling, building and dredging work. The offshore and maritime sector and the oil and gas industry are the biggest branches in the jack up vessel market. The reason for this is mainly the enormous capacity of the jack up vessels and incredible flexibly.

22. *Offshore Support Vessel* (OSV)—an ocean-going vessel used for transporting cargo, goods, supplies, and crew, as well as for carrying out offshore exploration and production across oil platforms. These provide transportation for workers and products to and from drilling locations.

23. *Platform Supply Vessel* (PSV)—a vessel specially designed to supply offshore oil and gas platforms. These vessels range from 15 to 300 feet in length and accomplish a variety of tasks.

24. *Crew Boat*—a vessel specialized in the transportation of offshore support personnel, deck cargo, and below-deck cargo such as fuel and potable water to and from offshore installations such as oil platforms, drilling rigs, drill and dive ships and wind farms. Majority of these vessels are used to carry crew members to and from job sites.

25. *Dive Vessel*—also called diving support vessel is a ship used in professional diving projects as a floating base. Diving vessels are considered a great mode of transportation and can provide valuable deck space in oil and gas production platforms. These vessels work on pipe lay jobs and provide support for deep water jobs.

26. *Pollution Control Vessel*—can rotate 360 degrees in place and has been specially conceived to operate in small harbor areas, nearby waters, bays and open-seas or offshore activities. Features and options of the Pollution Control, Sea Cleaning Vessel is based on a robust steel catamaran hull.

27. *Model Bow Boats*—tug vessels with pointed bows. They are also the most diversified of all tugs. Model bow tugs can be used in the inland waters and offshore as well. They can be shallow draft or very deep draft depending on what the need of the job is. This is the vessel most people can visualize when the work tugboat is mentioned.

28. *Push Boat*—also known as: pusher, pusher craft, pusher boat, pusher tug, or towboat, is a boat designed for pushing barges or car floats. In the United States, the industries that use these vessels refer to them as towboats. These vessels are characterized by a square bow, a shallow draft, and typically have knees, which are large plates mounted to the bow for pushing barges of various heights. These boats usually operate on rivers and inland waterways. Multiple barges lashed together, or a boat and any barges lashed to it, are referred to as a "tow" and can have dozens of barges. Many of these vessels, especially the long distances, or long-haul boats, include living quarters for the crew.

29. *Offshore* and *Inland Tugs*—primarily used to tug or pull vessels that cannot move by themselves like disabled ships, oil platforms and barges or those that should not move like a big or loaded ship in a narrow canal or a crowded harbor. In addition to these, tugboats are also used as ice breakers or salvage boats and as they are built with firefighting guns and monitors, they assist in the firefighting duties especially at harbors and when required even at sea. With the continuing developments in the shipping industry the ships are growing larger than they ever have been in the marine history. Since it is much easier to maneuver these large ships at sea, an issue has developed with the exceedingly difficult narrow sea strips and harbors these ships have to travel down but, most all of them have problems with sideways movement- esp. when currents are rapid and river levels are high. This is when the need of tugboats are paired with these large vessels to help navigate the narrow waters. This is known in the industry as tug assist and thus the name of the boats. Most tugboats can also venture out in the ocean but the majority of them are not equipped with strong horsepower like the inland river tugs. The Inland River Tugs are tow boats designed to help out in the rivers and canals. They have a hull design that makes it quite dangerous for these boats to venture into open ocean.

30. *Research Vessel* (RV or R/V)—a ship or boat designed, modified, and equipped to carry out research at sea. Many government agencies now charter these vessels for fisheries and dredging projects.

31. *Skiff*—used for several essentially unrelated styles of small boat. Traditionally, these are coastal craft or river craft boats used for leisure, as a utility craft and for fishing, and have a one-person or small crew capacity. Sailing skiffs have developed into high performance competitive classes.

32. *Steamboats*—a boat that is propelled primarily by steam power, typically driving propellers or paddlewheels.

Steamboats sometimes use the prefix designation SS, S.S. or S/S (for 'Screw Steamer') or PS (for 'Paddle Steamer'), however these designations are most often used for steamships. The term steamboat is used to refer to smaller, insular, steam-powered boats working on lakes and rivers, particularly riverboats. As using steam became more reliable, steam power became applied to larger, ocean-going vessels in the marine history. Five major commercial steamboats currently operate on the inland waterways of the United States. The only remaining overnight cruising steamboat is the 432 passenger American Queen, which operates week-long cruises on the Mississippi, Ohio, Cumberland and Tennessee Rivers 11 months out of the year. The others boats only preform day trips: they are the steamers Chautauqua Belle at Chautauqua Lake, New York, Minne Ha-Ha at Lake George, NY, operating on Lake George; the Belle of Louisville in Louisville, Kentucky, operating on the Ohio River; and the Natchez in New Orleans, Louisiana, operating on the Mississippi River.

33. *Riverboat Casino*—a type of casino on a riverboat found in several states in the United States with frontage on the Mississippi River and its tributaries, or along the Gulf Coast. Several states authorized this type of casino in order to enable gaming but limit the areas where casinos could be constructed; it was a type of legal fiction as the riverboats were seldom if ever taken away from the dock.

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:579 (March 2018), LR 47:457 (April 2021).

§703. Tables—Watercraft

A. Floating Equipment—Motor Vessels

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2021	0.939	1	94	.88
2020	1.021	2	87	.89
2019	1.026	3	80	.82
2018	1.063	4	73	.78
2017	1.100	5	66	.73
2016	1.122	6	58	.65
2015	1.113	7	50	.56
2014	1.123	8	43	.48
2013	1.138	9	36	.41
2012	1.147	10	29	.33
2011	1.180	11	24	.28
2010	1.217	12	22	.27
2009	1.208	13	20	.24

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Research Vessel						
110'-139'	4000	$3,000,000	$2,770,470	$2,054,430	$981,960	$865,771.88
140'-179'	4500	$2,500,000	$2,308,725	$1,712,025	$818,300	$781,250
180'-199'	6800	$4,000,000	$3,693,960	$2,739,240	$1,309,280	$1,250,000
200'-219'	8500	$6,000,000	$5,540,940	$4,108,860	$1,963,920	$1,875,000
220'-279'	10000	$9,500,000	$8,773,155	$6,505,695	$3,109,540	$2,968,750
280'-299'	12000	$12,000,000	$11,081,880	$8,217,720	$3,927,840	$3,750,000
300'-319'	16000	$18,000,000	$16,622,820	$12,326,580	$5,891,760	$5,625,000
320'+	18000	$20,000,000	$18,469,800	$13,696,200	$6,546,400	$6,250,000
Dive Vessel						
110'-139'	4000	$3,000,000	$2,770,470	$2,054,430	$981,960	$937,500
140'-179'	4500	$3,000,000	$2,770,470	$2,054,430	$981,960	$937,500
180'-199'	5000	$4,000,000	$3,693,960	$2,739,240	$1,309,280	$1,250,000
200'-219'	6500	$6,000,000	$5,540,940	$4,108,860	$1,963,920	$1,875,000
220'-279'	7500	$9,500,000	$8,773,155	$6,505,695	$3,109,540	$2,968,750
280'-299'	8500	$6,500,000	$6,002,685	$4,451,265	$2,127,580	$2,031,250
300'-319'	9000	$8,000,000	$7,387,920	$5,478,480	$2,618,560	$2,500,000
320'+	10000	$9,500,000	$8,773,155	$6,505,695	$3,109,540	$2,968,750
Pollution Control Vessel						
110'-139'	4000	$2,400,000	$2,216,376	$1,643,544	$785,568	$750,000
140'-179'	4500	$2,400,000	$2,216,376	$1,643,544	$785,568	$750,000
180'-199'	6800	$3,200,000	$2,955,168	$2,191,392	$1,047,424	$1,000,000
200'-219'	8500	$4,800,000	$4,432,752	$3,287,088	$1,571,136	$1,500,000
220'-279'	10000	$7,600,000	$7,018,524	$5,204,556	$2,487,632	$2,375,000
280'-299'	12000	$9,600,000	$8,865,504	$6,574,176	$3,142,272	$3,000,000
300'-319'	16000	$14,400,000	$13,298,256	$9,861,264	$4,713,408	$4,500,000
320'+	18000	$16,000,000	$14,775,840	$10,956,960	$5,237,120	$5,000,000
Platform Supply Vessel						

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	**Day Rate**	**Base Cost**	**2019**	**2018-2014**	**2013-2009**	**2008 & Earlier**
Cost Index			**0.92349**	**0.68481**	**0.32732**	**0.3125**
110'-139'	4000	$3,000,000	$2,770,470	$2,054,430	$981,960	$937,500
140'-179'	4500	$3,000,000	$2,770,470	$2,054,430	$981,960	$937,500
180'-199'	6800	$4,000,000	$3,693,960	$2,739,240	$1,309,280	$1,250,000
200'-219'	8500	$6,000,000	$5,540,940	$4,108,860	$1,963,920	$1,875,000
220'-279'	10000	$9,500,000	$8,773,155	$6,505,695	$3,109,540	$2,968,750
280'-299'	12000	$12,000,000	$11,081,880	$8,217,720	$3,927,840	$3,750,000
300'-319'	16000	$18,000,000	$16,622,820	$12,326,580	$5,891,760	$5,625,000
320'+	18000	$20,000,000	$18,469,800	$13,696,200	$6,546,400	$6,250,000
Jack Up Vessel						
60'-89'	N/A	$3,500,000	$3,232,215	$2,396,835	$1,145,620	$1,093,750
90'-109'	N/A	$3,800,000	$3,509,262	$2,602,278	$1,243,816	$1,187,500
110'-139'	N/A	$4,500,000	$4,155,705	$3,081,645	$1,472,940	$1,406,250
140'-174'	N/A	$5,200,000	$4,802,148	$3,561,012	$1,702,064	$1,625,000
175'-219'	N/A	$6,500,000	$6,002,685	$4,451,265	$2,127,580	$2,031,250
220'-239'	N/A	$8,400,000	$7,757,316	$5,752,404	$2,749,488	$2,625,000
240'+	N/A	$9,500,000	$8,773,155	$6,505,695	$3,109,540	$2,968,750
Inland Tugs						
50-60'X25-35' 600 HP	2000	$1,000,000	$923,490	$684,810	$327,320	$312,500
50-60'X25-45' 900 HP	2400	$1,200,000	$1,108,188	$821,772	$392,784	$375,000
60-70'X30-45' 1200 HP	2600	$1,400,000	$1,292,886	$958,734	$458,248	$437,500
60-70'x30-55' 1500 HP	2850	$1,500,000	$1,385,235	$1,027,215	$490,980	$468,750
70-80'X30-55' 1800 HP	3000	$1,800,000	$1,662,282	$1,232,658	$589,176	$562,500
80-100'X30-50' 2400 HP	4000	$2,800,000	$2,585,772	$1,917,468	$916,496	$875,000
80-100'X30-60' 3000 HP	4200	$3,500,000	$3,232,215	$2,396,835	$1,145,620	$1,093,750
100-120'X45-55' 4200 HP	4300	$3,800,000	$3,509,262	$2,602,278	$1,243,816	$1,187,500
110-150'X30-75' 6000 HP	4800	$5,000,000	$4,617,450	$3,424,050	$1,636,600	$1,562,500
Offshore Tugs						
60-80'X25-35' 1800 HP	3500	$3,200,000	$2,955,168	$2,191,392	$1,047,424	$1,000,000
75-90'X25-35' 2400 HP	3800	$3,500,000	$3,232,215	$2,396,835	$1,145,620	$1,093,750
95-105'X30-40' 3000 HP	4000	$3,800,000	$3,509,262	$2,602,278	$1,243,816	$1,187,500
100-120'X35-50' 4200 HP	4250	$4,500,000	$4,155,705	$3,081,645	$1,472,940	$1,406,250
120-140'X40-60' 6000 HP	4500	$4,800,000	$4,432,752	$3,287,088	$1,571,136	$1,500,000
140-160'X35-60' 10,000 HP	5000	$5,000,000	$4,617,450	$3,424,050	$1,636,600	$1,562,500
Push Boats						
50-60'X25-35' 600 HP	2000	$1,000,000	$923,490	$684,810	$327,320	$312,500
50-60'X25-45' 900 HP	2400	$1,200,000	$1,108,188	$821,772	$392,784	$375,000
60-70'X30-45' 1200 HP	2600	$1,400,000	$1,292,886	$958,734	$458,248	$437,500
60-70'X30-55' 1500 HP	2850	$1,500,000	$1,385,235	$1,027,215	$490,980	$468,750
70-80'X30-55' 1800 HP	3000	$1,800,000	$1,662,282	$1,232,658	$589,176	$562,500
80-100'X30-50' 2400 HP	4000	$2,800,000	$2,585,772	$1,917,468	$916,496	$875,000
80-100'X30-60' 3000 HP	4200	$3,500,000	$3,232,215	$2,396,835	$1,145,620	$1,093,750
100-120'X45-55' 4200 HP	4300	$3,800,000	$3,509,262	$2,602,278	$1,243,816	$1,187,500
110-150'X30-75' 6000 HP	4800	$5,000,000	$4,617,450	$3,424,050	$1,636,600	$1,562,500
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	$2,200,000	$2,031,678	$1,506,582	$720,104	$687,500
50-60'X25-45' 900 HP	N/A	$2,800,000	$2,585,772	$1,917,468	$916,496	$875,000
60-70'X30-45' 1200 HP	N/A	$3,200,000	$2,955,168	$2,191,392	$1,047,424	$1,000,000
75-90'X25-35' 2400 HP	N/A	$6,500,000	$6,002,685	$4,451,265	$2,127,580	$2,031,250
95-105'X30-40' 3000 HP	N/A	$8,200,000	$7,572,618	$5,615,442	$2,684,024	$2,562,500
100-120'X35-50' 4200 HP	N/A	$10,500,000	$9,696,645	$7,190,505	$3,436,860	$3,281,250
120-140'X40-60' 6000 HP	N/A	$13,500,000	$12,467,115	$9,244,935	$4,418,820	$4,218,750
140-160'X35-60' 10,000 HP	N/A	$20,000,000	$18,469,800	$13,696,200	$6,546,400	$6,250,000
Skiff						
Under 20'	50	$90,000	$83,114.10	$61,632.90	$29,458.80	$25,973.16
20'-40'	150	$180,000	$166,228.20	$123,265.80	$58,917.60	$56,250
40'-60’	200	$220,000	$203,167.80	$150,658.20	$72,010.40	$68,750
Steamboat						

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	**Day Rate**	**Base Cost**	**2019**	**2018-2014**	**2013-2009**	**2008 & Earlier**
Cost Index			**0.92349**	**0.68481**	**0.32732**	**0.3125**
120X30	200	$250,000	$230,872.50	$171,202.50	$81,830	$78,125
140X40	400	$450,000	$415,570.50	$308,164.50	$147,294	$140,625
180X54	600	$900,000	$831,141	$616,329	$294,588	$281,250
250X72 Non Class	400	$1,800,000	$1,662,282	$1,232,658	$589,176	$562,500
250X72 Class	600	$2,900,000	$2,678,121	$1,985,949	$949,228	$906,250
260X72 Non Class	400	$1,900,000	$1,754,631	$1,301,139	$621,908	$593,750
260X72 Class	800	$3,000,000	$2,770,470	$1,301,139	$981,960	$937,500
300X100 Non Class	1200	$3,200,000	$2,955,168	$2,191,392	$1,047,424	$1,000,000
300X100 Class	2400	$6,400,000	$5,910,336	$4,382,784	$2,094,848	$2,000,000
400X100 Non Class	3000	$6,000,000	$5,540,940	$4,108,860	$1,963,920	$1,875,000
400X100 Class	6000	$12,000,000	$11,081,880	$8,217,720	$3,927,840	$3,750,000
Riverboat Casino						
120X30	200	$250,000	$230,872.50	$171,202.50	$81,830	$78,125
140X40	400	$450,000	$415,570.50	$308,164.50	$147,294	$140,625
180X54	600	$900,000	$831,141	$616,329	$294,588	$281,250
250X72 Non Class	400	$1,800,000	$1,662,282	$1,232,658	$589,176	$562,500
250X72 Class	600	$2,900,000	$2,678,121	$1,985,949	$949,228	$906,250
260X72 Non Class	400	$1,900,000	$1,754,631	$1,301,139	$621,908	$593,750
260X72 Class	800	$3,000,000	$2,770,470	$2,054,430	$981,960	$937,500
300X100 Non Class	1200	$3,200,000	$2,955,168	$2,191,392	$1,047,424	$1,000,000
300X100 Class	2400	$6,400,000	$5,910,336	$4,382,784	$2,094,848	$2,000,000
400X100 Non Class	3000	$6,000,000	$5,540,940	$4,108,860	$1,963,920	$1,875,000
400X100 Class	6000	$12,000,000	$11,081,880	$8,217,720	$3,927,840	$3,750,000

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		**Average Economic Life 20 Years**		
Year	**Index**	**Effective Age**	**Percent Good**	**Composite Multiplier**
2021	0.939	1	97	.91
2020	1.021	2	93	.95
2019	1.026	3	90	.92
2018	1.063	4	86	.91
2017	1.100	5	82	.90
2016	1.122	6	78	.88
2015	1.113	7	74	.82
2014	1.123	8	70	.79
2013	1.138	9	65	.74

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		**Average Economic Life 20 Years**		
Year	**Index**	**Effective Age**	**Percent Good**	**Composite Multiplier**
2012	1.147	10	60	.69
2011	1.180	11	55	.65
2010	1.217	12	50	.61
2009	1.208	13	45	.54
2008	1.242	14	40	.50
2007	1.291	15	35	.45
2006	1.362	16	31	.42
2005	1.425	17	27	.38
2004	1.532	18	24	.37
2003	1.585	19	22	.35
2002	1.612	20	21	.34
2001	1.622	21	20	.32

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	**Day Rate**	**Base Cost**	**2019**	**2018-14**	**2013-09**	**2008-04**	**2003-1999**	**1998 & Earlier**
Cost Index			**0.95328**	**0.92395**	**0.74816**	**0.68218**	**0.51552**	**0.51552**
Deck								
120x30	100	$250,000	$238,320	$230,987.50	$187,040	$170,545	$128,880	$128,880
140X40	250	$450,000	$428,976	$415,777.50	$336,672	$306,981	$231,984	$231,984
180X54	350	$900,000	$857,952	$831,555	$673,344	$613,962	$463,968	$463,968
250X72 Non Class	400	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
250X72 Class	600	$2,900,000	$2,764,512	$2,679,455	$2,169,664	$1,978,322	$1,495,008	$1,495,008
260X72 Non Class	400	$1,900,000	$1,811,232	$1,755,505	$1,421,504	$1,296,142	$979,488	$979,488
260X72 Class	700	$3,000,000	$2,859,840	$2,771,850	$2,244,480	$2,046,540	$1,546,560	$1,546,560
300X100 Non Class	1200	$3,200,000	$3,050,496	$2,956,640	$2,394,112	$2,182,976	$1,649,664	$1,649,664
300X100 Class	1800	$6,400,000	$6,100,992	$5,913,280	$4,788,224	$4,365,952	$3,299,328	$3,299,328
400X100 Non Class	2500	$6,000,000	$5,719,680	$5,543,700	$4,488,960	$4,093,080	$3,093,120	$3,093,120

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	**Day Rate**	**Base Cost**	**2019**	**2018-14**	**2013-09**	**2008-04**	**2003-1999**	**1998 & Earlier**
Cost Index			**0.95328**	**0.92395**	**0.74816**	**0.68218**	**0.51552**	**0.51552**
400X100 Class	6000	$12,000,000	$11,439,360	$11,087,400	$8,977,920	$8,186,160	$6,186,240	$6,186,240
Dredge								
8" Cutter	N/A	$425,000	$405,144	$392,678.75	$317,968	$289,926.50	$219,096	$219,096
10" Cutter	N/A	$650,000	$619,632	$600,567.50	$486,304	$443,417	$335,088	$335,088
14" Cutter	N/A	$950,000	$905,616	$877,752.50	$710,752	$648,071	$489,744	$489,744
16" Cutter	N/A	$1,100,000	$1,048,608	$1,016,345	$822,976	$750,398	$567,072	$567,072
20" Cutter	N/A	$3,600,000	$3,431,808	$3,326,220	$2,693,376	$2,455,848	$1,855,872	$1,855,872
24" Cutter	N/A	$4,500,000	$4,289,760	$4,157,775	$3,366,720	$3,069,810	$2,319,840	$2,319,840
Transport								
120X30	200	$250,000	$238,320	$230,987.50	$187,040	$170,545	$128,880	$128,880
140X40	400	$450,000	$428,976	$415,777.50	$336,672	$306,981	$231,984	$231,984
180X54	600	$900,000	$857,952	$831,555	$673,344	$613,962	$463,968	$463,968
250X72 Non Class	400	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
250X72 Class	600	$2,900,000	$2,764,512	$2,679,455	$2,169,664	$1,978,322	$1,495,008	$1,495,008
260X72 Non Class	400	$1,900,000	$1,811,232	$1,755,505	$1,421,504	$1,296,142	$979,488	$979,488
260X72 Class	800	$3,000,000	$2,859,840	$2,771,850	$2,244,480	$2,046,540	$1,546,560	$1,546,560
300X72 Non Class	1200	$3,200,000	$3,050,496	$2,956,640	$2,394,112	$2,182,976	$1,649,664	$1,649,664
300X72 Class	2400	$6,400,000	$6,100,992	$5,913,280	$4,788,224	$4,365,952	$3,299,328	$3,299,328
400X100 Non Class	3000	$6,000,000	$5,719,680	$5,543,700	$4,488,960	$4,093,080	$3,093,120	$3,093,120
400X100 Class	6000	$12,000,000	$11,439,360	$11,087,400	$8,977,920	$8,186,160	$6,186,240	$6,186,240
Crane								
120X30	250	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
150X50	400	$2,200,000	$2,097,216	$2,032,690	$1,645,952	$1,500,796	$1,134,144	$1,134,144
180X60	450	$2,600,000	$2,478,528	$2,402,270	$1,945,216	$1,773,668	$1,340,352	$1,340,352
250X72	600	$3,000,000	$2,859,840	$2,771,850	$2,244,480	$2,046,540	$1,546,560	$1,546,560
300X100	750	$4,000,000	$3,813,120	$3,695,800	$2,992,640	$2,728,720	$2,062,080	$2,062,080
Oil								
10K	300	$2,000,000	$1,906,560	$1,847,900	$1,496,320	$1,364,360	$1,031,040	$1,031,040
30K	800	$4,000,000	$3,813,120	$3,695,800	$2,992,640	$2,728,720	$2,062,080	$2,062,080
80K	2000	$6,500,000	$6,196,320	$6,005,675	$4,863,040	$4,434,170	$3,350,880	$3,350,880
120K	3000	$12,000,000	$11,439,360	$11,087,400	$8,977,920	$8,186,160	$6,186,240	$6,186,240
Spar (Holds)								
175X26 (1000 Tons)	200	$2,000,000	$1,906,560	$1,847,900	$1,496,320	$1,364,360	$1,031,040	$1,031,040
195X35 (2200 Tons)	250	$2,200,000	$2,097,216	$2,032,690	$1,645,952	$1,500,796	$1,134,144	$1,134,144
290X35 (3000 Tons)	400	$4,500,000	$4,289,760	$4,157,775	$3,366,720	$3,069,810	$2,319,840	$2,319,840
Shugart								
10X5X2	50	$50,000	$47,664	$46,197.50	$37,408	$34,109	$25,776	$25,776
20X10X4	50	$50,000	$47,664	$46,197.50	$37,408	$34,109	$25,776	$25,776
40X12X5	100	$60,000	$57,196.80	$55,437	$44,889.60	$40,930.80	$30,931.20	$30,931.20
Spud								
110x30	250	$300,000	$285,984	$277,185	$224,448	$204,654	$154,656	$154,656
120X30	250	$1,400,000	$1,334,592	$1,293,530	$1,047,424	$955,052	$721,728	$721,728
140X40	400	$1,600,000	$1,525,248	$1,478,320	$1,197,056	$1,091,488	$824,832	$824,832
140X45	400	$1,600,000	$1,525,248	$1,478,320	$1,197,056	$1,091,488	$824,832	$824,832
180X54	500	$2,000,000	$1,906,560	$1,847,900	$1,496,320	$1,364,360	$1,031,040	$1,031,040
200x60	800	$3,500,000	$3,336,480	$3,233,825	$2,618,560	$2,387,630	$1,804,320	$1,804,320
250X72	900	$3,800,000	$3,622,464	$3,511,010	$2,843,008	$2,592,284	$1,958,976	$1,958,976
Pile Driver								
120X30	150	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
150X50	250	$2,200,000	$2,097,216	$2,032,690	$1,645,952	$1,500,796	$1,134,144	$1,134,144
180X60	375	$2,600,000	$2,478,528	$2,402,270	$1,945,216	$1,773,668	$1,340,352	$1,340,352
250X72	450	$3,000,000	$2,859,840	$2,771,850	$2,244,480	$2,046,540	$1,546,560	$1,546,560
300X100	575	$4,000,000	$3,813,120	$3,695,800	$2,992,640	$2,728,720	$2,062,080	$2,062,080
Hopper (Holds)								
175X26 (1000 Tons)	200	$2,000,000	$1,906,560	$1,847,900	$1,496,320	$1,364,360	$1,031,040	$1,031,040

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	**Day Rate**	**Base Cost**	**2019**	**2018-14**	**2013-09**	**2008-04**	**2003-1999**	**1998 & Earlier**
Cost Index			**0.95328**	**0.92395**	**0.74816**	**0.68218**	**0.51552**	**0.51552**
195X35 (2200 Tons)	250	$2,200,000	$2,097,216	$2,032,690	$1,645,952	$1,500,796	$1,134,144	$1,134,144
290X35	400	$4,500,000	$4,289,760	$4,157,775	$3,366,720	$3,069,810	$2,319,840	$2,319,840
Tank								
10K	400	$1,600,000	$1,525,248	$1,478,320	$1,197,056	$1,091,488	$824,832	$824,832
30K	800	$3,200,000	$3,050,496	$2,956,640	$2,394,112	$2,182,976	$1,649,664	$1,649,664
80K	1700	$5,200,000	$4,957,056	$4,804,540	$3,890,432	$3,547,336	$2,680,704	$2,680,704
120K	3500	$9,600,000	$9,151,488	$8,869,920	$7,182,336	$6,548,928	$4,948,992	$4,948,992
Pressure								
250X50 (16,000 Barrels)	1500	$3,200,000	$3,050,496	$2,956,640	$2,394,112	$2,182,976	$1,649,664	$1,649,664
Keyway								
120X30	200	$200,000	$190,656	$184,790	$149,632	$136,436	$103,104	$103,104
140X40	400	$360,000	$343,180.80	$332,622	$269,337.60	$245,584.80	$185,587.20	$185,587.20
180X54	500	$720,000	$686,361.60	$665,244	$538,675.20	$491,169.60	$371,174.40	$371,174.40
250X72 Non Class	400	$1,440,000	$1,372,723.20	$1,330,488	$1,077,350.40	$982,339.20	$742,348.80	$742,348.80
250X72 Class	600	$2,320,000	$2,211,609.60	$2,143,564	$1,735,731.20	$1,582,657.60	$1,196,006.40	$1,196,006.40
260X72 Non Class	400	$1,520,000	$1,448,985.60	$1,404,404	$1,137,203.20	$1,036,913.60	$783,590.40	$783,590.40
260X72 Class	800	$2,560,000	$2,440,396.80	$2,365,312	$1,915,289.60	$1,746,380.80	$1,319,731.20	$1,319,731.20
300X72 Non Class	1200	$2,560,000	$2,440,396.80	$2,365,312	$1,915,289.60	$1,746,380.80	$1,319,731.20	$1,319,731.20
300X72 Class	2400	$5,120,000	$4,880,793.60	$4,730,624	$3,830,579.20	$3,492,761.60	$2,639,462.40	$2,639,462.40
400X100 Non Class	3000	$4,800,000	$4,575,744	$4,434,960	$3,591,168	$3,274,464	$2,474,496	$2,474,496
400X100 Class	6000	$9,600,000	$9,151,488	$8,869,920	$7,182,336	$6,548,928	$4,948,992	$4,948,992
Industrial								
120X30	200	$250,000	$238,320	$230,987.50	$187,040	$170,545	$128,880	$128,880
140X40	400	$450,000	$428,976	$415,777.50	$336,672	$306,981	$231,984	$231,984
180X54	600	$900,000	$857,952	$831,555	$673,344	$613,962	$463,968	$463,968
250X72 Non Class	400	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
250X72 Class	600	$2,900,000	$2,764,512	$2,679,455	$2,169,664	$1,978,322	$1,495,008	$1,495,008
260X72 Non Class	400	$1,900,000	$1,811,232	$1,755,505	$1,421,504	$1,296,142	$979,488	$979,488
260X72 Class	800	$3,000,000	$2,859,840	$2,771,850	$2,244,480	$2,046,540	$1,546,560	$1,546,560
300X72 Non Class	1200	$3,200,000	$3,050,496	$2,956,640	$2,394,112	$2,182,976	$1,649,664	$1,649,664
300X72 Class	2400	$6,400,000	$6,100,992	$5,913,280	$4,788,224	$4,365,952	$3,299,328	$3,299,328
400X100 Non Class	3000	$6,000,000	$5,719,680	$5,543,700	$4,488,960	$4,093,080	$3,093,120	$3,093,120
400X100 Class	6000	$12,000,000	$11,439,360	$11,087,400	$8,977,920	$8,186,160	$6,186,240	$6,186,240
Pontoon								
30X11X2	50	$7,000	$6,672.96	$6,467.65	$5,237.12	$4,775.26	$3,608.64	$3,608.64
60X15X3	100	$15,000	$14,299.20	$13,859.25	$11,222.40	$10,232.70	$7,732.80	$7,732.80
40X12X3	100	$12,000	$11,439.36	$11,087.40	$8,977.92	$8,186.16	$6,186.24	$6,186.24
Dry Dock								
100'	N/A	$1,800,000	$1,715,904	$1,663,110	$1,346,688	$1,227,924	$927,936	$927,936
200'	N/A	$2,500,000	$2,383,200	$2,309,875	$1,870,400	$1,705,450	$1,288,800	$1,288,800
300'	N/A	$4,000,000	$3,813,120	$3,695,800	$2,992,640	$2,728,720	$2,062,080	$2,062,080
500'	N/A	$6,500,000	$6,196,320	$6,005,675	$4,863,040	$4,434,170	$3,350,880	$3,350,880
Quarter								
10 Person	100	$40,000	$38,131.20	$36,958	$29,926.40	$27,287.20	$20,620.80	$20,620.80
25 Person	250	$50,000	$47,664	$46,197.50	$37,408	$34,109	$25,776	$25,776
50 Person	300	$100,000	$95,328	$92,395	$74,816	$68,218	$51,552	$51,552
300 Person	1000	$2,000,000	$1,906,560	$1,847,900	$1,496,320	$1,364,360	$1,031,040	$1,031,040
500 Person	2000	$4,000,000	$3,813,120	$3,695,800	$2,992,640	$2,728,720	$2,062,080	$2,062,080
Utility								
30X11X2	50	$7,000	$6,672.96	$6,467.65	$5,237.12	$4,775.26	$3,608.64	$3,608.64
40X12X3	100	$12,000	$11,439.36	$11,087.40	$8,977.92	$8,186.16	$6,186.24	$6,186.24

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR

14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:460 (April 2021), LR 48:1522 (June 2022).

§705. Tables—Vessels

A. Table 705.A

Table 705.A Vessels								
Vessel Type/Size	**Base Cost**	**Day Rate**	**Multiplier**	**2019-2014**	**2013-2009**	**2008-2004**	**2003-1999**	**1998 & Earlier**
Cost Index				**0.86**	**0.72**	**0.58**	**0.44**	**0.3**
Crew								
60'-70'	$1,450,000	1800	1.1	$1,371,700	$1,148,400	$925,100	$701,800	$478,500
71'-99’	$1,750,000	2000	1.13	$1,700,650	$1,423,800	$1,146,950	$870,100	$593,250
100'-119'	$2,000,000	2200	1.33	$2,287,600	$1,915,200	$1,542,800	$1,170,400	$798,000
120'140'	$2,500,000	2400	1.23	$2,644,500	$2,214,000	$1,783,500	$1,353,000	$922,500
141'-165'	$3,250,000	2800	1.17	$3,270,150	$2,737,800	$2,205,450	$1,673,100	$1,140,750
165’+	$3,500,000	3000	1.17	$3,521,700	$2,948,400	$2,375,100	$1,801,800	$1,228,500
Supply								
140'-159'	$2,500,000	2500	1.43	$3,074,500	$2,574,000	$2,073,500	$1,573,000	$1,072,500
160'-179'	$2,800,000	3200	1.43	$3,443,440	$2,882,880	$2,322,320	$1,761,760	$1,201,200
180’-199'	$3,300,000	4000	1.43	$4,058,340	$3,397,680	$2,737,020	$2,076,360	$1,415,700
200'-219'	$4,500,000	4800	1.64	$6,346,800	$5,313,600	$4,280,400	$3,247,200	$2,214,000
220'-230'	$6,000,000	5000	2.5	$12,900,000	$10,800,000	$8,700,000	$6,600,000	$4,500,000
231' +	$6,000,000	5000	2.83	$14,602,800	$12,225,600	$9,848,400	$7,471,200	$5,094,000
OSV								
110'-139'	$2,000,000	3000	1.14	$1,960,800	$1,641,600	$1,322,400	$1,003,200	$684,000
140'-159'	$2,200,000	3500	1.14	$2,156,880	$1,805,760	$1,454,640	$1,103,520	$752,400
160'-179'	$2,200,000	3500	1.21	$2,289,320	$1,916,640	$1,543,960	$1,171,280	$798,600
180'-199'	$2,800,000	4000	1.43	$3,443,440	$2,882,880	$2,322,320	$1,761,760	$1,201,200
200'-219'	$3,500,000	5200	1.71	$5,147,100	$4,309,200	$3,471,300	$2,633,400	$1,795,500
220'-230'	$5,000,000	5700	1.93	$8,299,000	$6,948,000	$5,597,000	$4,246,000	$2,895,000
231'-279'	$5,000,000	5700	2.11	$9,073,000	$7,596,000	$6,119,000	$4,642,000	$3,165,000
280'-299'	$6,000,000	9000	2.11	$10,887,600	$9,115,200	$7,342,800	$5,570,400	$3,798,000
300'-319'	$8,000,000	10500	2.11	$14,516,800	$12,153,600	$9,790,400	$7,427,200	$5,064,000
320' +	$9,000,000	10800	2.11	$16,331,400	$13,672,800	$11,014,200	$8,355,600	$5,697,000
Utility								
100'-119'	$2,200,000	2500	1.27	$2,402,840	$2,011,680	$1,620,520	$1,229,360	$838,200
120'-139'	$2,500,000	2800	1.13	$2,429,500	$2,034,000	$1,638,500	$1,243,000	$847,500
140'-165'	$2,800,000	3200	1.17	$2,817,360	$2,358,720	$1,900,080	$1,441,440	$982,800
165' +	$4,000,000	3600	1.17	$4,024,800	$3,369,600	$2,714,400	$2,059,200	$1,404,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), amended LR 35:493 (March 2009) , LR 47:465 (April 2021).

§706. Table—Economic Obsolescence

A. Economic Obsolescence for Days Worked

Table 706 Economic Obsolescence for Days Worked		
No. of Days Worked	**Obsolescence Amount**	**Manual Adj. Factor**
329 and Over	0	1.00
274 to 328	10%	.90
219 to 273	20%	.80
164 to 218	30%	.70
111 to 163	40%	.60
54 to 110	50%	.50
Less than 53	60%	.40
Stacked Current Year	75%	.25
Stacked More Than One Year	90%	.10

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 44:580 (March 2018).

Chapter 9. Oil and Gas Properties

§901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties

A. The assessment of oil and gas properties shall be made in accordance with the Louisiana Constitution of 1974, Article VII, Section 18, and in accordance with guidelines adopted by the Tax Commission and applied uniformly throughout the state.

B. The Well

1. The well includes all of the equipment and any other taxable property located below the wellhead, as well as the casinghead, wellhead and/or Xmas tree.

2. Each string of casing runs from the surface down. There will always be at least two sizes of casing; the surface pipe which seals off fresh water zones, and the production string. The larger surface pipe usually extends only a few feet, depending on the depth of usable underground water, while the small production string extends to the depth of the oil producing formations. However, in some wells, and in particular the deeper wells, it may be necessary to set more than two strings of casing, each of which extends to a specific depth.

3. Each well is normally assessed in accordance with guidelines establishing "fair market value".

C. Explanations

Inactive Wells—wells that are shut-in. Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Office of Conservation requirements.

Injection Wells—wells completed as single or wells reclassified by the Louisiana Department of Conservation after a conversion of another well. Wells are used for gas and water injection for production purposes, also used for disposal wells.

Multiple Completions—wells consisting of more than one producing zone. Deepest or primary completion may or may not be the base well number depending upon the Louisiana Department of Conservation permits and classification.

Production Depth—the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example, a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion. Provided, however, that in the case of wells drilled with a minimum of 80 degrees deviation from vertical for a distance of at least 50 feet, *production depth* shall mean the true vertical distance from the surface of the earth to the lowest point in the formation that is penetrated by a horizontal lateral.

Single Completions—

a. well originally completed as a single;

b. well reclassified by the Louisiana Department of Conservation after a conversion of multiple completed well to a single producing zone.

Water Wells—wells used for production purposes only, both fresh and salt water supply.

D. Well Fair Market Value Classifications. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.-Twp.-Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

E. Assessment of Multiple Completion (Dual) Wells

1. All Zones Producing—Assess deepest production depth at full schedule value and shallower production depth(s) at 50 percent of full schedule value.

2. Only One Zone Producing—Assess production depth only at full schedule value.

3. No Zones Producing—Assess only the deepest production depth at full schedule value.

F. Permanently Abandoned Wells. Must be reported only the first tax year after abandonment, however, no assessment shall be made on such well. A P and A permit number, issued by the Louisiana Department of Conservation, must be provided. A copy of the P and A report (Conservation Form #P and A) may be requested of the taxpayer, if necessary. A work permit or well history report is not acceptable.

G. Multi-Completed Wells, P and A-35 Report, covers multicompleted wells and issued by the Department of Conservation. The report is used where circumstances will not permit abandonment of all zones and where one or more zones are incapable of producing (dead) and depleted (no further production). Such wells are reported the first year after production ceased, however, a P and A-35 Report must be furnished. After the first reporting, the well must be reported yearly (without P and A Report) until all zones have been officially abandoned by a P and A Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:717 (March 2005), LR 33:492 (March 2007), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:652 (April 2017).

§903. Instructions for Reporting Oil and Gas Properties

A. A separate LAT-12 form is used for each lease or facility. An attachment in lieu of the form is permitted only if information is in the same sequence. The LAT-12 form may be reproduced and used as an attachment; however, all attachments must be properly identified and attached to the original.

1. Wells under the same assessment number are required to be listed in serial number order.

2. All additional supporting documentation (DM1R, DT1, etc.) is recommended to be listed in serial number order.

3. Any well on which economic consideration is being requested due to dual status is required to be listed by serial number next to the serial number of its sibling well.

B. For operations with more than one lease or facility in any one field (by ward), the following will be permitted:

1. Furnish an original LAT-12 showing parish, ward and field with notation that attachments are made. Only this form needs date and signature.

2. Furnish separate attachment(s) (as stated above) for each lease or facility.

3. Total each attachment, by property classes and summarize.

4. Summary of all attachments, by property classes, may be on an attachment or in the space provided on the original.

C. At the assessor's request, operators shall furnish a statement of lease operating expenses for the previous calendar year. This statement should correspond as closely as possible with the LAT 12 form(s) for each lease or facility (as stated above) and be in sufficient enough detail to indicate the extent and monthly timing of incurrence of various major categories of expense such as labor, power & fuel, salt water disposal, chemicals, materials & supplies, repair and maintenance, workovers, and district overhead.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 22:117 (February 1996), LR 48:1523 (June 2022).

§905. Reporting Procedures

A. Oil, Gas and Associated Wells—Property Class #1—see guidelines adopted by the Louisiana Tax Commission and report in accordance with form requirements or as outlined above.

B. Surface Equipment

1. See guidelines adopted by the Louisiana Tax Commission. Various sizes, items, etc., may not be commingled into one category or value. Property must be grouped, totaled and included in summary according to the following property classes.

2. Property Class #2—Oil and Gas Equipment—Major items of oil and gas equipment are shown as a schedule item. For other equipment (not included as a schedule item), year of construction or purchase, original cost and composite multiplier must be shown and used to determine fair market value. Refer to composite multipliers in the general business section (Chapter 25) of these guidelines.

3. Property Class #3—Tanks—See schedule for type, size, unit cost, etc.

4. Property Class #4—Lease Lines

a. Steel: Up through 6" in diameter—see schedule. For larger sizes—see schedule in pipelines section (Chapter 13) and use LAT-14 Form.

b. Plastic: Up through 6" in diameter—see schedule.

5. Property Class #5—Inventories

a. May be reported as a total accumulated cost in the fair market value column, with property description and on appropriate LAT Form.

b. Material and Supplies

i. Located on lease or facility—use LAT-12 Form.

ii. Located at a public or private storage—use LAT-5 Form (Sec. 1).

c. Pipe Stock—Report footage or tonnage in unit column (indicating measurement), cost per unit measurement in unit value column and extend total fair market value.

i. Located on lease or facility—use LAT-12 Form.

ii. Public or private storage—use LAT-5 Form (Sec. 1).

d. Pipe Stock—exempt under LA. Const., Art. VII, §21(D-3) - Use LAT-5 Form (Sec. 1).

6. Property Class Number 6—Field Improvements—docks, lease buildings, equipment sheds and buildings, warehouses, land and leasehold improvements, etc., furnish year constructed and cost. Use composite multiplier from appropriate table on original cost, and extend fair market value for each.

7. Property Class #7—Other Property—on lease or producing facilities but not included in the above classes, viz:

a. barges, used as storage, work, utility, submerged platforms, etc., report type, size, year of purchase, cost and use composite multiplier from the appropriate table;

b. furniture and fixtures may be reported as a total cost with the composite multiplier from the appropriate table

on original cost. Report such property on LAT-12 Form (Oil and Gas Property).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998).

§907. Valuation of Oil, Gas, and Other Wells

A. The cost-new schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with R.S. 47:1957, the assessor may request additional documentation.

Instructions for Use of Tables 907.A-1, 907.A-2 and 907.A-3 and Procedure for Arriving at Assessed Value

1. Determine if well is located in Region 1 by reference to Table 907.B.1. See note for Region 2 or Region 3 (offshore state waters) wells.

2. Multiply the appropriate percent good factor based on age of the well as found in Table 907.B-2.

3. Use Oil cost-new to assess all active service wells for region where located.

4. See explanations in Section 901.E regarding the assessment of multiple completion wells.

5. For wells recompleted, use new perforation depth to determine fair market value.

6. Adjustments for Allowance of Economic Obsolescence

a. All wells producing 10 bbls oil or 100 mcf gas, or less, per day, as well as, all active service wells (i.e. injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with proper documentation to claim this reduction. Once the 40 percent reduction has been applied and calculated, an additional 60 percent reduction shall be applied for any well producing 1 bbl of oil or 10 mcf of gas or less per day.

i. for wells producing 5 mcf or less of gas per day an additional reduction of 33 percent shall be applied;

ii. for wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. All oil and gas property assessments may be based on an individual cost basis.

e. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 907.A-1, 907.A-2 or 907.A-3.

1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1
Oil, Gas and Associated Wells; Region 1—North Louisiana

Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0-1,249 ft.	45.56	152.54	6.83	22.88
1,250-2,499 ft.	41.13	112.16	6.17	16.82
2,500-3,749 ft.	32.33	74.29	4.85	11.14
3,750-4,999 ft.	44.73	74.02	6.71	11.10
5,000-7,499 ft.	52.59	72.25	7.89	10.84
7,500-9,999 ft.	115.28	97.38	17.29	14.61
10,000-12,499 ft.	336.14	118.13	50.42	17.72
12,500-14,999 ft.	546.68	178.38	82.00	26.76
15,000-17,499 ft.	699.69	203.40	104.95	30.51
17,500-Deeper ft.	N/A	568.96	N/A	85.34

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A.2
Oil, Gas and Associated Wells; Region 2—South Louisiana

Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0-1,249 ft.	163.31	151.55	24.50	22.73
1,250-2,499 ft.	120.98	251.88	18.15	37.78
2,500-3,749 ft.	118.13	200.82	17.72	30.12
3,750-4,999 ft.	104.13	160.64	15.62	24.10
5,000-7,499 ft.	142.25	182.48	21.34	27.37
7,500-9,999 ft.	194.06	191.06	29.11	28.66
10,000-12,499 ft.	264.61	249.75	39.69	37.46
12,500-14,999 ft.	347.13	323.10	52.07	48.47
15,000-17,499 ft.	562.28	432.59	84.34	64.89
17,500-19,999 ft.	686.51	612.74	102.98	91.91
20,000-Deeper ft.	366.58	919.92	54.99	137.99

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A.3
Oil, Gas and Associated Wells; Region 3—Offshore State Waters*

Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0 -1,249 ft.	N/A	N/A	N/A	N/A
1,250 -2,499 ft.	1,755.98	1,227.42	263.40	184.11
2,500 -3,749 ft.	902.95	943.32	135.44	141.50
3,750 -4,999 ft.	1,288.85	864.98	193.33	129.75
5,000 -7,499 ft.	641.40	801.16	96.21	120.17
7,500 -9,999 ft.	813.16	758.13	121.97	113.72
10,000 -12,499 ft.	920.58	768.47	138.09	115.27
12,500 -14,999 ft.	800.64	747.87	120.10	112.18
15,000 -17,499 ft.	551.83	775.99	82.77	116.40
17,500 - 19,999 ft.	274.88	741.87	41.23	111.28
20,000 - Deeper ft.	N/A	1,166.13	N/A	174.92

B. The determination of whether a well is a Region 2 or Region 3 well is ascertained from its onshore/offshore status as designated on the Permit to Drill or Amended Permit to Drill form (Location of Wells Section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the

onshore/offshore status of wells located within their parish by referring to the Permit to Drill or Amended Permit to Drill form on file at the Department of Natural Resources.

1. Parishes Considered to be Located in Region I

Table 907.B.1 Parishes Considered to be Located in Region 1			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	**Beginning Serial Number**	**Ending Serial Number**	**20 Year Life Percent Good**
2021	252613	Higher	97
2020	252171	252612	93
2019	251497	252170	90
2018	250707	251496	86
2017	249951	250706	82
2016	249476	249950	78
2015	248832	249475	74
2014	247423	248831	70
2013	245849	247422	65
2012	244268	245848	60
2011	242592	244267	55
2010	240636	242591	50
2009	239277	240635	45
2008	236927	239276	40
2007	234780	236926	35
2006	232639	234779	31
2005	230643	232638	27
2004	229010	230642	24
2003	227742	229009	22
2002	226717	227741	21
2001	Lower	226716	20 *
VAR.	900000	Higher	50

*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

C. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12—Personal Property Tax Report—Oil and Gas Property.

3. Oil and gas personal property will be assessed in seven major categories, as follows:

a. oil, gas and associated wells;

b. oil and gas equipment (surface equipment);

c. tanks (surface equipment);

d. lines (oil and gas lease lines);

e. inventories (material and supplies);

f. field improvements (docks, buildings, etc.);

g. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.B-2. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells within the lease/field will determine the appropriate year to be used for this purpose.

a. January 1, 2016 the allowance of depreciation by use of the appropriate percent good will be based on the actual age of the equipment, if known or available, and will apply only to surface equipment with an original purchase cost of $2,500 or more.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Actuators—(see Metering Equipment)	
Automatic Control Equipment—(see Safety Systems)	
Automatic Tank Switch Unit—(see Metering Equipment)	
Barges - Concrete—(assessed on an individual basis)	
Barges - Storage—(assessed on an individual basis)	
Barges - Utility—(assessed on an individual basis)	
Barges - Work—(assessed on an individual basis)	
Communication Equipment—(see Telecommunications)	
Dampeners—(see Metering Equipment—"Recorders")	
DESORBERS—(no metering equipment included): 125# 300# 500#	 114,320 126,050 143,440
Destroilets—(see Metering Equipment—"Regulators")	
Desurgers—(see Metering Equipment—"Regulators")	
Desilters—(see Metering Equipment—"Regulators")	
Diatrollers—(see Metering Equipment—"Regulators")	
Docks, Platforms, Buildings—(assessed on an individual basis)	
Dry Dehydrators (Driers)—(see Scrubbers)	
Engines-Unattached—(only includes engine and skids): Per Horsepower	 360
Evaporators—(assessed on an individual basis)	
Expander Unit—(no metering equipment included): Per Unit	 41,940

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Flow Splitters—(no metering equipment included):	
48 In. Diameter Vessel	20,420
72 In. Diameter Vessel	27,050
96 In. Diameter Vessel	41,450
120 In. Diameter Vessel	58,890
Fire Control System—(assessed on an individual basis)	
Furniture & Fixtures—(assessed on an individual basis) (Field operations only, according to location.)	
Gas Compressors-Package Unit—(Skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	
1 - 49 HP	750
50 - 99 HP	1,510
100 - 999 HP	1,230
1,000 - 1,499 HP	940
1,500 HP and Up	830
Gas Coolers—(no metering equipment);	
5,000 MCF/D	32,210
10,000 MCF/D	36,280
20,000 MCF/D	112,860
50,000 MCF/D	256,060
100,000 MCF/D	419,370
Generators—Package Unit only -(no special installation) Per K.W.	240
Glycol Dehydration-Package Unit—(Including pressure gauge, relief valve and regulator. No other metering equipment.):	
Up to 4.0 MMCF/D	22,610
4.1 to 5.0 MMCF/D	25,220
5.1 to 10.0 MMCF/D	48,620
10.1 to 15.0 MMCF/D	67,650
15.1 to 20.0 MMCF/D	92,080
20.1 to 25.0 MMCF/D	119,730
25.1 to 30.0 MMCF/D	227,430
30.1 to 50.0 MMCF/D	254,050
50.1 to 75.0 MMCF/D	316,050
75.1 & Up MMCF/D	364,670
Heaters—(Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.):	
Steam Bath—Direct Heater:	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	7,840
30 In. Diameter Vessel - 500,000 BTU/HR Rate	9,850
36 In. Diameter Vessel - 750,000 BTU/HR Rate	11,910
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	17,630
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	21,760
Water Bath—Indirect Heater:	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	6,690
30 In. Diameter Vessel - 500,000 BTU/HR Rate	9,180
36 In. Diameter Vessel - 750,000 BTU/HR Rate	11,970
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	16,960
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	21,700
Steam—(Steam Generators):	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	8,570
30 In. Diameter Vessel - 450,000 BTU/HR Rate	10,700
36 In. Diameter Vessel - 500 to 750,000 BTU/HR Rate	16,050
48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR Rate	18,420
60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR Rate	20,850
72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR Rate	32,940
96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR Rate	39,570
Heat Exchange Units-Skid Mounted—(see Production Units)	

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Heater Treaters—(Necessary controls, gauges, valves and piping. No metering equipment included.):	
Heater - Treaters - (non-metering):	
4 x 20 ft.	17,140
4 x 27 ft.	22,060
6 x 20 ft.	23,100
6 x 27 ft.	29,050
8 x 20 ft.	37,010
8 x 27 ft.	43,330
10 x 20 ft.	48,930
10 x 27 ft.	57,560
L.A.C.T. (Lease Automatic Custody Transfer)—see Metering Equipment)	
JT Skid (Low Temperature Extraction)—(includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc.—complete unit.):	
Up to 2 MMCF/D	42,540
Up to 5 MMCF/D	60,780
Up to 10 MMCF/D	145,870
Up to 20 MMCF/D	243,110
Liqua Meter Units—(see Metering Equipment)	
Manifolds—(see Metering Equipment)	
Material & Supplies-Inventories—(assessed on an individual basis)	
Meter Calibrating Vessels—(see Metering Equipment)	
Meter Prover Tanks—(see Metering Equipment)	
Meter Runs—(see Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment) - (assessed on an individual basis)	
Metering Equipment	
Actuators—hydraulic, pneumatic and electric valves	6,620
Controllers—time cycle valve - valve controlling device (also known as Intermitter)	2,070
Fluid Meters:	
1 Level Control	
24 In. Diameter Vessel - 1/2 bbl. Dump	5,040
30 In. Diameter Vessel - 1 bbl. Dump	6,500
36 In. Diameter Vessel - 2 bbl. Dump	9,000
2 Level Control	
20 In. Diameter Vessel - 1/2 bbl. Dump	4,740
24 In. Diameter Vessel - 1/2 bbl. Dump	5,710
30 In. Diameter Vessel - 1 bbl. Dump	7,170
36 In. Diameter Vessel - 2 bbl. Dump	9,660
L.A.C.T. and A.T.S. Units:	
30 lb. Discharge	31,850
60 lb. Discharge	36,280
Manifolds—Manual Operated:	
High Pressure	
per well	24,980
per valve	8,450
Low Pressure	
per well	12,090
per valve	4,010
Manifolds—Automatic Operated:	
High Pressure	
per well	45,160
per valve	14,890
Low Pressure	
per well	32,210
per valve	10,880
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors-in addition to normal equipment found on manual operated system. No Metering Equipment Included.	

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Meter Runs—piping, valves & supports—no meters:	
2 In. piping and valve	6,810
3 In. piping and valve	7,660
4 In. piping and valve	9,240
6 In. piping and valve	12,880
8 In. piping and valve	19,350
10 In. piping and valve	25,770
12 In. piping and valve	32,210
14 In. piping and valve	43,880
16 In. piping and valve	57,310
18 In. piping and valve	70,990
20 In. piping and valve	92,260
22 In. piping and valve	116,270
24 In. piping and valve	142,340
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	3,950
5 bbl. calibration plate (24 x 10)	4,250
7.5 bbl. calibration plate (30 x 10)	5,960
10 bbl. calibration plate (36 x 10)	7,410
Recorders (Meters)—Includes both static element and tube drive pulsation dampener-also one and two pen operations.	2,740
per meter	
Solar Panel (also see Telecommunications)	360
per unit (10' x 10')	
Pipe Lines—Lease Lines	
Steel	
2 In. nominal size - per mile	19,810
2 1/2 In. nominal size - per mile	26,680
3 and 3 1/2 In. nominal size - per mile	34,040
4, 4 1/2 and 5 In. nominal size - per mile	58,530
6 In. nominal size - per mile	85,940
Poly Pipe	
2 In. nominal size - per mile	10,880
2 1/2 In. nominal size - per mile	14,650
3 In. nominal size - per mile	18,720
4 In. nominal size - per mile	32,150
6 In. nominal size - per mile	47,220
Plastic-Fiberglass	
2 In. nominal size - per mile	16,900
3 In. nominal size - per mile	28,930
4 In. nominal size - per mile	49,720
6 In. nominal size - per mile	72,990
NOTE: Allow 90 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(assessed on an individual basis)	
Pipe Stock - Exempt—Under La. Const., Art. X, §4 (19-C)	
Production Units:	
Class I - per unit—separator and 1 heater—500 MCF/D	21,390
Class II - per unit—separator and 1 heater—750 MCF/D	28,500
Production Process Units—These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Pumps—In Line	
per horsepower rating of motor	300
Pump-Motor Unit—pump and motor only	
Class I - (water flood, s/w disposal, p/l, etc.)	
Up to 300 HP - per HP of motor	360
Class II - (high pressure injection, etc.)	
301 HP and up per HP of motor	430

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Pumping Units-Conventional and Beam Balance—(unit value includes motor) - assessed according to API designation.	6,990
16 D	13,130
25 D	16,410
40 D	21,880
57 D	36,530
80 D	37,990
114 D	51,110
160 D	55,490
228 D	70,140
320 D	83,270
456 D	100,830
640 D	106,670
912 D	
NOTE: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	
Regenerators (Accumulator)—(see Metering Equipment)	
Regulators:	
per unit	2,800
Safety Systems	
Onshore And Marsh Area	
Basic Case:	
well only	5,590
well and production equipment	6,440
with surface op. ssv, add	9,660
Offshore 0 - 3 Miles	
Wellhead safety system (excludes wellhead actuators)	
per well	16,110
production train	40,300
glycol dehydration system	24,190
P/L pumps and LACT	56,400
Compressors	35,430
Wellhead Actuators (does not include price of the valve)	
5,000 psi	4,010
10,000 psi and over	6,020
NOTE: For installation costs - add 25 percent	
Sampler—(see Metering Equipment—"Fluid Meters")	
Scrubbers—Two Classes	
Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit.	
8 In. Diameter Vessel	3,400
10 In. Diameter Vessel	4,860
12 In. Diameter Vessel	5,530
Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.	
8 In. Diameter Vessel	1,580
12 In. Diameter Vessel	2,070
NOTE: No metering or regulating equipment included in the above.	
Separators—(no metering equipment included)	
Horizontal—Filter /1,440 psi (High Pressure)	
6-5/8” OD x 5’-6”	4,980
8-5/8” OD x 7’-6”	5,410
10-3/4” OD x 8’-0”	7,600
12-3/4” OD x 8’-0”	10,210
16” OD x 8’-6”	16,410
20” OD x 8’-6”	24,250
20” OD x 12’-0”	25,530
24” OD x 12’-6”	34,400
30” OD x 12’-6”	50,200
36” OD x 12’-6”	59,680

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Separators—(no metering equipment included)	
Vertical 2—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	5,650
30" OD x 10'-0"	6,080
36" OD x 10'-0"	12,700
Vertical 3—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	5,960
24" OD x 10'-0"	6,750
30" OD x 10'-0"	9,360
36" OD x 10'-0"	13,310
42" OD x 10'-0"	15,440
Horizontal 3—Phase /125 psi (Low Pressure)	
24" OD x 10'-0"	8,810
30" OD x 10'-0"	11,300
36" OD x 10'-0"	12,340
42" OD x 10'-0"	19,690
Vertical 2—Phase /1440 psi (High Pressure)	
12-3/4" OD x 5'-0"	3,340
16" OD x 5'-6"	4,980
20" OD x 7'-6"	9,480
24" OD x 7'-6"	11,490
30" OD x 10'-0"	17,500
36" OD x 10'-0"	22,670
42" OD x 10'-0"	36,280
48" OD x 10'-0"	42,790
54" OD x 10'-0"	64,790
60" OD x 10'-0"	81,020
Vertical 3 - Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	5,830
20" OD x 7'-6"	10,210
24" OD x 7'-6"	11,850
30" OD x 10'-0"	18,290
36" OD x 10'-0"	23,400
42" OD x 10'-0"	38,170
48" OD x 10'-0"	44,250
Horizontal 2—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	5,710
20" OD x 7'-6"	9,180
24" OD x 10'-0"	12,520
30" OD x 10'-0"	19,270
36" OD x 10'-0"	24,430
42" OD x 15'-0"	49,590
48" OD x 15'-0"	57,190
Horizontal 3—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	8,810
20" OD x 7'-6"	9,850
24" OD x 10'-0"	14,340
30" OD x 10'-0"	20,420
36" OD x 10'-0"	29,420
36" OD x 15'-0"	32,880
Offshore Horizontal 3—Phase /1440 psi (High Pressure)	
30" OD x 10'-0"	42,360
36" OD x 10'-0"	40,420
36" OD x 12'-0"	58,650
36" OD x 15'-0"	61,200
42" OD x 15'-0"	95,000
Skimmer Tanks—(see Flow Tanks in Tanks section)	
Stabilizers—per unit	6,260
Sump/Dump Tanks—(See Metering Equipment -"Fluid Tanks")	
Tanks—no metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	39.10
50 to 548 bbl. Range (average tank size - 250 bbl.)	
Stock Tanks (lease tanks)	30.40
100 to 750 bbl. Range (average tank size – 300 bbl.)	

Table 907.C.1 Surface Equipment	
Property Description	**$ Cost New**
Storage Tanks (Closed Top)	
1,000 barrel	25.90
1,500 barrel	22.90
2,000 barrel	22.20
2,001 - 5,000 barrel	20.40
5,001 - 10,000 barrel	19.20
10,001 - 15,000 barrel	18.00
15,001 - 55,000 barrel	12.60
55,001 - 150,000 barrel	9.50
Internal Floating Roof	
10,000 barrel	37.00
20,000 barrel	25.00
30,000 barrel	18.60
50,000 barrel	16.50
55,000 barrel	15.90
80,000 barrel	14.10
100,000 barrel	12.30
*I.E.: (tanks size bbls.) X (no. of bbls.) X (cost-new factor.)	
Telecommunications Equipment	
Microwave System	
Telephone and data transmission	48,620
Radio telephone	3,650
Supervisory controls:	
remote terminal unit, well	10,390
master station	23,700
towers (installed):	
heavy duty, guyed, per foot	610
light duty, guyed, per foot	50
heavy duty, self supporting, per foot	620
light duty, self supporting, per foot	130
equipment building, per sq. ft.	180
solar panels, per sq. ft.	60
Utility Compressors	
per horsepower - rated on motor	800
Vapor Recovery Unit—no Metering Equipment	
60 MCF/D or less	21,270
105 MCF/D max	30,390
250 MCF/D max	40,110
Waterknockouts—Includes unit, backpressure valve and regulator, but, no metering equipment.	
2' diam. x 16'	5,770
3' diam. x 10'	8,630
4' diam. x 10'	11,910
6' diam. x 10'	19,510
6' diam. x 15'	22,550
8' diam. x 10'	28,260
8' diam. x 15'	32,460
8' diam. x 20'	35,980
8' diam. x 25'	40,050
10' diam. x 20'	47,100

Table 907.C.2 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	**$ Cost New**
Air and Water Units:	
Above ground	1,360
Below ground	580
Air Compressors:	
1/3 to 1 H.P.	1,820
1/2 to 5 H.P.	3,080
Car Wash Equipment:	
In Bay (roll over brushes)	48,930
In Bay (pull through)	75,950
Tunnel (40 to 50 ft.)	165,320
Tunnel (60 to 75 ft.)	221,230
Drive On Lifts:	
Single Post	8,930
Dual Post	10,060

Table 907.C.2 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	**$ Cost New**
Lights:	
Light Poles (each)	910
Lights - per pole unit	1,010
Pumps:	
Non-Electronic - self contained and/or remote controlled computer	
Single	3,870
Dual	5,750
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	
Single	6,540
Dual	8,810
Read-Out Equipment (at operator of self service)	
Per Hose Outlet	1,430
Signs:	
Station Signs	
6 ft. lighted - installed on 12 ft. pole	4,320
10 ft. lighted - installed on 16 ft. pole	7,900
Attachment Signs (for station signs)	
Lighted "self-serve" (4 x 11 ft.)	3,600
Lighted "pricing" (5 x 9 ft.)	3,680
High Rise Signs - 16 ft. lighted - installed on:	
1 pole	13,080
2 poles	17,120
3 poles	19,150
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	6,950
Lighted "pricing" (5 x 9 ft.)	3,680
Submerged Pumps—(used with remote control equipment, according to number used - per unit)	3,860
Tanks—(average for all tank sizes) Underground - per gallon	2.20

NOTE: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:917 (May 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:465 (April 2021), LR 48:1523 (June 2022).

Chapter 11. Drilling Rigs and Related Equipment

§1101. Guidelines for Ascertaining the Fair Market Value of Drilling Rigs and Related Equipment

A. General. The standard for valuation of drilling rigs and related equipment is fair market value. Assessors are to valuate and assess each drilling rig individually with the appropriate allowance provided for depreciation and obsolence where necessary. The recommended procedures for discovery and valuation of drilling rigs follow.

B. Discovery. Each assessor is to assess those drilling rigs located in his parish as of January 1, each year. Discovery of drilling rigs operating in a parish is the responsibility of the parish tax assessor. Personnel of each parish assessor's office should use a visual survey or other method to establish the name and location of drilling rigs operating in a particular parish on the first of the year. The parish assessor should then contact the drilling contractor to determine if a drilling rig is currently located on the site. The drilling contractor should then be provided a notification of the assessor's intent to assess the drilling rig and a copy of LAT Form 13. The drilling contractor should also be provided a copy of LAT Form 5 on which to record the name and address of owners of leased equipment and inventories located on the drill site such as equipment buildings, cement, etc.

C. Valuation. The valuation standard for drilling rigs and related equipment is fair market value. Fair market value for drilling rigs and related equipment, when using the cost approach, is to be achieved through use of the information provided the assessor on LAT Form 13. The assessor shall take the depth of operating capability or engine rated horsepower and apply the appropriate assessment of the drilling rig as presented in Table 1103.A, 1103.B, 1103.C or 1103.D, as appropriate.

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HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), amended by the Division of Administration, Tax Commission, LR 38:808 (March 2012).

§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	**Fair Market Value**	**Assessment**
	$	$
3,000	119,600	17,900
4,000	211,900	31,800
5,000	224,100	33,600
6,000	233,700	35,100
7,000	291,300	43,700
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	**Fair Market Value**	**Assessment**
	$	$

Table 1103.A Land Rigs		
8,000	424,300	63,600
9,000	640,800	96,100
10,000	933,500	140,000
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	**Fair Market Value**	**Assessment**
	$	$
11,000	1,283,500	192,500
12,000	1,664,100	249,600
13,000	2,044,900	306,700
14,000	2,395,200	359,300
15,000	2,688,400	403,300
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	**Fair Market Value**	**Assessment**
	$	$
16,000	2,905,200	435,800
17,000	3,038,200	455,700
18,000	3,095,000	464,300
19,000	3,102,600	465,400
20,000	3,111,200	466,700
Depth 21,000 + Feet		
Depth (Ft.)	**Fair Market Value**	**Assessment**
	$	$
21,000	3,069,600	460,400
25,000 +	2,949,000	442,400

1. Barges (Hull)—Assess Barges (Hull) at 25 percent of the assessment for the rig value bracket, and add this to the proper rig assessment to arrive at total for barge and its drilling rig.

2. Living quarters are to be assessed on an individual basis.

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	**Water Depth Rating**	**Fair Market Value**	**Assessment**
IC	0-199 FT.	$ 57,900,000	$ 8,685,000
	200-299 FT.	115,700,000	17,355,000
	300 FT. and Deeper	231,000,000	34,650,000
IS	0-199 FT.	17,400,000	2,610,000
	200-299 FT.	28,900,000	4,335,000
	300 FT. and Deeper	34,700,000	5,205,000
MC	0-199 FT	5,800,000	870,000
	200-299 FT.	11,600,000	1,740,000
	300 FT. and Deeper	46,200,000	6,930,000
MS	0-249 FT.	12,100,000	1,815,000
	250 FT. and Deeper	23,900,000	3,585,000

IC - Independent Leg Cantilever
IS - Independent Leg Slot
MC - Mat Cantilever
MS - Mat Slot

C. Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	**Fair Market Value**	**Assessment**
	$	$
0- 800 FT.	52,900,000	7,935,000
801-1,800 FT.	94,700,000	14,205,000
1,801-2,500 FT.	173,500,000	26,025,000
2,501FT. and Deeper	544,500,000	81,675,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

1. The fair market values and assessed values indicated by the tables above for drilling rigs are based on the current market (sales) appraisal approach and not the cost approach.

2. These tables assume complete rigs in good condition. If it is documented to the assessor that any drilling rig is incomplete or is in less than good condition, these amounts should be adjusted.

3. Significant variations from the "Good" condition are possible and must be considered when the drilling rig is valued. These variations in condition are acknowledged by HADCO in the newsletter pricing. Conditions from "poor" to "excellent" are priced for all depth ratings. If adjustments are needed, the most recent HADCO newsletter shall be used to determine the proper adjusted condition.

a. Significant factors that would downgrade the condition can be identified by:

i. a detailed estimate and description of substantial capital repairs needed on the rig and/or rig data sheet verifying the rig is of outdated technology (mechanical rig or the like).

b. Significant factors that would UPGRADE the condition can be identified by:

i. a rig manufactured date on the LAT form of less than three years.

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	**Mast**	**Engine**	**Fair Market Value (RCNLD)**	**Assessment**
I	71’ X 125M# 71’ X 150M# 72’ X 125M# 72’ X 150M# 75’ X 150M#	C-7 50 SERIES 6V71	95,000	14,300
II	96’ X 150M# 96’ X 180M# 96’ X 185M# 96’ X 200M# 96’ X 205M# 96’ X 210M# 96’ X 212M# 96’ X 215M#	C-11 50 SERIES 8V71	135,000	20,300
III	96’ X 240M# 96’ X 250M# 96’ X 260M# 102’ X 215M#	C-11 50 SERIES 8V92	170,000	25,500
IV	102’ X 224M# 102’ X 250M# 103’ X 225M# 103’ X 250M# 104’ X 250M# 105’ X 225M# 105’ X 250M#	C-15/C-13 60 SERIES 12V71	200,000	30,000

Table 1103.D Well Service Rigs Land Only				
Class	**Mast**	**Engine**	**Fair Market Value (RCNLD)**	**Assessment**
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

1. The RCNLD values given in the table above for service rigs have been determined with 60 percent default depreciation rate. The HADCO data for RCN of service rigs does not contain a stated condition (excellent, good, fair, etc.) similar to drilling rigs.

E. Consideration of Obsolescence

1. Functional and/or economic obsolescence is a loss in value of personal property above and beyond physical deterioration. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021), LR 48:1525 (June 2022).

Chapter 13. Pipelines

§1301. Guidelines for Ascertaining the Fair Market Value of Pipelines

A. General

1. Pipelines, except those regulated pipelines, which are assessed as public service properties as provided by R.S. 47:1851(K), are to be assessed by parish assessors. Two separate classes of pipelines are identified because of differences in function, design and quality. The two classes are "lease lines," which are generally of lower quality, subject to changes in routes, etc.; and, "other pipelines," which are generally larger and of higher quality.

2. Both classes of pipelines are to be assessed in the taxing district where located. A copy of LAT Form 14 is to be provided the pipeline owner. Surface equipment associated with pipelines (compressor stations, booster stations, etc.) are to be reported separately on LAT Form 5. Surface pipeline related equipment is to be valued individually at cost factored to current value less physical deterioration. Pipelines are to be valued for assessment purposes at cost less physical deterioration. A cost schedule is provided for the various sizes of "other pipelines" (See Tables 1307.A and B). Represented in these schedules is the cost-new, as of the appropriate assessment date, for the different size pipelines. This cost is to be reduced for the appropriate allowance for physical deterioration (See Table 1307.C), based on the age of the pipeline, by multiplying replacement cost by the appropriate percent good factor. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

B. Lease Lines. The category "lease lines" represents pipelines which are generally in the 2 inches to 6 inches size range. These pipelines are considered to be subject to changes in routes due to equipment and well requirements; and, generally are not of the same quality as "other pipelines." These lines are generally associated with wells and surface equipment on the oil and gas production field. Fiberglass and plastic lines which are now being used in some areas are also covered in this category. Refer to Oil and Gas Properties Section, Surface Equipment (See Table 907.C.1) for "lease lines."

C. Other Pipelines. The category "other pipelines" is generally represented by the larger gathering and transmission pipelines, but includes all lines, other than plastic, 2 inches and larger in diameter. This class of pipelines is normally of better quality, requiring more rigid controls, and not subject to changes in routes as are "lease lines". Tables 1307.A and 1307.B describe the cost-new per mile for various size pipelines in the "other pipelines" category.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:488 (March 1998), LR 35:498 (March 2009).

§1303. Instructions for Reporting "Other Pipelines"

A. A separate LAT-14 form must be used for each ward and tax district (viz., levee districts, drainage districts, special district, etc.—ward). An attachment in lieu of the form is permitted only if information is in the same sequence. The LAT-14 form may be reproduced and used as an attachment. However, all attachments must be properly identified and attached to the original which is signed and dated.

B. If information is not complete and the LAT-14 form is not properly prepared, report will be returned for further compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982).

§1305. Reporting Procedures

A. Each pipe size, type and length in miles must be reported separately.

B. Each form will cover four listings with sufficient space provided to indicate location of each, viz: from lease or facility to junctions of lines of other companies or to lines assessed by Louisiana Tax Commission, from ward line to ward line (according to taxing districts), etc.

C. Use schedules adopted by the Tax Commission and report cost per mile, calculate and extend "total replacement cost."

D. Year installed will determine tax age and percent good, unless conditions warrant change.

E. Refer to current cost tables (1307.A and 1307.B) and depreciation guidelines (Table 1307.C) adopted by the Louisiana Tax Commission. Yearly depreciation will be allowed, according to actual age, on an economic life of 26.5 years, however, as long as pipeline is in place and subject to operation, the remaining percent good shall not be lower than that allowed for the maximum actual age shown in Table 1307.C.

F. Assessment will be based on fair market value. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

G. Pipeline sales, properly documented, should be considered by the assessor as the fair market value, provided the sale meets all tests relative to it being a valid sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:488 (March 1998), LR 25:316 (February 1999), LR 26:508 (March 2000), LR 35:498 (March 2009), LR 36:778 (April 2010), LR 37:1400 (May 2011).

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A
Current Costs for Other Pipelines (Onshore)

Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	$ 190,560	$ 28,580
4	225,040	33,760
6	265,760	39,860
8	313,840	47,080
10	370,620	55,590
12	437,680	65,650
14	516,870	77,530
16	610,380	91,560
18	720,820	108,120
20	851,230	127,680
22	1,005,250	150,790
24	1,187,120	178,070
26	1,401,910	210,290
28	1,655,550	248,330
30	1,955,080	293,260
32	2,308,810	346,320
34	2,726,540	408,980
36	3,219,840	482,980
38	3,802,400	570,360
40	4,490,360	673,550
42	5,302,790	795,420
44	6,199,580	929,940
46	7,136,380	1,070,460
48	8,296,540	1,244,480

NOTE: Excludes river and canal crossings

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B
Current Costs for Other Pipelines (Offshore)

Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	$ 1,082,160	$ 162,320
4	1,086,970	163,050
6	1,092,820	163,920
8	1,111,220	166,680
10	1,133,760	170,060
12	1,166,170	174,930
14	1,202,590	180,390
16	1,248,700	187,310
18	1,304,510	195,680
20	1,370,020	205,500
22	1,445,230	216,780
24	1,530,140	229,520
26	1,624,740	243,710
28	1,729,050	259,360
30	1,843,050	276,460
32	1,966,750	295,010
34	2,100,150	315,020
36	2,243,240	336,490
38	2,396,040	359,410
40	2,558,530	383,780
42	2,723,900	408,590
44	2,898,050	434,710
46	3,073,160	460,970
48	3,255,910	488,390

B. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	**26.5 Year Life Percent Good**
1	98
2	96
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

*Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

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Chapter 15. Aircraft

§1501. Guidelines for Ascertaining the Fair Market Value of Aircraft

A. General

1. Airplanes and helicopters, except those owned by a company engaged in the business of transporting passengers and/or property for hire on regularly scheduled flights, which are assessed as public service properties, are subject to valuation and assessment by parish assessors.

2. Antique airplanes, those manufactured at least 25 years ago, and not being used in commerce, are exempt from personal property taxes. Any aircraft weighing less than 6,000 pounds, which is owned by a private individual and not used for commercial or profit-making purposes is also exempt from personal property taxes (R.S. 47:6001).

3. Crop dusting airplanes used exclusively for agricultural purposes are exempt from personal property taxes (R.S. 47:1707).

4. As with other forms of personal property, aircraft are to be taxed where situated on January 1. Fair market value is the standard for valuation of aircraft. When determining the three approaches to value, the assessor may use any industry-recognized manual/manuals for weighting and correlating current market conditions as a part of the fair market valuation process. The procedures for discovery and valuation of aircraft follow.

B. Valuation When Using the Cost Approach. Fair market value is the valuation standard for aircraft. The assessor shall estimate the fair market value of each aircraft having situs in his parish through use of the information provided him on LAT Form 15. The same procedure shall be used as for other forms of machinery and equipment. That is, the original cost of the aircraft will be brought up to current value through use of the appropriate cost index, percent good factors and composite multipliers appearing in Table 1503.

C. Offshore oil and gas helicopters providing transportation and support services engaged in coastal trade shall be valued according to procedures established in paragraphs A. and B. of this chapter with obsolescence that may be granted according to Table 1504. Consideration of additional obsolescence may be granted upon showing evidence of loss, substantiated by the taxpayer in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1952, R.S. 47:2323, R.S. 47:2326, R.S. 47:6001, and R.S. 47:1707.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:942 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 32:433 (March 2006), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:583 (March 2018).

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		**Average Economic Life (20 Years)**		
Year	**Index**	**Effective Age**	**Percent Good**	**Composite Multiplier**
2021	0.939	1	97	.91
2020	1.021	2	93	.95
2019	1.026	3	90	.92
2018	1.063	4	86	.91
2017	1.100	5	82	.90

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2016	1.122	6	78	.88
2015	1.113	7	74	.82
2014	1.123	8	70	.79
2013	1.138	9	65	.74
2012	1.147	10	60	.69
2011	1.180	11	55	.65
2010	1.217	12	50	.61
2009	1.208	13	45	.54
2008	1.242	14	40	.50
2007	1.291	15	35	.45
2006	1.362	16	31	.42
2005	1.425	17	27	.38
2004	1.532	18	24	.37
2003	1.585	19	22	.35
2002	1.612	20	21	.34
2001	1.622	21	20	.32

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:469 (April 2021), LR 48:1527 (June 2022).

§1504. Aircraft (Including Helicopters) Table

Table 1504 Economic Obsolescence for Days Contracted		
No. of Days Worked	Obsolescence Amount	Manual Adj. Factor
329 and Over	0	1.00
274 to 328	10%	.90
219 to 273	20%	.80
164 to 218	30%	.70
111 to 163	40%	.60
54 to 110	50%	.50
Less than 53	60%	.40
Grounded Current Year	75%	.25
Grounded More Than One Year	90%	.10

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 44:584 (March 2018).

Chapter 17. Inventories

§1701. Guidelines for Ascertaining the Fair Market Value of Inventories

A. Definition of Inventory. The term *inventory* is defined as the aggregate of those items of tangible personal property which are:

1. held for sale in the ordinary course of business;

2. are currently in the process of production for subsequent sale;

3. are ultimately to be consumed in the production of the goods or services to be available for sale; or

4. are utilized in marketing or distribution activities.

B. The term *inventory* embraces the following:

1. *goods awaiting sale*—goods or commodities awaiting sale which include, but, are not limited to: the merchandise of a retail or wholesale concern; the finished goods of a manufacturer; commodities from farms, mines and quarries; goods which are used or trade-in merchandise and by-products of a manufacturer;

2. *work in process*—goods or commodities which are in the course of production, i.e., *work in process*;

3. *raw materials and supplies*—goods which will be consumed or used in either the Louisiana manufacturing process or in any other manner by the taxpayer, directly or indirectly. This category would include, but, not be limited to: raw materials, supplies, repair parts, expendable tools and samples;

4. does not include oil stored in tanks held by a producer prior to the first sale of the oil. Oil stored in tanks held by a producer prior to the first sale of the oil, shall not be subject to ad valorem tax.

C. Inventory Records. The law provides that: all persons, engaged in business in the state, whose gross sales shall be in excess of $15,000, shall make and keep an inventory of their merchandise, fixtures, machinery, equipment and other assets within the state showing the quantity, description and value thereof as of the first day of January of each year; such persons shall likewise make and keep on hand a true and accurate record of all other business transactions had in connection with their stores, mercantile or manufacturing establishments.

NOTE: See addendum for record requirements.

D. Inspection of Inventories and Records

1. The law provides that: these inventories and records shall be separately made for and kept on hand in each store or establishment within the state. The inventories and records for more than one establishment belonging to the same person may be kept for inspection at one place of business within the state.

2. Such records shall be open for inspection by the tax assessor or any of his deputies, or any other taxing authority, at any reasonable time and shall be made in such a manner as to segregate the stores or establishments from each other and from those in other parishes.

3. Information as to the place where such inventories and records are kept shall be given the tax assessor and deputies and other taxing authorities on demand.

4. When demanded by one of the officers, the inventories and records shall be produced and the officers afforded the opportunity to make a complete and thorough examination of the inventory and records for the purpose of ascertaining the proper assessment to be made on the property of such person.

E. Preservation of Inventory Records. The law provides that: the inventories and records herein provided to be made and kept on hand as herein provided for a period of three years from December 31 of the year for which they were made or kept (R.S. 47:1961).

F. Reporting of Inventory. All persons, engaged in a business in the state, shall report, on LAT Form 5, a full and accurate disclosure of all merchandise on hand without respect as to whether or not all items are recorded on the person's accounting records. Reported inventory shall be itemized in specific detail, showing the quantity, description, and value.

NOTE: See addendum for reporting requirements.

G. Inventory Values. The law provides that: in the assessment of merchandise or stock in trade on hand, the inventory value of the merchandise shall be ascertained by computing the cost or purchase price at the point of origin, plus the carrying charges to the point of destination, and the average value as so determined during the year preceding the calendar year in which the assessment is made shall be the basis for fixing the assessed value (R.S. 47:1961).

H. Assessment of Inventory. The assessed value shall be based upon 15 percent of the average inventory cost for the preceding calendar or fiscal year. Any inventory that existed less than a full year shall be averaged for the months it had situs at the reported location. However, this does not mean to annualize the monthly inventory costs if less than 12 months are used to calculate the average inventory to be assessed.

NOTE: See addendum for assessment guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:2322, and Louisiana Constitution, Article VII §4(B).

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 13:188 (March 1987), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:656 (April 2017).

§1703. Addendum

A. Addendum for Record Requirements

1. Proper records require that in addition to the above stated, should also include, but, is not limited to, a copy of the following:

a. the annual report for the business;

b. federal income tax return;

c. Louisiana state income tax return;

d. dealer manufacturer's operating reports—monthly;

e. floor plan statements—monthly;

f. insurance valuations and policies;

g. other inventory reports filed with state agencies—monthly e.g. (La. Dept. of Natural Resources Reports R-2, R-3, R-5T and R-6).

2. All reports are to be kept open and available for inspection by the tax assessor or his deputy, or other taxing authorities on demand.

B. Addendum for Reporting Requirements

1. The LAT Form 5 is required for each business location. If items of inventory are exempt under Louisiana Constitution article VII, §21(D-3), the inventory must be reported in section 1 (or attachment, if required), with type, number of units and value. Notation must be made that this inventory qualifies for exemption under the subject article and section of the state constitution that exempts such property from ad valorem taxation.

2. Inventories are to be reported on the actual physical inventory taken either at each month's end or taken at three points in the year (opening, mid and closing).

3. For reporting purposes, the value of this inventory is the average cost, production or purchase, at point of origin, plus carrying charges to the point of destination, for the preceding year. The accounting method used should be noted on the LAT form.

C. Addendum for Assessment Guidelines

1. There are a variety of generally accepted cost accounting methods for valuing inventory, such as LIFO (Last-in; First-out), which may not reflect a current fair market value for ad valorem tax purposes.

2. As a part of the assessment-appraisal process, an adjustment to the cost or value reported for the inventory on LAT Form 5 may be necessary to establish the current fair market value of the reported inventory.

3. The assessor-appraiser should request the additional taxpayer records (See: Addendum for Records) in order to determine what, if any, adjustment is necessary to bring the reported inventory value to fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1961 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:656 (April 2017).

Chapter 19. Leasehold Improvements

§1901. Guidelines for Ascertaining the Fair Market Value of Leasehold Improvements

A. Leasehold improvements are expenditures by the lessee to property of the lessor to make the property adaptable to the lessee's use. Such expenditures can be either real or personal property in nature.

B. Expenditures classified as real property shall be assessed like all other real property.

C. For expenditures classified as personal property, the fair market value shall be determined in the same manner as machinery and equipment, office furniture and fixtures, and other personal property of businesses. Refer to the guidelines for ascertaining the fair market value of office furniture and equipment, machinery and equipment, and other assets used in §2501.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 13:764 (December 1987).

§1903. Reporting and Assessment of Leasehold Improvements

A. Leasehold improvements shall be reported by and assessed to the lessee in the taxing district where the property is located as of January 1 (August 1 for Orleans Parish) of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982).

Chapter 21. Leased Equipment

§2101. Guidelines for Ascertaining the Fair Market Value of Leased Equipment

A. All leased personal property shall be reported, itemized by and assessed to the lessor in the taxing district where the property is located on January 1 of each year on Form LAT-5. The lessee shall be required to furnish the owner's name and address on Form LAT-5.

B. The assessor may utilize the cost, income or market approach to valuation, and will utilize the approach that is most representative of fair market value.

C. In applying the cost approach, leased equipment shall be classified by activity/type and the appropriate cost index and percent good table used in the same manner as for other like equipment.

D. The lessor shall submit to each assessment jurisdiction, the age and original selling price-new of this equipment. The original selling price-new shall include transportation, installation cost and sales tax.

E. The lessor shall furnish the assessor with a listing of equipment, by location, for each taxing district and shall submit information concerning income from each lease, if requested by the assessor.

F. Equipment Restricted for Sale by the Federal Government

1. Postage Meter. The methodology to value this equipment shall be to multiply the average production cost by a level of trade factor of 2.068. This will represent fair market value for such property.

G. Consideration of Obsolescence when Using the Cost Approach. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4: 209 (May 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 10:40 (January 1984), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 35:499 (March 2009).

Chapter 23. Insurance Companies

§2301. Guidelines for Ascertaining the Fair Market Value of Insurance Companies

A. The Tax Commission will assess insurance companies with a taxable situs within the state of Louisiana at 15 percent of the average monthly amount of direct premiums written during the previous year.

B. Credit assessments of insurance companies shall be allocated to the parish where the company's official domicile is registered and/or recorded or, lacking same, to the parish of domicile of its designated principal agent pursuant to R.S. 47:1952(C).

C. The Secretary of State will act as agent for service of process for those companies operating within Louisiana which do not designate a principal agent. In these cases, the secretary of state will become the non-reporting insurance company's principal agent for taxation purposes and the appropriate assessment will be allocated to the parish where the Secretary of State's office is located (East Baton Rouge Parish).

AUTHORITY NOTE: Promulgated in accordance with La. Constitution of 1974, Article VII, Section 21, R.S. 47:1709, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 25:317 (February 1999).

§2303. Exemption of Life Insurance Companies and Other Insurance Premiums

A. Life insurance companies and accident and health premiums are exempted from ad valorem taxation by Louisiana statute. In addition, national flood plan and multiple peril crop premiums are exempt by virtue of their being programs underwritten by the United States government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1954.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended by the Department of Revenue, Tax Commission, LR 25:317 (February 1999).

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment, and Other Assets Used in General Business Activity

A. When the information necessary to use the market and income approaches to value is generally not available, the fair market value of office furniture and equipment, machinery and equipment and other assets used in general business activity can generally best be estimated by the cost approach with consideration of information provided by property owners on annual LAT 5 forms, written and verbal description of valuation factors impacting the property, and other sources. This approach allows the assessors across the State of Louisiana to fairly and uniformly assess business and industrial personal property, while, at the same time, allowing each assessor the discretion that is necessary to accommodate modernization, face lifting of equipment, and obsolescence. However, when market and/or income data is presented or reasonably available, all of the three approaches to value with reliable data should be considered to determine the reconciled fair market value of the assessed property.

B. The following data is required to use the cost approach to value:

1. total acquisition costs of equipment (including freight, installation, taxes and fees, as well as, date of purchase) indexed to adjust the cost for the effects of inflation;

i acquisition costs can alternatively be determined using market data and/or through a study of current market conditions when actual costs are not available;

2. the average expected economic life of the equipment;

3. a typical depreciation schedule for the equipment; and

4. information to determine external (economic) and/or functional obsolescence, if any.

C. The assessor should obtain from the taxpayer the acquisition cost of the equipment, the actual age of the equipment, and any information that may reflect on the average economic life and fair market value of the equipment. These regulations, as adopted by the Louisiana Tax Commission, contain guidelines for average economic life, typical depreciation schedules and cost indices.

D. The procedure for establishing the fair market value of business and industrial personal property with the cost approach to value (excluding oil and gas properties, drilling rigs, inventories and leased equipment), includes these steps:

1. classify the personal property according to the classifications listed in Table 2503.A, or a different economic life supported by reliable evidence;

2. the classification table will refer the assessor to the correct composite multiplier column in Table 2503.D. The composite multiplier is a composite of the cost index and the percent good, which shall be updated annually by the LTC in order to comply with uniform assessment of personal property in this chapter;

3. select the correct composite multiplier from this table, based on the actual age of the equipment. For example, the age 1 composite multiplier applies to personal property purchased the year prior to the year it is being assessed (two years back for Orleans) and so on for the other ages;

4. multiply the composite multiplier times the acquisition cost by year of the equipment. The result is the reproduction cost new less physical depreciation (RCNLPD) of the equipment;

5. in the year in which the personal property has reached its minimum percent good, the applicable composite multiplier in use at that time is “frozen”. For the assessment years that follow, the RCNLD value does not change until the personal property is permanently taken out of service. An exception to this rule applies when the property has been reconditioned to extend its remaining economic life.

6. determine the amount of other forms of depreciation, when present:

a. functional obsolescence as defined in §301;

b. economic (external) obsolescence as defined in §301;

7. deduct functional and/or economic (external) obsolescence from RCNLPD. The result is the fair market value of the equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission,LR 42:749 (May 2016), LR 47:469 (April 2021), LR 48:1527 (June 2022).

§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. Suggested Guideline For Ascertaining Economic Lives of Business and Industrial Personal Property. The following alphabetical list includes most of the principal activities and types of machinery and equipment used in

business throughout this state. The years shown represent an estimate of the average economic life of the equipment as experienced by the particular business or industry. The actual economic life of the assets of the business under appraisal may be more or less than the guidelines shown. The assessor must use his best judgment in consultation with the property owner in establishing the economic life of the property under appraisal.

1. Suggested Guidelines for Ascertaining Economic Lives of Business and Industrial Personal Property

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery and Equipment	10
Feed Mill Equipment (Production Line)	20
Air Conditioning and Heat Repair	10
Air Conditioning Single Room Unit	8
Aircraft Parts Mfg. M and E	12
All Terrain Vehicles	10
Aluminum Industry M and E	20
Amusement Devices (Music, Pinball Mach., etc.)	12
VCR and DVD Players	5
Video Games	3
Video Poker Gaming Equipment	5
Inflatable Air Bouncers	5
Amusement and Theme Parks	12
Antenna (ex. Mounted on Towers) for Telephone Cellular and CATV, etc.	8
Apparel Mfg. M and E	20
Auto Parts Retail	10
Auto Quick Service	10
Auto Repair M and E	8
Diagnostic Equipment (Electronic)	5
Small Tools	5
Bakeries	
Industrial (i.e., Holsum, Sunbeam Bread)	20
Commercial (i.e., Albertson's, Mom and Pop, etc.)	12
Bank F nd F	12
Bank Safety Deposit Boxes	25
Banks	
Alarm Systems	5
Automatic Teller Machines (ATM's)	8
Furniture and Fixtures	12
Safety Deposit Boxes	25
Vault Doors	25
Video Equipment	5
Encoders	10
Barber and Beauty Shops	10
Tanning Beds	10
Billboards, Poster Panels and Bulletin Boards	15
Bleach Mfg. M and E	12
Blueprinting, Photostating, Mimeographing and Lithographing (non-electronic)	10
Boat Molds (fiberglass)	8
Book Bindery	12
Bottling and Soft Drinks Mfg. M and E	20
Bowling Lanes	12
Automatic Pinsetters and Other M and E	10
Brewing and Distilling M and E	20
Butcher Shops	12
C.A.T.V. Equipment	
Headend Active (Equipment and Tower)	8
House Drops and Converters	3
P and E (Distribution)	10
Test Equipment and Tools	5
Tower	20
Cabinet Shop M and E	8

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Candy and Confections Mfg. M and E	12
Cannery M and E	20
Car Wash (5 min. and coin-op)	10
Cash Registers and Scanners (also see Supermarkets)	5
Cellular/PCS	
Antennas	5
Cellular/PCS Telephone Handsets	3
Electronics	5
Leasehold Improvements	15
Power and Batteries	5
Software	3
Switching	5
Towers—Cellular/PCS and Microwave	20
Transmission	5
Cement, Clay and Brick Prods. Mfg. M and E	20
Chemical Industry M and E	15
Chiropractic Equipment	10
Clothing Mfg. M and E	20
Cocktail and Beer Bars	10
Coin-op Machines	10
Cold Storage Warehouse Equipment	12
Compressors (General Business Assets Only)	12
Computers	
Desktops	3
Handhelds	3
Laptops	3
Main Frame	5
Midrange	5
Peripherals	3
Personal Computers	3
Servers	5
Concrete Products M and E	20
Construction M and E	
Cranes, Crawler	20
General Construction	10
Asphalt Plants	
Portable	10
Stationary	12
Land Clearing	
Marine Construction	
Ships and Vessels	20
Pleasure Craft	12
Mobile Telescopic	8
Road Construction (heavy)	10
Rock Crushing	
Portable	10
Stationary	12
Sewer and Utilities	10
Well Drilling (other than O and G)	10
Container Mfg. M and E	20
Converters (Residential Type)	3
Coolers (walk-in)	3
Coolers	
Water (Installed/Water Fountain)	10
Water (Portable)	5
Water Bottles (5 gallon)	3
Copy Machines	3
Costumes (rental)	5
Cotton Gins	12
Cranes (crawler)	20
Credit Card Machine (In Store Swipe-Type)	5
Credit Card Machines (See Supermarket POS)	
Dairy Processing M and E	20
Day Care (Exclude Office, Kitchen and Computer Assets)	5
Dental Equipment	12
Department Store Furniture and Equip.	12

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Dies and Molds	10
Digital Cameras & Recorders	5
Dispensing Machinery (coin-op)	10
Distilling and Brewing M and E	20
Doctors, Dentists and Professional Equip.	12
Drug Store F and F	12
Dry Cleaning and Laundry M and E	
(Except coin-op)	12
(Coin-op)	5
Electrical Generating	
Gas and Diesel	10
Steam	25
Electrical Mfg. M and E	15
Electrical Transmission and Distribution	25
Electronic Equipment	5
Electronic Mfg. Equip.	8
Feedmill M and E	12
Fertilizer Applicators	10
Fertilizer Mfg. M and E	8
Fiberglass Molds	8
Fish Processing M and E	20
Fitness Equipment	
Manual	8
Electronic	5
Florist Retail (Except Computers and Other Office Equipment)	8
Flour, Cereal and Grain Milling	20
Food Processing M and E	20
Forklifts	
Inside	12
Outside	10
Foundry M amd E	20
Fruit Bins and Cargo Pallets	10
Gaming Equipment	
Casino Equipment (see riverboat casinos)	
Electronic, Slots or Computers	5
Lotto Machines	3
Mechanical, Slots	10
All Other Gaming Equipment	15
Garage M and E	8
General Contractor M and E	8
Golf Carts	8
Golf Course Equip.	10
Golf Course Tractors	12
GPS Receivers (Hand Held)	3
Greenhouse and Nursery M&E	10
Grocery Store F and F	12
Grocery Store Walk-In Coolers	12
Hardware Store F and F	12
Hatchery M and E	10
Health Spa Equip.	10
Hospital and Nursing Home Equipment	12
High Tech (Computer Driven) Equipment	5
Hotel F and F	10
Ice Cream Cabinets	10
Ice and Refrigeration M and E	20
Iron and Steel Industry M and E	25
Janitorial Service M and E	10
Jewelry Store F and F and Equip.	12
Key Duplication Equip.	10
Laboratory Equip. (non-electronic)	12
Landscaping M and E	10
Laundry and Dry Cleaning M and E	
(Except Coin-op)	12
(Coin-op)	5
Leather Products Mfg. M and E	20

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Libraries (professional)	15
Lift Trucks (See Forklift)	
Lumber and Wood Products Industry	
Logging M and E	10
Log Stackers	10
Pulp, Paper and Paperboard M and E	20
Plywood and Veneer M and E	20
Scarifying M and E	10
Sawmills	
Portable	12
Stationary	20
Shake and Shingle Mills	
Portable	12
Stationary	20
Machine Shop M and E (Maintenance)	8
Machine Shop M and E (Production)	8
Mailing Machines	10
Meat Packing M and E	12
Meat Processing M&E (complex)	20
Medical Equipment	12
Computer Driven	5
Metal Fabrication and Extrusion Mfg. M and E	20
Metal Sheet Fabrication	8
Mining, Milling and Quarry M and E	10
Mobile Yard Equipment	10
Modular Office Buildings (portable)	15
Mortuary Service Equip.	12
Motel Furniture and Equipment	10
Movie (Film Making)	8
Music Instruments (rental)	8
Music Studio Recording Equipment	5
Music Systems (Background)	5
Neon Signs	10
Newspaper M and E	
Press	15
Photographic	10
Other M and E	15
Nursing Home Equipment	12
Mattresses	3
Nursing and Greenhouse M and E	10
Office Computers	5
Office Copy Machines	8
Office Copy Machines, Faxes and Printers	3
Office Electronic Machines	5
Office F and F	12
Office Mailing Machines	10
Office Safes	25
Oilfield Rental Tanks	15
Outdoor Advertising Structures (see Signs)	
Oxygen and Acetylene Tanks	25
P.A. Systems	10
Packing and Sorting M and E (fruit, veg., etc.)	12
Paint and Varnish Mfg. M and E	12
Pallets, Crates, Lugs, Bins, etc.	10
Petroleum Products Industry	
Bulk Station Equip.	25
Refining M and E	20
Service Station Equip.*	10
Photography Equipment	8
One Hour Photoprocessing Equipment	8
Plastic Extrusion Equipment	12
Plastic Illuminated Signs	10
Plumbing Shop Equipment	8
Plywood and Veneer Mfg. M and E	20
Pollution Control M and E	15
Pool Hall Equipment	125

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Poultry Plants M and E	12
Portalets	5
Power and Generation M and E	
Gas and Diesel	10
Steam	25
Printing and Publishing Equip.(see Newspaper)	
Professional Equipment	
Scientific, Doctors, Dentists, etc.	12
Libraries	15
Propane Tanks	25
Pulp and Paper Mfg. M and E	20
Radio and Television	
Broadcasting Equipment	8
C.A.T.V. (Cable System)	10
Digital Radio Equipment	5
Recording Equipment	8
Service and Repair Equipment	10
Towers	20
Radio—Telephone Equip.—2-Way	10
Rental Equipment	
Public U-Rent (except heavy equipment)	5
Tuxedos	5
Linens	3
Video Tape, DVD and Game Rental	3
Research and Development M and E	3
Restaurants, Soda Fountains and Drive-Ins	10
Retail Stores F and F	12
Riverboat Casinos	
Required to cruise	15
Dockside on a permanent basis	20
Rock Crushers (See: Construction)	
Salt Dome Storage Wells and Caverns (LDNR Class II Type 10, 11-L or 11-N)	30
Sawmills (See: Lumber)	
Scaffolding (rental)	10
Search Lights	10
Service Station Equipment*	10
Sewer Construction Equip.	10
Sewing Equipment	12
Sheet Metal Fabrication	8
Shipbuilding (see Construction)	
Shoes and Leather Prods. Mfg. M and E	20
Shipyards (see Construction)	
Signs	
Bulletin Boards	15
Billboards	15
Neon	10
Plastic Illuminated	10
Poster Panels	15
Electronic Three-sided Billboard	10
Small Tools—perishable	5
Smelting M&E	20
Soft Drink Mfg. M and E (batch)	20
Solar Farm	
Modules, Panels, and Transformers	30
Racking/Racks	20
Fencing	15
Other Solar Farm Personal Property	5
Storage Buildings (portable)	10
Stores	
Retail	12
Wholesale	12
Sugar Cane Refining M and E	20
Supermarkets	
Cash Register Scanners	5
PA Systems (Public Address)	5

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
POS Computer Systems	3
Walk-In Coolers	12
Surveying Equipment (also see Professional Equipment)	8
Tavern and Bar Equipment	10
Telecommunications Equipment (electronic)	8
Fiber Optic Cable (buried)	15
Fiber Optic Cable (exposed)	8
Telephone and Intercom Systems	
Electronic	8
Manual (non-electronic)	10
Television and Radio (see Radio)	
Textile, Tent and Awning Mfg. M and E	20
Theater	
Projection Equipment	8
F and F	15
Tire Recapping Equipment	12
Toilets, portable	12
Towers	
Cellular	20
Microwave	20
Tuxedo Rental	5
Unlicensed Vehicles	10
Upholstery Equipment	10
VCR and DVD Equipment (If Rental Units, see Rental)	5
Vending Machines	10
Video Games	3
Video Poker Gaming Equipment	5
Warehouse Equipment	12
Water Systems	12
Welding Shop Equipment	12
Wholesale Stores	12
Winery Equipment	12
Woodworking Shops M and E	8
X-Ray Equipment	12
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Table 2503.B

Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2021 = 100*
2021	1	1888.1	0.939
2020	2	1736.4	1.021
2019	3	1727.8	1.026
2018	4	1667.7	1.063
2017	5	1612.2	1.100
2016	6	1580.9	1.122
2015	7	1593.7	1.113
2014	8	1578.8	1.123
2013	9	1558.7	1.138
2012	10	1545.9	1.147
2011	11	1503.2	1.180
2010	12	1457.4	1.217
2009	13	1468.6	1.208
2008	14	1427.3	1.242
2007	15	1373.3	1.291
2006	16	1302.3	1.362
2005	17	1244.5	1.425
2004	18	1157.3	1.532
2003	19	1118.6	1.585
2002	20	1100.0	1.612
2001	21	1093.4	1.622

Table 2503.B
Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2021 = 100*
2000	22	1084.3	1.636
1999	23	1065.0	1.665
1998	24	1061.8	1.670
1997	25	1052.7	1.685
1996	26	1036.0	1.712
1995	27	1020.4	1.738
1994	28	985.0	1.800
1993	29	958.0	1.851
1992	30	939.8	1.887
1991	31	928.5	1.910

*Reappraisal Date: January 1, 2021 – 1773.4 (Base Year)

C. Percent Good

Table 2503.C
Percent Good

Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.34	.52	.57	.67	.76	.80	.85	.90	.93	.95
4	.16	.34	.41	.54	.67	.73	.79	.86	.90	.93
5		.23	.30	.43	.58	.66	.73	.82	.87	.91
6		.18	.19	.33	.49	.58	.68	.78	.84	.89
7			.18	.26	.39	.50	.62	.74	.81	.86
8				.22	.30	.43	.55	.70	.78	.84
9				.20	.24	.36	.49	.65	.75	.82
10					.21	.29	.43	.60	.71	.79
11					.20	.24	.37	.55	.68	.76
12						.22	.31	.50	.64	.74
13						.20	.26	.45	.60	.71
14							.23	.40	.56	.68
15							.21	.35	.52	.65
16							.20	.31	.48	.61
17								.27	.44	.58
18								.24	.39	.54
19								.22	.34	.51
20								.21	.30	.47
21								.20	.28	.44
22									.26	.40
23									.24	.37
24									.20	.34
25									.20	.31
26									.20	.28
27										.26
28										.23
29										.21
30										.20
31										.20

C. Composite Multipliers 2021 (2022 Orleans Parish)

Table 2503.D
Composite Multipliers
2022 (2023 Orleans Parish)

Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.66	.80	.82	.85	.86	.88	.89	.91	.92	.92
2	.50	.70	.75	.81	.86	.89	.92	.95	.97	.99
3	.35	.53	.58	.69	.78	.82	.87	.92	.95	.97
4	.17	.36	.44	.57	.71	.78	.84	.91	.96	.99
5		.25	.33	.47	.64	.73	.80	.90	.96	1.00
6		.20	.21	.37	.55	.65	.76	.88	.94	1.00

Table 2503.D
Composite Multipliers
2022 (2023 Orleans Parish)

Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
7			.20	.29	.43	.56	.69	.82	.90	.96
8				.25	.34	.48	.62	.79	.88	.94
9				.23	.27	.41	.56	.74	.85	.93
10					.24	.33	.49	.69	.81	.91
11					.24	.28	.44	.65	.80	.90
12						.27	.38	.61	.78	.90
13						.24	.31	.54	.72	.86
14							.29	.50	.70	.84
15							.27	.45	.67	.84
16							.27	.42	.65	.83
17								.38	.63	.83
18								.37	.60	.83
19								.35	.54	.81
20								.34	.48	.76
21								.32	.45	.71
22									.43	.65
23									.40	.62
24									.33	.57
25									.34	.52
26									.34	.50
27										.45
28										.41
29										.39
30										.38
31										.38

1. Data sources for tables are:

a. cost index—Marshall and Swift Publication Co.;

b. percent good—Marshall and Swift Publication Co.;

c. average economic life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), repromulgated LR 44:918 (May 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021), LR 48:1528 (June 2022).

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2701. Definitions of Land Eligible for Use Value Assessment

Bona Fide Agricultural Land—land devoted to the production for sale, in reasonable commercial quantities, of plants and animals, or their products, useful to man and agricultural land under a contract with a state or federal agency restricting its use for agricultural production.

Bona Fide Horticultural Land—land devoted to the production for sale, in reasonable commercial quantities, of fruits, vegetables, flowers or ornamental plants, and horticultural land under a contract with a state or federal agency restricting its use for horticultural production.

Bona Fide Marsh Land—wet land other than bona fide agricultural, horticultural or timber land.

Bona Fide Timberland—land stocked by forest trees of any size and specie, or formerly having such tree cover within the last three years and not currently developed or being used for non-forest purposes, and devoted to the production, in reasonable commercial quantities, of timber and timber products, and timberland under a contract with a state or federal agency restricting its use for timber production.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993).

§2703. Eligibility Requirements and Application for Use Value Assessment

A. In order to be classified as bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18(C) of the Louisiana Constitution of 1974, it must:

1. meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950 and the eligibility requirements of R.S. 47:2303; and

2. the owner must file an application, copy included in this Section, (see Form 2703) with the assessor in the parish or district where the property is located, certifying that the property is eligible for use value assessment.

B. In the case of bona fide agricultural, horticultural or timberland:

1. the land must be at least 3 acres in size or have produced an average gross annual income of at least $2,000 in one or more of the designated classifications for the four preceding years; and

2. the landowner must sign an agreement that the land will be devoted to one or more of the designated uses as defined in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950 and meet the eligibility requirements of R.S. 47:2303.

C. The assessor shall keep the application on file from the date of the application until December 31 of the year following expiration of the last year included in the application (Jefferson and Orleans parishes only) or, loss of eligibility (all parishes), whichever comes sooner.

Form 2703
Application for
Use Value Assessment

Name: _____

Address:_____

Description: _____

Application is hereby made for a Use Value Assessment on the above land, which is at least three acres in size or has produced an average annual gross income of at least $2,000 in one or more of the designated classifications for four years preceding this application.

NOTE: I hereby certify that this land is (mark type(s) of use):

_____ devoted to production for sale of agricultural or horticultural products in reasonable commercial quantities, or under contract with a government agency restricting its use for such production.

_____ acreage

_____ devoted to production of timber or timber products in reasonable commercial quantities, or has had forest tree cover within the last three years and is not developed or devoted to a non-forest use, or is under contract with a government agency restricting its use for timber production.

_____ acreage

_____ marshland is wetland not devoted to agricultural, horticultural or timber purposes.

salt water marsh _____ acreage
brackish water marsh _____ acreage
fresh water marsh _____ acreage

This application shall apply for the following four year period:

_____ _____ _____ _____

In the event this land ceases to meet the requirements for a Use Value assessment, I will so notify the assessor of this parish within 60 days.

_____
Landowner

To Be Completed by Assessor:

Class	Acres
_____	_____
_____	_____

Approved By:
_____
Assessor
Parish of _____
Date _____

This application, if filed in Jefferson or Orleans Parish, shall apply for the four year period indicated below. If filed for any other parish, it shall apply for the year indicated in the first space and, shall be permanent thereafter.

AUTHORITY NOTE: Promulgated in accordance with LSA—Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 30:490 (March 2004).

§2705. Classification

A. The Modern Soil Surveys published by the U.S. Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Louisiana Agricultural Experiment Station, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining the use value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed and published are indicated in Table 2707.

B. The General Soil Maps, published by the U. S. Department of Agriculture, Natural Resources Conservation Service, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining use value classifications in all parishes until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

C. It is the intent that General Soil Maps are to be used only in the absence of and until Modern Soil Surveys are completed in the future by the U.S. Department of Agriculture, Natural Resources Conservation Service, on presently unmapped areas. However, at the option of and by agreement between the assessor and the land owner, Modern Soil Surveys that have been completed on any part of any parish (including individual farms or tracts of land), can be used for determining use value classifications until such time as the Modern Soil Survey for that parish is completed.

AUTHORITY NOTE: Promulgated in accordance with LSA-Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:491 (March 2004), LR 31:720 (March 2005).

§2707. Map Index Table

A. Listing of general soil maps and modern soil surveys for the state of Louisiana Published by U.S. Dept. of Agriculture, Natural Resources Conservation Service in Cooperation with Louisiana Agricultural Experiment Station.

Table 2707

Parish	Date (General)	Map Number (General)	Date Published or Status (Modern)
Acadia	July 1972	4-R-14566-A	Sept. 1962 (Series 1959#15)
Allen	Jan. 1970	4-R-28814-A	Sept. 1980
Ascension	Sept. 1972	4-R-16165-B	Aug. 1976
Assumption	July 1970	4-R-15698-A	Aug. 1978
Avoyelles	Nov. 1970	4-R-15240-A	Sept. 1986
Beauregard	Nov. 1971	4-R-28744-A	Sept. 2002
Bienville	Nov. 1971	4-R-16791-B	August 2003
Bossier	Nov. 1971	4-R-13994-B	Aug. 1962 (Series 1959#13)
Caddo	Nov. 1971	4-R-16024-A	Sept. 1980
Calcasieu	Aug. 1972	4-R-28741-B	June 1988
Caldwell	Dec. 1970	4-R-1585-A	July 1990
Cameron	Nov. 1971	4-R-28743-A	April 1995
Catahoula	June 1971	4-R-16812-A	Nov. 1986
Claiborne	June 1970	4-R-17132-A	May 1989
Concordia	Dec 1970	4-R-14761-A	Feb. 1988
DeSoto	Nov. 1971	4-R-29144-A	Oct. 1991
East Baton Rouge	May 1972	4-R-25895-A	Sept. 1968
East Carroll	Jan. 1970	4-R-28748-A	Feb. 1988
East Feliciana	Nov. 1971	4-R-17441-A	Nov. 2001
Evangeline	Nov. 1971	4-R-28936-A	Aug. 1974
Franklin	Sept. 1972	4-R-15069-B	Aug. 1981
Grant	Sept. 1972	4-R-16051-B	Dec. 1986
Iberia	Feb. 1974	4-R-15681-A	Aug. 1978
Iberville	Nov. 1971	4-R-16280-A	June 1977
Jackson	Jan. 1971	4-R-16811-A	July, 1999
Jefferson	Nov. 1971	4-R-17344-A	Jan. 1983
Jefferson Davis	Jan. 1970	4-R-28746-A	September 2003
Lafayette	Nov. 1970	4-R-15827-A	Aug. 1977
Lafourche	June 1969	4-R-16329-A	Oct. 1984
LaSalle	Aug. 1970	4-R-16813-A	Oct. 1991
Lincoln	Sept. 1972	4-R-17131-B	April 1996
Livingston	Feb. 1971	4-R-17440-A	Jan. 1991
Madison	Mar. 1970	4-R-28745-A	May 1982
Morehouse	Aug. 1972	4-R-15071-B	Sept. 1985
Natchitoches	Aug. 1972	4-R-16790-B	Feb. 1990
Orleans	July 1970	4-R 3865-A	Sept. 1989
Ouachita	June 1971	4-R-15070-A	Feb. 1974
Plaquemines	Dec. 1969	4-R-28742-A	March, 2001
Pointe Coupee	Oct. 1970	4-R-14739-A	March 1982
Rapides	Sept. 1975	4-R-15239-A	June 1980
Red River	Nov. 1971	4-R-16027-A	June 1980
Richland	Oct. 1971	4-R-14778-A	Sept. 1993
Sabine	Apr. 1970	4-R-29238	July 1997
St. Bernard	Aug. 1970	4-R-17359-A	June 1989
St. Charles	Nov. 1971	4-R-16166-A	Jan. 1987
St. Helena	Mar. 1971	4-R-17438-A	April 1996
St. James	Nov. 1971	4-R-19476-A	Aug. 1973
St. John	Nov. 1971	4-R-19476-A	Aug. 1973
St. Landry	May 1970	4-R-29386	Oct. 1986
St. Martin	Sept. 1970	4-R-15484-A	April 1977
St. Mary	May 1972	4-R-31670	March 1959 (Series 1952#3)
St. Tammany	Aug. 1972	4-R-17443-B	March 1990
Tangipahoa	Nov. 1971	4-R-17439-A	April 1990
Tensas	July 1972	4-R-13919-A	Oct. 1968
Terrebonne	Aug. 1972	4-R-31732	Feb. 1960 (Series 1956#1)
Union	Nov. 1971	4-R-17133-A	Nov. 1997
Vermilion	Jan. 1970	4-R-28747-A	May 1996
Vernon	June 1971	4-R-16053-A	June 2004
Washington	Nov. 1971	4-R-17437-A	Sept. 1997
Webster	Nov. 1971	4-R-27092-A	Feb., 1999
West Baton Rouge	July 1970	4-R-14740-A	March 1982
West Carroll	Mar. 1976	4-R-14767-A	May 1977
West Feliciana	Sept. 1975	4-R-29109-A	Nov. 2001
Winn	Dec., 1970	4-R-16052-A	May, 2000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:491 (March 2004), LR 31:721 (March 2005).

§2709. Assessment and Classification—Agricultural and Horticultural

A. Assessment of Agricultural and Horticultural Lands. Use Value Table 2717.A presents the use value and assessed value of all bona fide agricultural and horticultural lands.

B. Classification of Agricultural and Horticultural Lands. The first four classifications of soils designated by the U.S. Department of Agriculture, Natural Resources Conservation Service, with such modifications as may be required by special circumstances, are hereby established for classification of agricultural and horticultural lands into Class I, II, III and IV lands, provided that all lands subject to regular and periodic flooding may be classified as Class IV lands.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47: 2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 22:117 (February 1996).

§2711. Tables—Agricultural and Horticultural Lands

A. The following table is hereby established as the gross returns, production cost and net income per acre per year of agricultural and horticultural lands.

Table 2711.A
Weighted Average Income per Acre
2015-2018

Commodity	Acres [1]	Percent	Net Income	Weighted Fractional [7]
Beef [2]	2,180,969	35.33	28.15	$9.94
Soybeans	1,257,500	20.37	32.19	6.56
Cotton	164,500	2.66	(53.67)	-0-
Crawfish [4]	225,117	3.65	302.00	11.01
Rice	418,500	6.78	5.05	0.34
Sugarcane [6]	593,751	9.62	319.23	30.71
Corn	470,000	7.61	37.26	2.84
Idle Cropland [5]	453,380	7.34	-----	-0-
Grain Sorghum	34,750	0.56	(27.68)	-0-
Conservation Reserve [3]	288,546	4.67	84.59	3.95
Dairy [2]	41,473	0.67	(132.76)	-0-
Sweet Potatoes	8,155	0.13	2,234.76	2.95
Watermelon	1,123	0.02	8,082.73	1.47
Southern Peas	822	0.01	1,384.08	0.18
Tomatoes	266	0.00	39,362.59	1.70
Strawberries	325	0.01	19,110.00	1.00
Wheat	33,750	0.55	(60.03)	-0-
Totals	6,172,925	100.000	-----	72.66

Weighted Average Net Income: Sum (Percent x Net Income) = 72.66

[1] Acres used to weight net income projections are harvested acres for agricultural and horticultural crops, as well as, crawfish. Acres for beef and dairy production are acres in beef cattle and dairy operations, respectively.

[2] Acreage for beef and dairy were obtained from the 2017 Census of Agriculture, Volume 1, Louisiana State and Parish Data, Table 48.

[3] Conservation Reserve Program acreage and payments for 2015 - 2018 were taken from the USDA – FSA Conservation Reserve Program Statistics.

[4] Assumes farm-raised crawfish are produced in a mono-crop system (35%) or in a rice-crawfish double-crop field rotation system with rice. Net income is weighted by the percent of crawfish acres produced in each system. Revenues and production costs are included for the crawfish portion only.

[5] Acreage for idle cropland was obtained from the 2017 Census of Agriculture, Volume 1, Louisiana State and Parish Data, Table 8. Includes acreage for cropland idle or used for cover crops or soil-improvement, but not harvested and not pastured or grazed.

[6] Acreage for sugarcane includes fallow/planted acreage. Net income estimated over total farm acres.

[7] By state statute, negative net income for a given commodity is set equal to zero.

B. Suggested Capitalization Rate for Agricultural and Horticultural Lands

Table 2711.B
Suggested Capitalization Rate for Agricultural and Horticultural Lands

Risk Rate	2.72%
Illiquidity Rate	0.18%
Safe Rate*	4.91%
Capitalization Rate**	7.81%

*Safe Rate is four-year average of 30-year U. S. Treasury securities.
**Statutory minimum capitalization rate of 12 percent used in calculations instead of actual rate as developed above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:491 (March 2004), LR 34:688 (April 2008), LR 46:565 (April 2020).

§2713. Assessment of Timberland

A. Use Value Table 2717.B presents the assessed value of all bona fide timberland.

B. Classification of Timberland. Timberland shall be classified into four categories as follows.

1. Class 1 timberland is timberland capable of producing more than 120 cubic feet of timber per acre per annum.

2. Class 2 timberland is timberland capable of producing more than 85 but less than 120 cubic feet of timber per acre per annum.

3. Class 3 timberland is timberland capable of producing less than 85 cubic feet of timber per acre per annum.

4. Class 4 timberland is timberland capable of producing less than 85 cubic feet of timber per acre per annum and which is subject to periodic overflow from natural or artificial water courses, and which is otherwise considered to be swampland.

C. Range of Productivity of Timberland. The timberland productivity of each of the four classifications of timberland is hereby established to be as follows:

1. class 1 = 86.6 cu. ft. of growth/acre/year;

2. class 2 = 66.8 cu. ft. of growth/acre/year;

3. class 3 = 39.4 cu. ft. of growth/acre/year;

4. class 4 = 38.8 cu. ft. of growth/acre/year.

D. Production Costs of Timberland. The average timberland production costs are hereby established to be $10.80/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be $0.59 per cubic foot.

F. Capitalization Rate for Timberland. The capitalization rate for determining use value of timberlands is hereby established to be as follows.

	Timberland Class 1, 2 and 3	Timberland Class 4
Risk Rate	2.30 %	5.30 %
Illiquidity Rate	- 0.09 %	0.85 %
Safe Rate	4.16 %	5.16 %
Other Factors	3.63 %	4.69 %
Capitalization Rate	10.00 %	16.00%

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 42:751 (May 2016), LR 46:566 (April 2020).

§2715. Assessment of Marsh Land

A. Use Value Table 2717.C.1 and 3 presents the guidelines for determining the assessed value of all bona fide marsh land.

B. The assessor of each parish containing bona fide marsh land shall determine the use value of such land as defined in R.S. 47:2302 and shall assess such land on the basis of its highest use value. In determining the use value of such lands, the assessors shall utilize the use value table prepared by the Tax Commission, which shall be applied uniformly statewide.

C. The table prepared by the Tax Commission shall define each different classification of marshland, a range of production within each class and the range of returns based upon the past four year averages.

D. In preparing the use value table for marshland, the Tax Commission shall consider the following factors:

1. classification of the marshland as either freshwater, brackish, or saltwater marshland;

2. the income that may be produced within each class;

3. income derived from the traditional use of such marshland, as such uses are enumerated in R.S. 47:2301;

4. physical and economic risks attendant thereto;

5. prevailing interest rates;

6. liquidity of investments;

7. federal and state regulatory authority governing use of such marshland.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2307.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 22:117 (February 1996).

§2717. Tables—Use Value

A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Table 2717.A
Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Class	Assessed Value Per Acre	
	Upper	Lower
Class I	$42.01	$35.50
Class II	$35.25	$26.49
Class III	$25.99	$23.00
Class IV	$22.48	$14.97

B. Average Assessed Value per Acre of Timberland, by Class

Table 2717.B
Average Assessed Value per Acre of Timberland, by Class

Class	Assessed Value Per Acre
Class 1	$40.29
Class 2	$28.61
Class 3	$12.45
Class 4	$ 7.56

C. Average Assessed Value per Acre of Marsh Land, by Class

Table 2717.C.1 Average Assessed Value per Acre of Marshland, by Class West Zone	
Class	**Assessed Value Per Acre**
Fresh Water Marsh	$7.00
Brackish Water Marsh	$6.00
Salt Water Marsh	$5.00

Table 2717.C.2 Parishes Considered to be Located in the West Zone			
Acadia	Iberia	St. Landry	Vermilion
Calcasieu	Jefferson Davis	St. Martin	
Cameron	Lafayette	St. Mary	

Table 2717.C.3 Average Assessed Value per Acre of Marshland, by Class East Zone	
Class	**Assessed Value Per Acre**
Fresh Water Marsh	$ 5.00
Brackish Water Marsh	$ 4.00
Salt Water Marsh	$ 3.00

Table 2717.C.4 Parishes Considered to be Located in the East Zone			
Ascension	Lafourche	St. Charles	Terrebonne
Assumption	Livingston	St. James	West Baton Rouge
East Baton Rouge	Orleans	St. John	
Iberville	Plaquemines	St. Tammany	
Jefferson	St. Bernard	Tangipahoa	

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:751 (May 2016), LR 46:566 (April 2020).

Chapter 29. Public Service Properties

§2901. Non-Operating or Non-Utility Property

A. Includes property held for future use or development, property leased to third parties, and certain other property not included in the company rate base.

B. Non-operating or non-utility real property shall be any lands not actually used for utility purposes or lands leased, rented, loaned or otherwise used for commercial, industrial or other purposes. This also applies to any building not directly involved in the utility purpose. (This definition is for the sole purpose of establishing the criteria for determining when the property is to be assessed by the local assessor in accordance with R.S. 47:1853.C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:30 (February 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993).

§2903. Immovable Property of Electric Membership Corporations, Electric Power Companies, Gas Companies, Pipeline Companies, Railroad Companies, Telegraph Companies, Telephone Companies and Water Companies Assessed as Public Service Companies by the Louisiana Tax Commission

A. Immovable property as defined in R.S. 47:1851(H), shall be reported by the taxpayer to the assessor of the parish or district where the property is located. Upon request by the assessor, each public service company shall furnish a list of the immovable property by description and location to that assessor for his sole purpose of locating and inspecting property covered by the public service assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:30 (February 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 20:198 (February 1994).

§2905. Report of Values to the Assessor

A. The Louisiana Tax Commission shall allocate the assessed value of each public service company among the parishes of the state on or before September 1 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:30 (February 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993).

§2909. Appraisal of Public Service Properties

A. In appraising public service properties, the Louisiana Tax Commission shall:

1. employ all of the following nationally recognized techniques of appraisal, where applicable, to best determine fair market value:

a. the market approach;

b. the cost approach;

c. the income approach;

2. assign such weight to each approach as is appropriate to best determine fair market value.

B. All public service properties of the same nature and kind shall be appraised in the same manner. The appraised value of all lands owned by the company in this state shall

be deducted from the total appraised value of the public service properties and shall be assessed by the Tax Commission and shown as a separate item on the tax roll (R.S. 47:1853.B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993).

Chapter 31. Public Exposure of Assessments; Appeals

§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. Assessment lists shall be open for public inspection each year for a period of 15 days, beginning no earlier than August 15 and ending no later than September 15, except in Jefferson Parish, where the lists shall be open for public inspection no earlier than August 1 and ending no later than September 15 and in Orleans Parish, the lists shall be exposed daily, except Saturday, Sunday, and legal holidays, for inspection by the taxpayers and other interested persons during the period of July 15-August 15 of each year unless August 15 falls on a weekend or a legal holiday, when the period shall extend until the next business day.

1. If and when the taxable assessment of a taxpayer's property for a tax year increases by 15 percent or more from its assessment in the previous tax year, the assessor, prior to opening the assessment lists for public inspection, shall provide notice to a taxpayer of the assessment for current tax year and previous tax year by using Form TC-2, notice of increase in property value (see R.S. 47:1987).

2. A property owner or authorized agent of the property owner may make a written request for notice of the current year's assessment of the property of which that person is the owner, however, such request shall be made no sooner than the first day of June of that year, and such request shall be received by the assessor of the parish or district in which the property is located no later than June fifteenth of that same year. The authorized agent of the property owner shall provide with the request for the assessment, written authorization from the property owner for that agent to act as the authorized agent of the property owner in the request of the notice of an assessment. The property owner or the authorized agent of the property owner shall provide to the assessor at the time of the mailing of the notice, appropriate means for the return of the notice such as a self-addressed stamped envelope of sufficient size and adequate postage to hold the notice requested. The assessor, at no cost to him, shall deliver to the property owner or the authorized agent of the property owner through the means provided a written notice of the assessed value of the property no later than the close of business on the third day for inspection of the assessment lists.

3. Any property owner or agent who has requested notice of assessed value pursuant to Paragraph 2 of this Subchapter may also provide an email address to the assessor. If an email address is provided within the period specified in Paragraph 2 of this Subchapter, the assessor shall email written notice of the assessed value of the related property on the first day for the inspection of the assessment lists.

B.1. Each assessor shall publish the dates, time and place of the public exposure of the assessment lists of both real and personal property in a newspaper of general circulation in their respective parishes. Notice shall be published at least twice within a period of not sooner than 21 days nor later than seven days prior to the beginning of the 15 calendar day period of exposure. This notice shall include the following:

PLEASE NOTE: You must submit all information concerning the value of your property to your assessor before the deadline for filing an appeal with the Board of Review. The failure to submit such information may prevent you from relying on that information should you protest your value.

2. Each assessor shall notify the Louisiana Tax Commission of the public exposure dates at least 21 days prior to the public exposure period, which dates shall be published by the Louisiana Tax Commission on its website.

C. During this period of public exposure, each assessor shall provide the taxpayer access to a form entitled "Exhibit A, Notice of Appeal Request for Board of Review" (Form 3101).

D. Each assessor will make any determined changes to the assessment list during the public exposure period, and shall certify the assessment lists to the parish Board of Review within three business days of the final exposure date. The Orleans Parish Assessors shall certify their assessment lists to the Board of Review on or before the tenth business day after August 15.

E.1. Each assessor shall publish two notices of the parish's Board of Review appeal hearing dates in the local newspaper within a period of 21 and 7 days prior to the actual hearing date(s). Each assessor shall then notify the Tax Commission in writing of the Board of Review hearing date(s) and shall provide the commission with an affidavit executed by the local paper demonstrating proof of publication. Appeals must be received by the Board of Review no later than seven days prior to the public hearing.

2. Each assessor shall notify the Louisiana Tax Commission of the Board of Review appeal hearing dates prior to the beginning of the public exposure period, which dates shall be published by the Louisiana Tax Commission on its website.

F. The Parish Police Jury or Parish Council shall sit as the Board of Review. The Board of Review shall convene hearings within 10 days of its receipt of the certified rolls. The Board of Review shall conduct hearings for all persons or their representatives desiring to be heard on the assessments of immovable and movable property. On the fifteenth day after the Board of Review begins the public hearings, the assessment lists, together with any changes in connection therewith, shall be certified and sent to the Tax Commission within three days. R.S. 47:1992.

G. The Board of Review has the authority to increase or decrease the assessment of immovable or movable property made by the assessor in accordance with the fair market or use value determination by the board. The validity of each assessment shall be determined on its own merits using recognized appraisal techniques, R.S. 47:1992(C).

H. Notwithstanding any provision of law to the contrary, the procedure for inspection of assessment lists in Orleans Parish shall be as follows.

1. The assessor shall prepare and make up the lists showing the assessment of immovable and movable property in Orleans Parish. The lists shall be exposed daily, except Saturday, Sunday and legal holidays, for inspection by the taxpayers and other interested persons during the period of July 15 through August 15 of each year unless August 15 falls on a weekend or a legal holiday, when the period shall extend until the next business day. The assessor shall give notice of such exposure for inspection in accordance with rules and regulations established by the Louisiana Tax Commission. On or before the tenth business day after the completion of public inspection, the assessor shall certify his rolls to the Board of Review.

2.a. The Board of Review shall consider all written complaints in which the taxpayer has timely filed the reports as required by R.S. 47:2301 et seq. and R.S. 47:2321 et seq., and which have been:

i. filed on the complaint form provided by the board, through the office of the assessor;

ii. completed in conformity with the requirements of the Board of Review;

iii. received by the office of the assessor, no later than three business days after the last date on which the lists are exposed.

b. Any complaints received by the assessor's office shall be forwarded to the Board of Review within seven business days after the last date in which the lists are exposed.

3. The Board of Review shall convene hearings on or before September fifteenth. The board may appoint one or more board members as hearing officers, who may conduct all required public hearings of the board with or without the presence of the other members, provided that no final action may be taken unless a quorum of the Board of Review is present. The board may make a determination to increase or decrease the assessment of real or personal property made by the assessor in accordance with the fair market or use valuation as determined by the board.

4. The Board of Review shall certify the assessment list to the Louisiana Tax Commission on or before October twentieth of each year. The Louisiana Tax Commission requests and recommends that the Board of Review maintain the certified list on its website or through other publicly available digital means.

I. The Board of Review, during its public hearing(s), shall have copies of the Louisiana Tax Commission appeal rules and regulations and Appeal Form 3102/3103.A available for any assessor and/or taxpayer desiring to further appeal to the Tax Commission.

J. The Board of Review shall provide each taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the assessment list to the Tax Commission. The notice of determination shall be sent simultaneously to the assessor and the taxpayer at the address shown on the appeal form by registered or certified mail. The Board of Review shall include an Appeal Form 3102/3103.A with the notice of determination.

K.1. The determination of the Board of Review shall be final unless appealed, in writing, to the Tax Commission within 30 calendar days of the earlier of:

a. actual delivery of the Board of Review decision; or

b. written transmission of the Board of Review notice of determination.

2. The Board of Review shall record and report the method of transmission and the date of written transmission to the Louisiana Tax Commission. Either the taxpayer, the parish assessor, and/or a bona fide representative of an affected tax-recipient body may appeal the Board of Review determination to the Tax Commission.

Form 3101
Exhibit A
Appeal to Board of Review by Property Owner/Taxpayer
For Real and Personal Property

Name:_____Parish/District:_____
Taxpayer

Address:_____City, State, Zip:_____

Ward:____ Assessment/Tax Bill Number:_____Appeal No._____
Board of Review

(Attach copy of complete appeal submitted to the Board of Review)

Address or Legal Description of Property Being Appealed (Also, please identify building by place of business for convenience of appraisal)

_____

_____

_____

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992.

The assessor has determined Fair Market Value of this property at:

Land $_____ Improvement $_____ Personal Property* $ _____
Total $_____

I am requesting that the Fair Market Value of this property be fixed at:

Land $_____ Improvement $_____ Personal Property* $ _____
Total $_____

* If you are not appealing personal property, leave this section blank.

Please notify me of the date, place and time of my appeal at the address shown below.

NOTE: If property owner/taxpayer disputes the Board of Review's decision, property owner/taxpayer may appeal to the La. Tax Commission by completing and submitting Appeal Form 3102/3103.A to the LTC within 10 business days after certified mail delivery to the appealing taxpayer or assessor of the BOR's written determination. For further information, call the LTC at (225) 219-0339.

_____
Property Owner/Taxpayer

Address: _____

_____

Telephone No._____

Email Address: _____

PLEASE NOTE: You must submit all information concerning the value of your property to your assessor before the deadline for filing an appeal with the Board of Review. The failure to submit such information may prevent you from relying on that information should you protest your value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:512 (March 2000), LR 30:492 (March 2004), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:751 (May 2016), LR 43:657 (April 2017), LR 45:538 (April 2019), LR 48:1529 (June 2022).

§3102. Appeals to the Louisiana Tax Commission (for appeals filed before January 1, 2022)

NOTE: The following procedure and rules shall apply and govern all appeals filed with the Louisiana Tax Commission before January 1, 2022.

A. The Louisiana Constitution provides that the correctness of assessments made by an assessor will be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law. La. Const. Article VII, Section 18(E).

B.1. An appeal to the Louisiana Tax Commission shall be filed with the commission within 30 calendar days after the Board of Review's written decision is properly sent. In order to institute a proceeding before the commission, the taxpayer, assessor, or bona fide representative of a tax recipient body shall file Form 3102/3103.A and, if applicable, Form 3102/3103.B. The applicant must include a copy of the Board of Review's written decision and notification letter with the Form 3102/3103.A. All appeals shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail. Appeals may also be filed electronically on the Tax Commission's website.

2. Appeals filed by a taxpayer shall be docketed and captioned as follows.

STATE OF LOUISIANA

LOUISIANA TAX COMMISSION

Taxpayer

v.

Assessor and Parish Board of Review

DOCKET NO. _____

3. Appeals filed by an assessor shall be docketed and captioned as follows.

STATE OF LOUISIANA

LOUISIANA TAX COMMISSION

Assessor

v.

Taxpayer and Parish Board of Review

DOCKET NO. _____

4. Appeals filed by a bona fide representative of a tax recipient body shall be docketed and captioned as follows.

STATE OF LOUISIANA

LOUISIANA TAX COMMISSION

Tax Recipient Body

v.

Assessor, Taxpayer, and Parish Board of Review

DOCKET NO. _____

C.1. Except as otherwise provided, an original and seven copies of all filings, including pleadings and exhibits, shall be filed with the commission.

2. All pleadings are to be signed by the individual who files them, and shall include the capacity in which the individual is acting, the individual's mailing address, and telephone number.

3. The signing of the pleading will be construed to be the individual's statement that the individual is duly authorized to represent the taxpayer, that the allegations of the petition are true and correct to the best of the individual's information and belief and that the capacity in which the individual acts is properly stated.

4. All pleadings shall be accompanied by a certificate of service certifying that such pleadings have been served on all opposing parties or parties in interest in the case, and shall include the manner of service.

5. All pleadings shall reflect the caption set forth in Section B.

6. All filings to the Louisiana Tax Commission shall be on letter size paper.

7. Any filing that consists of 50 pages or less shall be filed in electronic/digital form only.

8. Any filing that consists of more than 50 pages shall be filed in electronic/digital form, along with the printed original and seven copies.

9. Motions and exceptions shall be in writing, shall be accompanied by an order or rule setting them from hearing and shall be served in accordance with these rules.

10. Motions, Rules and Exceptions may be heard by the commission by special setting, or referred to the merits of the case at the discretion of the commission.

11. The Tax Commission may issue discovery and filing deadlines through a case management scheduling order.

D.1. All parties shall receive notice of the scheduling of an appeal hearing at least 60 days prior to the scheduled hearing date. However, if an appeal hearing is continued or rescheduled, each party shall receive notice at least 30 days prior to the new hearing date.

2. In addition to the initial filing of Forms 3102/3103.A and 3102/3103.B, the taxpayer or assessor appealing the Board of Review decision may attach a pleading containing further information concerning the appeal.

3. Either party may request a continuance of a scheduled hearing. Such a request must be made in writing and filed and served on the opposing party at least 15 days prior to the scheduled hearing date, unless good cause can be shown why the fifteen-day requirement should be waived. Requests for continuance must contain the grounds on which the continuance is requested and state whether or not the opposing party objects to the request.

4. The applicant shall file and serve on the opposing party at least 45 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing. The applicant must submit evidence that establishes the fair market value of their property or other grounds that would constitute reversal of the Board of Review's decision and/or modification of the original assessment.

5. The respondent shall file and serve on the opposing party at least 30 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing.

6. Documents and papers offered into evidence for a hearing before the commission shall be marked as exhibits and bound. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. Exhibits offered by a taxpayer shall be marked "Exhibit Taxpayer _____" and shall be consecutively numbered. The taxpayer shall at the time an exhibit is offered state whether the exhibit contains information not furnished to the assessor before the end of the period for public exposure of the assessment lists. Exhibits offered by the assessor shall be marked "Exhibit Assessor _____" and shall be consecutively numbered. Exhibits offered by the commission or its staff representative shall be marked "Exhibit Tax Commission _____" and shall be consecutively numbered. It is the Tax Commission's policy to accept all pre-filed exhibits into the record, however, either party may object to the submission of any of the opposing parties' exhibits. Such objection(s) must be made at the beginning of the appeal hearing. The Tax Commission reserves the right to take such objections under advisement and/or to defer the objections to the merits of the appeal. Absent a timely objection, all timely filed exhibits are deemed admitted.

7. Legal memorandum submitted by the parties will be made part of the record proceedings before the commission, but shall not be filed as exhibits offered into evidence for the hearing before the commission.

8. Any party, including the taxpayer, assessor, and/or Tax Commission, may request, in writing, that all parties disclose witnesses that may be called to testify at the appeal hearing. Such a request must be made not less than 20 days prior to the hearing and if such a request is made, all parties must disclose, in writing, all witnesses that may be called to testify as follows: the applicant must make such disclosure at least 15 days prior to the hearing and the respondent must make such disclosure at least eight days prior to the hearing. The admissibility of rebuttal witnesses will be evaluated by the commission on a case-by-case basis.

E. If a taxpayer appeals the Board of Review's decision on the basis that the assessor appraised his or her property on the sole basis of a sale or sales listing, evidence establishing that the property was reappraised at the value of, or based solely upon, the sale or sales listing shall constitute prima facie evidence of sales/listing chasing and shall create a rebuttal presumption against the assessment.

F. Upon written notice by the commission, through either the administrator or Counsel to the Commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise prior to the hearing, for the purpose of formulating issues and considering:

1. simplification of issues;

2. a limitation, where possible of the number of witnesses;

3. the time required for presentations;

4. stipulations as to admissibility of exhibits;

5. submission of proposed findings of fact;

6. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Upon written notice by the commission, through either the administrator or counsel to the commission, the parties or their attorneys or other representative may be directed to file memoranda with the commission. The legal memorandum shall address in a concise manner the issues presented in the appeal to the commission together with a statement of any authority supporting the party's position.

H. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by a witness. The opposing party will be allowed to cross-examine and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

I. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, through an immediate family member, an attorney, or Registered Tax Representative as herein defined below; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Power of Attorney" (Form 3102/3103.B).

1. Registered tax representative is a person who represents another person at a proceeding before the Louisiana Tax Commission. The term does not include:

a. the owner of the property or person liable for the taxes that is the subject of the appeal;

b. an immediate family member of the owner of the property;

c. a permanent full-time employee of the owner of the property or person liable for the taxes who is the subject of the appeal;

d. representatives of local units of government appearing on behalf of the unit or as the authorized representative of another unit;

e. a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or

f. an attorney who is a member in good standing of the Louisiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the board to appear pro hac vice.

2. To serve as a registered tax representative, a person must:

a. be properly registered with the commission;

b. be at least 18 years of age;

c. have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations;

d. have read and is familiar with all rules and regulations promulgated by the commission; and

e. have a copy of a properly executed power of attorney from the taxpayer on the form prescribed by the commission on file before a hearing will be scheduled.

J. Every taxpayer or assessor, witness, attorney or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer or assessor, witness, attorney or other representative may be excluded by the commission from any hearing for such period and upon such conditions as are just for violation of this rule.

K. All official hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

L. A continuance shall not be granted due to an unexcused absence of a taxpayer, assessor or any representative, attorney or witness, at the time and place set for a scheduled hearing before the commission, without consent of the taxpayer and/or assessor. If such consent is refused, the hearing shall proceed.

M. The hearing shall be conducted informally. It will be the responsibility of the taxpayer or assessor to retain the services of an official reporter for a scheduled hearing should either anticipate the need for a transcript. The Tax Commission shall be notified no later than three business days~~,~~ prior to the scheduled hearing that an official reporter will be in attendance, and the commission shall be furnished a copy of the transcript, at no cost to the commission.

N. Witness testimony is permitted, and all witnesses shall be placed under oath at the onset of each hearing. However, the commission may limit the number of witnesses and limit the allotment of time for such testimony. The commission may permit live witness testimony via videoconference. All witnesses are subject to cross examination by any party.

O. Absent a timely objection, any evidence, which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may also exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. The commission shall take official notice without further identification of the contents of the original records and documents in possession of the commission when duly certified copies thereof are offered into evidence and made a part of the record. The Board of Review does not transmit a record or evidence to the Tax Commission. Any evidence or information that was submitted to the Board of Review must be filed by the parties, to be considered by the Tax

Commission. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

Q. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

R. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

S. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time will be allotted by the chairman or hearing officer.

T. The parties to an appeal shall be notified in writing, by registered or certified mail, of the final decision by the commission. The taxpayer or assessor shall have 30 days from entry of the decision to appeal to a court of competent jurisdiction. In addition to registered or certified mail, the parties to an appeal may also be notified by electronic mail.

U. The Tax Commission defines “entry” under R.S. 47:1998, as the mailing of the decision to the parties. Decisions by the Tax Commission are not entered or final until signed and placed in the mail to the parties.

V. Following the entry of a final decision, the commission may, at its discretion, grant the request of a taxpayer or assessor for a rehearing; provided the rehearing request is made in accordance with the Administrative Procedure Act.

W. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written request of the taxpayer or assessor. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the Tax Commission’s website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

X. The word "commission", as used herein, refers to the chairman and the members or its delegate appointed to conduct the hearing.

Y. A decision by the Tax Commission that determines the fair market value of real property shall be applied to subsequent tax years until reappraisal in a future mandated reappraisal year, unless there has been a change in the physical condition of the property that would justify reappraisal or a change in value. Nothing in this Subparagraph shall be interpreted or applied to limit an assessor’s ability or obligation to reduce an assessment due to a change in the condition of the property or under R.S. 47:1978.1.

Z. Any notice, correspondence, order, directive, or similar communication issued by the commission may be by U.S. Mail and/or electronic mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 48:1530 (June 2022).

§3103. Appeals to the Louisiana Tax Commission (for appeals filed on or after January 1, 2022)

NOTE: The following procedure and rules shall apply and govern all appeals filed with the Louisiana Tax Commission on or after January 1, 2022.

A. The Louisiana Constitution provides that the correctness of assessments made by an assessor will be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law. La. Const. Article VII, Section 18(E).

B.1. An appeal to the commission shall be filed with the commission within 30 calendar days of the earlier of:

a. the Board of Review’s written decision is properly sent to the taxpayer and assessor, or

b. actual delivery of the Board of Review’s determination, whether electronic or otherwise. In order to institute a proceeding before the commission, the taxpayer, assessor, or bona fide representative of a tax recipient body shall file Form 3102/3103.A and, if applicable, Form 3102/3103.B. The applicant must include a copy of the Board of Review’s written decision and notification letter with the Form 3102/3103.A. All appeals shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail. Appeals may also be filed electronically on the commission’s website. The commission may summarily dismiss an appeal not timely filed with all required documents.

2. In addition to the Forms 3102/3103.A and 3102/3103.B, the applicant may attach any additional documents or pleadings containing further information concerning the appeal.

3. Appeals filed by a taxpayer shall be docketed and captioned as follows.

STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Taxpayer
v.
Assessor and Parish Board of Review
DOCKET NO. _____

4. Appeals filed by an assessor shall be docketed and captioned as follows.

STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Assessor
v.
Taxpayer and Parish Board of Review
DOCKET NO. _____

5. Appeals filed by a bona fide representative of a tax recipient body shall be docketed and captioned as follows.

STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Tax Recipient Body
v.
Assessor, Taxpayer, and Parish Board of Review
DOCKET NO. _____

C.1. Except as otherwise provided, an original and seven copies of all filings, including pleadings and exhibits, shall be filed with the commission.

2. All pleadings are to be signed by the individual who files them, and shall include the capacity in which the individual is acting, the individual's mailing address, and telephone number.

3. The signing of the pleading will be construed to be the individual's statement that the individual is duly authorized to represent the property owner, that the allegations of the petition are true and correct to the best of the individual's information and belief and that the capacity in which the individual acts is properly stated.

4. All pleadings shall be accompanied by a Certificate of Service certifying that such pleadings have been served on all opposing parties or parties in interest in the case and shall include the manner of service.

5. All pleadings shall reflect the caption set forth in Section B of this Section.

6. All filings to the commission shall be on letter size paper.

7. Any filing that consists of 50 pages or less shall be filed in electronic/digital form only.

8. Any filing that consists of more than 50 pages shall be filed in electronic/digital form, along with the printed original and seven copies.

9. Motions and Exceptions shall be in writing, shall be accompanied by an order or rule setting them for hearing and shall be served in accordance with these rules.

10. The commission may issue discovery and filing deadlines through a case management scheduling order.

11. In computing a period of time allowed or prescribed in this Subchapter or by order of the commission, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

12. At the discretion of the commission, Motions, Objections, Rules, and/or Exceptions may be heard by the commission by special setting, referred to the merits of the case, or summarily adjudicated.

13. Upon written notice by the commission, through either the administrator or Counsel to the Commission, the parties or their attorneys or other representative may be directed to file memoranda with the commission. The legal memorandum shall address in a concise manner the issues presented in the appeal to the commission together with a statement of any authority supporting the party's position.

D.1. Except as otherwise provided, the review of the correctness of an assessment is confined to review of evidence presented to the assessor prior to the deadline for filing a complaint with the Board of Review.

2. The taxpayer shall pre-file all documentary evidence with the commission in accordance with these rules, or any case management scheduling order adopted by the commission.

3. If a taxpayer pre-files evidence which the assessor contends was not presented prior to the deadline for filing a complaint with the Board of Review, then the assessor shall file a written objection into the record. If maintained, the assessor's written objection should include a complete copy of the individual file/log as recommended in Section 213.G. The failure by the assessor to timely file a written objection shall be deemed a waiver. Such waiver shall be deemed to be good reason and shall operate to permit consideration of all evidence timely pre-filed by the taxpayer.

4. If the assessor timely objects to the pre-filed evidence by a taxpayer, the taxpayer may

1. respond to the objection on the basis that the evidence is deemed to have been submitted pursuant to the commission's rules,

2. respond to the objection on the basis that the evidence was timely submitted to the assessor,

3. respond to the objection on the basis that there are good reason(s) for the failure to timely submit such evidence, and/or

4. respond to the objection on the basis that the evidence is otherwise admissible and permitted under these rules or R.S. 47:1989.

5. The commission may order that a hearing be held regarding the assessor's objection(s) to the taxpayer's pre-filed exhibits.

6. If the assessor's objection is overruled on the basis that there are good reason(s) for the failure to timely submit such evidence, the commission may order that the assessor consider the additional evidence. Within 15 days of the commission's order to consider additional evidence, the assessor may modify an assessment and shall notify the commission and taxpayer of such a modification.

7. In all real property appeals, the commission may independently appraise the property utilizing the criteria set forth in R.S. 47:2323.

8. A finding of "good reason" under La. R.S. 47:1989(C)(2)(a) may be impacted by any party's failure to comply with any of the commission's Rules and Regulations, including the requirements of Section 3101 and Section 307.A. "Good reason" under La. R.S. 47:1989(C)(2)(a) shall not include a taxpayer's intentional withholding of evidence. Nothing in these Rules should be interpreted or applied to limit a finding of "good reason" in other circumstances.

9. Publicly available information, data, reports, resources, and/or guides is deemed to have been "presented" to the assessor prior to the close of the deadline for filing a complaint with the Board of Review.

E.1. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, through an immediate family member, an attorney, or Registered Tax Representative as herein defined below; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Power of Attorney" (Form 3102/3103.B).

2. Registered Tax Representative is a person who represents another person at a proceeding before the commission. The term does not include:

a. the owner of the property or person liable for the taxes that is the subject of the appeal;

b. an immediate family member of the owner of the property;

c. a permanent full-time employee of the owner of the property or person liable for the taxes who is the subject of the appeal;

d. representatives of local units of government appearing on behalf of the unit or as the authorized representative of another unit;

e. a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or

f. an attorney who is a member in good standing of the Louisiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the board to appear pro hac vice.

3. To serve as a registered tax representative, a person must:

a. be properly registered with the commission;

b. be at least 18 years of age;

c. have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations;

d. have read and is familiar with all rules and regulations promulgated by the commission; and

e. have a copy of a properly executed power of attorney from the taxpayer on the form prescribed by the commission on file before a hearing will be scheduled.

4. The commission may deny any attorney or tax representative from representing any parties before the commission for failure to comply with R.S. 47:1998(I), which provides, in part: "The Louisiana Tax Commission shall receive a copy of every filing in a suit under this Section[.]".

F. Every taxpayer or assessor, witness, attorney or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer or assessor, witness, attorney or other representative may be excluded by the commission from any hearing for such period and upon such conditions as are just for violation of this rule.

G.1. The commission shall conduct an evidentiary hearing to evaluate the correctness of the Board of Review's determination. However, if the Board of Review affirmed the original assessment/value, the commission shall evaluate the original assessment/value by the assessor. The commission will not accept or consider any evidence not permitted under R.S. 47:1989.

2. All parties shall receive notice of the scheduling of an appeal hearing at least 60 days prior to the scheduled hearing date. However, if an appeal hearing is continued or rescheduled, each party shall receive notice at least 30 days prior to the new hearing date.

3. All official hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

4. The hearing shall be conducted informally. It will be the responsibility of the taxpayer or assessor to retain the services of an official reporter for a scheduled hearing should either anticipate the need for a transcript. The commission shall be notified no later than three (3) business days prior to the scheduled hearing that an official reporter will be in attendance, and shall be furnished a copy of the transcript. By motion of any party, such a transcript may be made part of the commission's administrative record.

5. Any party may request a continuance of a scheduled hearing. Except as otherwise provided, a request for continuance must be made in writing and filed and served on the opposing parties at least 15 days prior to the scheduled hearing date, unless good cause can be shown why this deadline should be waived. Requests for continuance must contain the grounds on which the continuance is requested and state whether or not the opposing party objects to the request.

6. Except as otherwise provided in the commission's rules or by order of the commission, the applicant shall file and serve on the opposing party at least 45 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing.

7. Except as otherwise provided in the commission's rules or by order of the commission, the respondent shall file written objections to any of the applicant's pre-filed exhibits at least 30 days prior to the scheduled hearing date. The failure to timely file a written objection may be deemed a waiver.

8. Except as otherwise provided in the commission's Rules or by order of the commission, the respondent shall file and serve on the opposing party at least 30 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing.

9. Except as otherwise provided in the commission's Rules or by order of the commission, any party, including the taxpayer, assessor, and/or commission, may request, in writing, that all parties disclose witnesses that may be called to testify at the appeal hearing. Such a request must be made not less than 55 days prior to the hearing and if such a request is made, all parties must disclose, in writing, the actual identity of any witnesses that may be called to testify as follows: the applicant must make such disclosure at least 45 days prior to the hearing and the respondent must make such disclosure at least 30 days prior to the hearing. The admissibility of rebuttal witnesses will be evaluated by the commission on a case-by-case basis.

10. If a taxpayer appeals the Board of Review's decision on the basis that the assessor appraised the subject property on the sole basis of a sale or sales listing, evidence establishing that the property was reappraised at the value of, or based solely upon, the sale or sales listing shall constitute prima facie evidence of sales/listing chasing and shall create a rebuttal presumption against the assessment.

11. If a taxpayer appeals the Board of Review's decision on the basis that the assessor inequitably assessed the subject property as compared to similarly situated comparable properties, then the taxpayer must submit evidence of such an inequity, and the assessor shall be prepared to respond to such evidence.

12. Notwithstanding §3103.D.1, or any other provision to the contrary, witness testimony is permitted, and all witnesses shall be placed under oath at the onset of each hearing. However, the commission may limit the number of witnesses and limit the allotment of time for such testimony. The commission may permit live witness testimony via videoconference. All witnesses are subject to cross examination by any party. Further, the commission will not accept or consider any evidence not permitted under La. R.S. 47:1989.

13. It is the commission's policy to accept all pre-filed exhibits into the record; however, either party may object to the submission of any of the opposing parties' exhibits. Absent a timely objection, any evidence shall be admitted into the record. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. The commission may also exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious. The commission reserves the right to take any objection under advisement and/or to defer the objections to the merits of the appeal.

14. The commission shall take official notice without further identification of the contents of the original records and documents in possession of the commission when duly certified copies thereof are offered into evidence and made a part of the record. The Board of Review does not transmit a record or evidence to the commission. Any evidence or information that was submitted to the Board of Review must be filed by the parties to be considered by the commission. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

15. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by a witness. The opposing party will be allowed to cross-examine and/or submit any sworn testimony given by the witness in the deposition.

16. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written request of any party. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the commission's website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

17. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

18. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time may be limited and/or allotted by the chairman or hearing officer.

19. The commission may take any matter under advisement and issue a decision/ruling without advance notice or any additional opportunity for hearing.

H.1. The commission may affirm the Board of Review decision, it may remand the matter for further consideration by the assessor, or it may reverse or modify the assessment because the assessment is any of the following:

a. In violation of constitutional or statutory provisions.

b. In excess of the authority of the assessor.

c. Made upon an unlawful procedure.

d. Affected by another error of law.

e. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

f. Not supported and sustainable by a preponderance of evidence as determined by the commission.

2. In determining whether the assessment is supported and sustainable by a preponderance of evidence, the commission shall make its own determination and conclusions of fact by a preponderance of evidence based upon its own evaluation of the evidence reviewed in its entirety including otherwise admissible first-hand witness testimony.

3. In determining whether the assessment is supported and sustainable by a preponderance of evidence, if the value indicated by the commission's review of the record is within 5 percent of the Board of Review's determination, there shall be a rebuttal presumption that the Board of Review's determination is correct.

I.1. Notwithstanding any other provision to the contrary, and except as otherwise instructed, the Appraisal Division shall perform a fee simple appraisal in connection with all real property appeals utilizing the criteria set forth in R.S. 47:2323 and the commission's Rules. The appraisal report shall be served on all parties at least sixty (60) days prior to the scheduled hearing and shall be entered into the record.

2. The commission may accept or reject all or any part of the appraisal prepared by the Appraisal Division in its evaluation of the appeal.

J. The parties to an appeal shall be notified in writing, by registered or certified mail, of the final decision by the commission. The parties shall have 30 days from entry of the decision to appeal to a court of competent jurisdiction. The parties to an appeal may also be notified by electronic mail.

K. The commission defines "entry" under R.S. 47:1998, as the mailing of the decision to the parties. Decisions by the commission are not entered or final until signed and placed in the mail to the parties.

L. Following the entry of a final decision, the commission may, at its discretion, grant a rehearing. A request for rehearing by any party shall be made in accordance with the Louisiana Administrative Procedure Act.

M. The word "commission", as used herein, refers to the chairman and the members or its delegate appointed to conduct the hearing. The word "applicant", as used herein, refers to the party who filed a protest/appeal with the commission under R.S. 47:1989. The word "respondent", as used herein, refers to the interested parties who did not file a protest/appeal with the commission under R.S. 47:1989. In a protest by a taxpayer, the interested parties include the parish assessor and Board of Review. In a protest by an assessor the interested parties include the taxpayer and Board of Review. In a protest by a bona fide representative of an affected tax-recipient body, the interested parties include the taxpayer, parish assessor, and Board of Review.

N. The chairman of the commission is authorized to rule upon, decide, and/or adjudicate any motion or objection. Notice of rulings by the chairman shall be delivered to the parties by U.S. Mail and/or electronic mail. Any party may appeal a ruling by the chairman to the full commission within seven calendar days of notice. Such appeals may be heard by the commission by special setting or referred to the merits of the case at the discretion of the commission.

O. A decision by the commission that determines the fair market value of real property shall be applied to subsequent tax years until reappraisal in a future mandated reappraisal year, unless there has been a change in the physical condition of the property that would justify reappraisal or a change in value. Nothing in this Subparagraph shall be interpreted or applied to limit an assessor's ability or obligation to reduce an assessment due to a change in the condition of the property or under R.S. 47:1978.1.

P. Other than a final decision on the merits of an appeal, any ruling, notice, correspondence, order, directive, or similar communication issued by the commission may be by U.S. Mail and/or electronic mail.

Form 3102/3103.A	La. Tax Commission
Exhibit A	P.O. Box 66788
Appeal to Louisiana Tax Commission	Baton Rouge, LA 70896
by Property Owner/Taxpayer or Assessor	(225) 219-0339
for Real and Personal Property	

Name:_____Parish/District:_____
Taxpayer

Address:_____City, State, Zip:_____

Ward:____ Assessment/Tax Bill Number:_____Appeal No._____
Board of Review

Address or Legal Description of Property Being Appealed

Also, please identify building by place of business for convenience

_____

_____

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to La. R.S. 47:1992, R.S. 47:1989 and the rules of the Louisiana Tax Commission. I timely filed my appeal as required by law.

Date of the Board of Review Determination: _____

"You are required to include a copy of the Board of Review Determination with this Appeal Form."

The original Fair Market Value by the assessor was:

Land $_____ Improvement $_____

Personal Property $_____ Total $_____

The Fair Market Value determined by the Board of Review was:

Land $_____ Improvement $_____

Personal Property $_____ Total $_____

The Fair Market Value should be:

Land $_____ Improvement $_____

Personal Property $_____ Total $_____

* If you are not appealing personal property leave this section blank.

NOTE: If you disagree with the Board of Review's determination, you must file an appeal. The appeal of the decision of the Board of Review by one party is not an appeal of that decision from the other party. To protect your rights, if you disagree with the determination of the Board of Review, you should file an appeal to the Louisiana Tax Commission challenging the Board of Review's determination regardless of whether or not the other party has appealed that decision.

_____

Applicant: (Property Owner/Taxpayer/Assessor)

Address:

_____

_____

Telephone No.: _____

Email Address: _____

Date of Appeal: _____

Today's Date: _____

This form must be completed in its entirety. The failure to complete the form, in its entirety, or failure to attach a copy of the Board of Review Determination may result in summary dismissal at the discretion of the Tax Commission.

PLEASE NOTE: Any documents or other evidence submitted to the assessor and/or the Board of Review must be refiled/resubmitted to the Louisiana Tax Commission.

Form 3102/3103.B

Exhibit B

Power of Attorney

PLEASE TYPE OR PRINT

Taxpayer(s) must sign and date this form on Page 2.

I. TAXPAYER:

Your Name or Name of Entity: _____

Street Address, City, State, ZIP:_____

I/we appoint the following representative as my/our true and lawful agent and attorney-in-fact to represent me/us before the Louisiana Tax Commission. The representative is authorized to receive and inspect confidential information concerning me/our tax matters, and to perform any and all acts that I/we can perform with respect to my/our tax matters, unless noted below. Modes of communication for requesting and receiving information may include telephone, e-mail, or fax. The authority does not include the power to receive refund checks, the power to substitute another representative, the power to add additional representatives, or the power to execute a request for disclosure of tax information to a third party.

Representatives must sign and date this form on Page 3.

II. AUTHORIZED REPRESENTATIVE:

Name:_____

Firm:_____

Street Address _____

City, State, ZIP:_____

Telephone Number:( ) _____

Fax Number:( )_____

Email Address:_____

III. SCOPE OF AUTHORIZED APPOINTMENT:

Acts Authorized. Mark only the boxes that apply. By marking the boxes, you authorize the representative to perform any and all acts on your behalf, including the authority to sign tax returns, with respect only to the indicated tax matters:

A. Duration:

_____ Tax Year _____ (Days, Months, etc.) _____ Until Revoked.

B. Agent Authority:

1._____General powers granted to represent taxpayer in all matters.

2._____Specified powers as listed.

(a.)____File notices of protest and present protests before the Louisiana Tax Commission.

(b.)____Receive confidential information filed by taxpayer.

(c.)____Negotiate and resolve disputed tax matters without further authorization.

(d.)____Represent taxpayer during appeal process.

C. Properties Authorized to Represent:

1.____All property.

2.____The following property only (give assessment number and municipal address or legal description).

_____

_____

Additional properties should be contained on separate page

NOTICES AND COMMUNICATIONS: Original notices and other written communication will be sent only to you, the taxpayer. Your representative may request and receive information by telephone, e-mail, or fax. Upon request, the representative may be provided with a copy of a notice or communication sent to you. If you want the representative to request or receive a copy of notices and communications sent to you, check this box. ☐

REVOCATION OF PRIOR POWER(S) OF ATTORNEY: Except for Power(s) of Attorney and Declaration of Representative(s) filed on this Form, the filing of this Power of Attorney automatically revokes all earlier Power(s) of Attorney on file with the Louisiana Tax Commission for the same tax matters and years or periods covered by this document.

SIGNATURE OF TAXPAYER(S): If a tax matter concerns jointly owned property, all owners must sign if joint representation is requested. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer. I certify that I have the authority to execute this form on behalf of the taxpayer.

IF THIS POWER OF ATTORNEY IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

_____

Signature

_____

Date (mm/dd/yyyy)

_____

Spouse/Other Owner Signature

_____

Date (mm/dd/yyyy)

_____

Signature of Duly Authorized Representative, if the taxpayer title is a corporation, partnership, executor, or administrator

_____

Date (mm/dd/yyyy)

IV. DECLARATION OF REPRESENTATIVE:

Under penalties of perjury, I declare that:

I am authorized to represent the taxpayer identified above and to represent that taxpayer as set forth in Part III specified herein;

I have read and am familiar with all the rules and regulations promulgated by the commission;

I have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations.

_____

Signature

_____

Date (mm/dd/yyyy)

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:471 (April 2021), LR 48:1533 (June 2022).

§3105. Practice and Procedure for Public Service Properties Hearings

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days after receipt of the Public Service Section's Certificate of Value. In order to institute a proceeding before the commission, the taxpayer shall file Form 3105.A and, if applicable Form 3102/3103.B.

B.1. All filings to the Louisiana Tax Commission shall be filed, in proper form, consisting of an original and seven copies on letter size paper, with the Office of the Administrator. All appeals and filings shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail.

2. The Office of the Administrator shall be sent one “service copy” of all State Court, Federal Court, Appellate Court, and/or Supreme Court pleadings in which the LTC is named party in addition to Special Counsel for the LTC.

C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

D. Thirty days prior to said hearings, the protesting taxpayer shall file a signed, pleading, specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and seven copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer_____" and shall be consecutively numbered, indexed and bound. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;

2. a limitation, where possible, of the number of witnesses;

3. possible consolidation of like protests;

4. the time required for presentations;

5. stipulations as to admissibility of exhibits;

6. submission of proposed findings of fact;

7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

N. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

O. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

P. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

Q. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written request of the taxpayer. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the Tax Commission's website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

R. The parties to an appeal shall be notified in writing by certified mail of the final decision of the commission. The taxpayer shall have 30 days from receipt of the Order to appeal to a court of competent jurisdiction.

S. The word *commission* as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

Form 3105.A
Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer
For Public Service Property

La. Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(225) 219-0339

Taxpayer Name:
Address:
City, State, Zip:
Circle one Industry:
Airline Boat/Barge Co-op Electric Pipeline Railcar Railroad Telephone

The Fair Market Value as determined by the Public Service Section of the Louisiana Tax Commission is:
Total $ _____
I am requesting that the Fair Market Value be fixed at:
Total $ _____
I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller

under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

_____

Applicant:
Address:_____
_____
_____
_____
Telephone No.:_____
Email Address: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 30:492 (March 2004), LR 31:723 (March 2005), LR 32:438 (March 2006), LR 33:499 (March 2007), LR 34:689 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1538 (June 2022).

§3106. Practice and Procedure for the Appeal of Bank Assessments

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days of the dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3106.A and, if applicable Form 3102/3103.B.

B. All filings to the Louisiana Tax Commission shall be filed with the Office of the Administrator. They shall be deemed filed only when actually received, in proper form. All filings shall be in the form of an original and seven copies on letter size paper.

1. The Office of the Administrator shall be sent one “service copy” of all State Court, Federal Court, Appellate Court, and/or Supreme Court pleadings in which the LTC is named party in addition to Special Counsel for the LTC.

C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

D. Thirty days prior to said hearings, the protesting taxpayer shall file a signed, pleading, specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and seven copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer_____" and shall be consecutively numbered, indexed and bound. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;

2. a limitation, where possible, of the number of witnesses;

3. possible consolidation of like protests;

4. the time required for presentations;

5. stipulations as to admissibility of exhibits;

6. submission of proposed findings of fact;

7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer

shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. The hearing shall be conducted informally. It will be the responsibility of the taxpayer or assessor to retain the services of an official reporter for a scheduled hearing should either anticipate the need for a transcript. The Tax Commission shall be notified within three business days, prior to the scheduled hearing that an official reporter will be in attendance.

N. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

Q. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

R. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written request of the taxpayer. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the Tax Commission's website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

S. The parties to an appeal shall be notified in writing by certified mail of the final decision of the commission. The taxpayer shall have 30 days from receipt of the order to appeal to a court of competent jurisdiction.

T. The word "commission" as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

Form 3106.A
Appeal to Louisiana Tax Commission
by Taxpayer
for Bank Stock Assessments

LA Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(225) 219-0339

Name:_____ Parish/District:_____
Taxpayer
Address:_____ City, State, Zip: _____
Address or Legal Description of Property Being Appealed
_____
The Fair Market Value of the Administrative Section of the Louisiana Tax Commission is: $_____
I am requesting that the Fair Market Value be fixed at: $_____
Applicant:
Address: _____
_____
_____
_____
Telephone No.: _____
Date: _____
Email Address: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:499 (March 2007), LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022).

§3107. Practice and Procedure for Appeal of Insurance Credit Assessments

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days of the dated certificate of value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3107.A and, if applicable Form 3102/3103.B.

B. All filings to the Louisiana Tax Commission shall be filed with the Office of the Administrator. They shall be deemed filed only when actually received, in proper form. All filings shall be in the form of an original and seven copies on letter size paper.

1. The Office of the Administrator shall be sent one “service copy” of all state court, federal court, appellate court, and/or Supreme Court pleadings in which the LTC is named party in addition to Special Counsel for the LTC.

C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

D. Thirty days prior to said hearings, the protesting taxpayer shall file a signed, pleading, specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and seven copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer_____" and shall be consecutively numbered, indexed and bound. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;

2. a limitation, where possible, of the number of witnesses;

3. possible consolidation of like protests;

4. the time required for presentations;

5. stipulations as to admissibility of exhibits;

6. submission of proposed findings of fact;

7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. The hearing shall be conducted informally. It will be the responsibility of the taxpayer or assessor to retain the services of an official reporter for a scheduled hearing should either anticipate the need for a transcript. The Tax Commission shall be notified within three business days, prior to the scheduled hearing that an official reporter will be in attendance.

N. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

Q. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

R. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written request of the taxpayer. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the Tax Commission's website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

S. The parties to an appeal shall be notified in writing by certified mail of the final decision of the commission. The taxpayer shall have 30 days from receipt of the order to appeal to a court of competent jurisdiction.

T. The word "commission" as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

LTC Docket No._____

Form 3107.A **Appeal To Louisiana Tax Commission** **by Taxpayer** **for Insurance Assessments**	LA Tax Commission P.O. Box 66788 Baton Rouge, LA 70896 (225) 219-0339

Name:_____ Parish/District:_____
Taxpayer
Address:_____City, State, Zip:_____
Address or Legal Description of Property Being Appealed:_____
_____
_____

The Fair Market Value of the Administrative Section of the Louisiana Tax Commission is: $_____

I am requesting that the Fair Market Value be fixed at: $_____

_____
Appellant:
Address: _____
_____
_____
_____

Telephone No.: _____
Date: _____
Email Address: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:501 (March 2007), amended LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022).

Chapter 33. Financial Institutions

§3301. Guidelines for Ascertaining the Fair Market Value of Financial Institutions

A. The shares of stock of all banks, banking companies, firms, associations or corporations doing a banking business in this state, chartered by the laws of this state or of the United States are hereby declared subject to taxation for all purposes in this state. (R.S. 47:1967)

B. The shares of stock of all capital stock associations are hereby declared subject to taxation for all purposes in this state. (R.S. 6:942)

C. The basis for arriving at the valuation of the shares of stock in any such bank or capital stock association engaged in the banking or capital stock association business shall be the stockholder equity capital, which shall be determined by the addition of paid-in common stock, surplus, undivided profits and all capital reserves, excluding those reserves for loan losses as allowed by the United States Internal Revenue Service. Equity capital shall be adjusted to remove that portion of equity capital based on United States obligations by deducting a percentage of equity capital based on the ratio of U.S. obligations to total assets. Borrowed money and the value of the preferred stock issued by any such bank or capital stock association and actually owned by the United States of America, or any agency thereof, shall not be construed as equity for the purpose of this Section.

D. For the purposes of determining the fair market value of bank stock, the following criteria shall be used: stockholder equity shall serve as a four times factor, 80 percent and annual net earnings of the individual banking institution shall serve as a onetime factor, 20 percent. Annual net earnings shall be adjusted to remove that portion of earnings based on United States obligations by deducting a percentage of annual net earnings based on the ratio of interest on United States obligations to total operating income. Negative earnings shall be included in this formula, but there shall be no earnings loss carried forward or backward. For the purpose of computing the one time, 20 percent earnings factor, the earnings shall be capitalized by multiplying the annual net earnings or net loss of the banking institution by the average price earnings ratio for such institutions as published by a nationwide recognized bond and securities rating firm.

1. The price earnings ratio to be used for this purpose shall be computed based on the quarterly average of the previous seven years of the index selected by the Tax

Commission by dropping the highest and lowest ratio years and averaging the remaining five years.

2. The calculated price earnings ratio, to be used to compute bank shareholders assessments, shall not change, up or down, by more than 1.5 points from the ratio used in the previous year.

E. For the purpose of arriving at fair market value of shares of stock in the formula previously outlined above, the Tax Commission or its successor shall compute the formula as follows:

1. in the case of banks, banking companies, firms, associations or corporations created under the laws of the United States, from the statements made to the Comptroller of the Currency, and required to be published as of December 31 of each year;

2. in the case of banks, banking companies, firms, associations or corporations created under the laws of this state, from the statement made to the Commissioner of Financial Institutions, and required to be published as of December 31 of each year;

3. in the case of capital stock associations created under the laws of the United States, from the statements made to the Comptroller of the Currency, and required to be published as of December 31 of each year;

4. in the case of capital stock associations created under the laws of this state, from the statement made to the Commissioner of Financial Institutions, and required to be published as of December 31 of each year.

F. From the assessment determined by the application of the 15 percent of fair market value provided for above, there shall be deducted 50 percent of the assessed value of real estate, improvements, buildings, furniture and fixtures owned by the institution. If such real estate, improvements, buildings, furniture and fixtures are owned by a separate corporation, the deduction will be allowed provided all the capital stock (except directors' qualifying shares, if any) is owned by the institution.

1. For the purpose of defining a property eligible for credit, the bank must have:

a. owned the property as reflected in its year end Statement of Condition; and

b. paid the previous year taxes on the property.

2. The tax notice may be in the name of another party who actually owned the property on the assessment date of record and still be an allowable credit to the bank as along as both Subparagraphs 1.a and b above have been satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 28:521 (March 2002), LR 47:471 (April 2021).

§3303. Allocation for Credit Purposes of Assessments Not Directly Attributable to a Specific Office

A. All property assessments not directly attributable to a specific office will be allocated, for purposes of the 50 percent credit from shareholders assessments, according to the following methods.

1. If the institution has one or more office(s) in the parish where such property assessments are located, the amount to be allocated to each such office shall be determined by the percentage each office's average of deposits bears to the total average deposits of all offices in that parish.

2. If the institution does not have a full service banking office in the parish where such property assessments are located, the credit shall be assigned to the institution's main office location.

B. Except as provided herein, no assessment shall hereafter be made against the capital stock, surplus, undivided profits or reserves of any financial institution engaged in the banking or savings and loan business, chartered under the laws of this state or of the United States, doing business in this state, whose capital stock is represented by shares. (R.S. 47:1967 and R.S. 6:942)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990).

§3305. Listing and Assessing of Stock; Place (Multi-Parish Branch Offices)

A. When any bank, banking company, firm, association, corporation or capital stock association operates one or more branch office(s) in any parish or parishes other than the parish of its legal domicile, its assessment shall be divided for state and local purposes, and the number of shares of stock or fractions thereof, to be assessed in each parish in which such branches are maintained shall be determined by the proportion which the capital stock assigned to each branch shall bear to the whole of capital stock. (R.S. 47:1968 and R.S. 6:943)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990).

§3307. Methods of Branch Office Allocations

A. Under guidelines hereby established, a financial institution is granted the discretion of electing either of the following approved methods of allocating both capital stock and net income for each branch office when more than one parish is involved:

1. actual (per accounting records)—branch capital and net income;

2. deposits—quarterly average as a percentage of branch to total institution.

B. If deposits method is elected, Form TC-6 shall be submitted to indicate deposit balances for each branch office. The percentage derived shall be applied to both capital and net income for allocation purposes.

1. Any financial institution believed to be shifting the accounting of office deposits in an abnormal manner shall be subject to audit by the Tax Commission under authority granted pursuant to R.S. 47:1837.

C. Once an election is made by the institution, a change to the other alternative is permitted only upon prior, written approval of the Tax Commission. If such change is granted, the new allocation method shall remain in effect for a period of at least five years thereafter before another change request will be considered, unless the commission permits a waiver of the five year requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 32:439 (March 2006).

§3309. Listing and Assessing of Stock; Branch Offices

A. When any bank, banking company, firm, association, corporation or capital stock association operates a branch office or offices in different municipalities wholly within the limits of the parish of its legal domicile, its tax assessment for state and local purposes may be assessed at its domicile or may be apportioned among the various municipalities in which such institution and its branch or branches are located in the proportion which the respective amount of deposits in such branches shall bear to the total deposits of such institution. The amount of deposits to be determined as of the thirty-first day of December of the preceding year. Exercise of the provisions in this Section is discretionary with the financial institution affected hereby and shall not apply to the Parish of Orleans. (R.S. 47:1969 and R.S. 6:944)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990).

Chapter 35. Miscellaneous

§3501. Service Fees—Tax Commission

A. The Tax Commission is hereby authorized on an interim basis for the period beginning on July 1, 2021, and ending on June 30, 2026, to levy and collect the following fees in connection with services performed by the commission:

1. A fee for the assessment of public service properties, at the rate of four hundredths of one percent of the assessed value of such properties, to be paid by each public service property which pays ad valorem taxes.

2. A fee for the assessment of insurance companies, at the rate of three hundredths of one percent of the assessed value of such properties, to be paid by each insurance company which pays ad valorem taxes.

3. A fee for the assessment of financial institutions, at the rate of three hundredths of one percent of the assessed value of such properties, to be paid by each bank stock and loan and finance company which pays ad valorem taxes.

B. The fee shall be computed on public service property, insurance company credit assessments and bank stock assessments and added to each parish and/or municipal tax roll as part of the value of the property by the time the roll is reviewed for final approval by the Tax Commission in accordance with R.S. 47:1993.

C. Collection Procedure

1. The sheriff in each parish and the tax collector for the City of New Orleans shall be responsible for the collection of the Tax Commission fee which is paid by each public service property, insurance company and bank which pays ad valorem taxes (R.S. 47:2051), as per Act 184 of 1993.

2. The tax collector is required to mail a notice of tax due to each public service property, insurance company and bank which pays ad valorem taxes listed on the tax rolls (R.S. 47:2101.B.1). Every parish tax notice sent to such taxpayers shall contain a separate line thereon that reads: "assessment fee by and for the Louisiana Tax Commission $_____."

a. The fee assessed by the Tax Commission shall be collected as a part of the total tax due and remitted by the tax collector directly to the Tax Commission Expense Fund on or before the succeeding March 31 of each year.

b. Any delinquent fee, including all additions shall be remitted to the Tax Commission for deposit in its expense fund.

D. In accordance with Act 184 of 1993, the Tax Commission, in addition to powers contained in R.S. 47:1837 et seq., is authorized to make audits or examinations of any taxpayer's return due under R.S. 47:1852 and the property, place of business, books, records, activity and programs of the taxpayer insofar as it may affect, clarify or disclose its tax liability.

1. After procedures as set forth in R.S. 47:1835 relative to notification of tax due to the taxpayer and his time period for protesting such assessment have expired, the Tax Commission shall receive 10 percent of the additional tax, penalty and interest collected. Such funds shall be paid to the Tax Commission and shall be deposited in the Tax Commission expense fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February

1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 28:521 (March 2002), LR 30:493 (March 2004), LR 31:724 (March 2005), LR 32:439 (March 2006), LR 33:502 (March 2007), LR 35:501 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 41:683 (April 2015), LR 43:662 (April 2017), LR 44:585 (March 2018), LR 45:542 (April 2019), LR 48:1540 (June 2022).

§3503. Homestead Exemptions

Editor's Note: Section 3503 has been moved to §101.F - F.3.h.

§3505. Housing for the Homeless

A. For the purpose of applying the exemption from ad valorem taxation provided in Article VII, Section 21 (B)(l)(b) of the Constitution of Louisiana, the following definitions have been adopted by the Tax Commission in accordance with Act 845 of 1989:

1. a homeless person is one without a house, an apartment, a room or any type of residence or domicile;

2. "term of lease" shall mean the total length of the lease, including renewals at the option of the lessees, that the lessor obligates property to a nonprofit corporation or association for use solely as housing for the homeless.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1709.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993).

§3507. Claim for Taxes Paid in Error

A. Any taxpayer/owner who has a claim against a political subdivision for ad valorem taxes erroneously paid, may present such claim to the Louisiana Tax Commission. The claim may be presented on the form in this Section and shall be presented as follows.

1. The claim shall be presented to the Tax Commission in writing within three years of the erroneous payment.

2. The presentation of the claim shall include:

a. the name of the parish in which the property is located and, in Orleans Parish, the number of the district;

b. the name and address of the property owner;

c. the amount of tax paid in error;

d. the assessment number, tax bill number, account number, or any other numerical designation of the property on the assessment rolls.

3. The person who presents the claim shall:

a. present proof of an erroneous payment by evidence such as a receipt or a canceled check issued in payment; and

b. present proof that he or she:

i. is the person who made the erroneous payment by evidence such as a receipt to the claimant, or a canceled check issued in payment; or

ii. is a bona fide representative of the person who made the erroneous payment by evidence such as proof of status of responsible employee or officer, or affidavit or contract of employment as attorney, accountant, or other representative; or, by proof of status as custodian, trustee, executor, or other legal capacity, or other showing of capacity of representative of the claimant; or

iii. has succeeded to or otherwise possesses the right to present the claim.

4. The claim shall show the nature of the error. Payment of taxes on property which was eligible for homestead exemption, or was exempt from taxation by Article VII, Section 21 of the Constitution of 1974, or other provision of law is erroneous payment. Dual payment, or payment on dual or multiple assessments of the same property, is erroneous payment. Payment of taxes which results solely from a clerical error by the assessor or by the taxpayer may be erroneous payment.

a. In the case of dual payment or dual assessment, the claim shall particularly identify the property on which dual payment was made.

b. In the case of a claim of exemption, the claimant shall provide proof of the basis of the exemption.

c. There is no erroneous payment when the taxpayer questions the accuracy of an assessment, but has not appealed the assessment by regular administrative process.

5. If it is reasonably available to the claimant, the presentation shall include:

a. except in Orleans Parish, the number of the ward in which the property is located, or, in the case of business personal or movable property, the number of the ward in which the property was taxed;

b. the property classification, such as land, improvement, machinery and equipment, furniture and fixtures, inventory, or similar classification.

6. The claim must be presented to the Tax Commission within three years of the erroneous payment. The date of payment shall be shown by a dated receipt from the tax collector; or, by a date marked by the collector on the check on the date of payment or processing; or, if neither is available, the date of processing, or cancellation marked by the bank in which the check was deposited.

7. A copy of the claim shall be forwarded to the assessor, and the assessor shall, within five business days after receipt thereof, advise the Tax Commission whether a refund is due to claimant using Form 3507.B. If the assessor advises the Tax Commission that a refund is due the claimant, the Tax Commission shall duly examine the merits and correctness of each such claim, and shall make a determination thereon within 30 days of receipt of the claim.

8. The claim shall be reviewed with the assessor, as provided in R.S. 47:2108.1(A).

9. There will be refund of taxes paid in error only in the limited circumstances allowed by R.S. 47:2108.1(C)(1) and (3). In all other cases, a credit against future taxes owed shall be the remedy (R.S. 47:2108.1(C)(2).

Form 3507.A
Claim for Refund or Credit
of Taxes Paid in Error

I. Claimant:
Name _____
Mailing Address _____
City _____ State _____ Zip _____

II. Property:
Parish _____ District (If Orleans Parish) _____ Ward ____
Assessment No. _____ Tax Bill No. _____
Amount of Tax Paid in Error _____Description of property:

III. Basis of Claim:
Dual or multiple payment _____
Payment on non-existent property _____
Payment on property in which taxpayer no longer has an interest _____
Property is eligible for homestead exemption _____
Clerical error in assessment rolls _____
Other _____

The following documents are attached to this form as proof of the basis for this claim:
_____
_____

IV. Proof of Payment:
_____ Copy of canceled check(s) (both sides)
_____ Receipt to the Claimant

V. Date of Erroneous Payment:
The following proof of payment is attached:
_____ Copy of canceled check(s) (both sides)
_____ Receipt to the Claimant
_____ Other

VI. Standing
The following proof that the claimant is the person who made the erroneous payment, is a bona fide representative of the person who made the erroneous payment or has succeeded to or otherwise possesses the right to present the claim is attached:
_____ Receipt to Claimant or canceled check
_____ Proof of status as responsible employee or officer
_____ Affidavit or Contract of Employment as attorney, accountant or other representative, or
_____ Other proof of status as legal representative of Claimant

VII. Signature: _____
Property Owner/Authorized Agent

Be Completed at Office of Louisiana Tax Commission

Claim received, Date _____ Assessor consulted, Date _____

Assessor's Response: Approve _____ Disapprove _____ Date _____

Other _____

Initial Response to Taxpayer
Documentation requested _____ Date _____
Received _____ Date _____

Decision
Approved _____ Denied _____ Date _____
Reason for Denial _____
Reason _____

Refund or Credit
Property is eligible for homestead Yes _____ No _____
Parish has alternative procedure Yes _____ No _____

Form 3507.B
Assessor Notification of
Possible Claim for Refund or Credit
for Taxes Paid in Error
(To Be Completed by Assessor)

Claimant:
Name _____
Mailing Address _____
City _____ State _____ Zip _____
Property:
Parish _____ District (If Orleans Parish) _____
Ward _____ Assessment No._____ Tax Bill No. _____

I have received and reviewed the Claim for Refund or Credit of Taxes Paid in Error (Form 3507.A) for the above referenced claimant and property. Based upon my review, I have determined that:

The claimant is due a refund or credit for taxes erroneously paid in the amount of $ _____ due to (describe reason(s) for refund or credit) _____.

This property is _____ is not _____ eligible for the homestead exemption.

My parish does _____ does not _____ have an alternative procedure for providing for refunds of ad valorem taxes erroneously paid.

_____ No refund or credit for taxes erroneously paid is due. (Reason(s) for denial)
_____
_____
_____Assessor

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2108.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), amended LR 19:212 (February 1993), LR 20:198 (February 1994), LR 22:117 (February 1996), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 32:441 (March 2006).

§3509. Tulane University—Exemption Allocation Regulation

A. This Regulation shall be titled and known as "Tulane University—Exemption Allocation Regulation".

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 33:502 (March 2007).

§3511. Tulane University—Purpose

A. This regulation establishes general applicability, definitions, and requirements as it pertains to application of a statewide exemption in favor of Tulane University.

B. Tulane University is exempt from property taxes on the following types or uses of properties:

1. properties used for its educational purposes;

2. vacant, non-income producing properties; and

3. income-producing properties up to a maximum statewide total limit of $5,000,000 in fair market value.

C. Section 3509 allocates the $5,000,000 exemption equitably among all Tulane University income producing property subject to ad valorem taxation in the state of Louisiana.

D. Louisiana Constitution, Article VII, Section 21 provides that all non-profit companies are exempt from property taxes.

E. The Supreme Court of Louisiana held in *Board of Administrators of the Tulane Educational Fund vs. Louisiana Tax Commission* consolidated with *Thomas L. Arnold, Assessor, vs. Board of Administrators of the Tulane Educational Fund*, dated January 30, 1998, denying an appeal of the decision of the Court of Appeal, Fourth Circuit, dated October 1, 1997, that non-income producing or vacant properties owned by a non-profit company are exempt from property taxes under the Louisiana Constitution. The Louisiana Attorney General agreed in Opinion Number 01-323, dated September 13, 2001.

F. Louisiana Constitution, Article VIII, Section 14, reconfirming Act No. 43 of July 21, 1884, provides that, in addition to Tulane's full exemption on properties used for educational purposes and properties that are non-income producing or vacant, Tulane is exempt from property taxes on its first $5,000,000 in Fair Market Value of all income producing properties in Louisiana. This exemption was confirmed in the decision of the Civil District Court for the Parish of Orleans, Division "J", Case No. 89-14534, *Board of Administrators of the Tulane Educational Fund vs. The Louisiana Tax Commission*, dated April 19, 1990, which was never appealed and is therefore final. The Louisiana Tax Commission also confirmed this $5,000,000 exemption in LTC Regulation No. 3509.

G. To administer this exemption, which extends throughout the state and requires coordination among all assessors, the Louisiana Tax Commission established LTC Regulation No. 3509 procedures to be followed by all assessors when assessing property owned by Tulane. The commission instructs each assessor to list each property owned by Tulane as exempt and, at the time the rolls are filed with the commission, all assessors shall deliver a list of all Tulane properties in their parish or municipal district that are not otherwise exempt from taxation pursuant to Louisiana law (i.e., not used for educational purposes or non-income producing). See: Memo of Louisiana Tax Commission to all Assessors, dated December 18, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005), amended LR 33:502 (March 2007).

§3513. Tulane University—Definitions

A. For the purpose of this Section, the following definitions apply.

Allocation Formula—defined in LTC Regulation 3519.

Assessed Value (*AV*)—determined according to Louisiana law.

Commission—the Louisiana Tax Commission (sometimes referred to as "LTC").

FMV Each Improvement—the Fair Market Value of all buildings and improvements in each tax assessment. (Tax assessors should issue one tax assessment amount for all buildings and improvements.)

FMV Each Land Parcel—the Fair Market Value of all land in each tax assessment included in Non-Exempt Property.

FMV Improvements Statewide—the total Fair Market Value of all buildings and improvements included in Non-Exempt Property.

FMV Land Statewide—the total Fair Market Value of all land included in Non-Exempt Property.

Fair Market Value (*FMV*)—defined by Louisiana law.

Improvement Assessment Ratio—for Commercial Properties, 15 percent of the Fair Market Value of the buildings and other improvements only and for Residential Properties, 10 percent of the Fair Market Value of the buildings and other improvements only.

Land Assessment Ratio—10 percent of the Fair Market Value of the land only.

Louisiana Tax Commission Form TC-TU01-A (*Tulane Non-Exempt Property Report*)—the form adopted by the Commission for Tulane University to provide its list of Non-Exempt Property.

Louisiana Tax Commission Form TC-TU01-B (Tulane Non-Exempt Property Report of the Pre-Exemption Property Values)—the form completed by the Tax Assessor to provide to Tulane University and the commission the Tax Assessor's proposed Fair Market Value and Assessed Value of Tulane University's Non-Exempt Property.

Louisiana Tax Commission Form TC-TU02 (*Tulane University Exemption Allocation Report*)—the form adopted by the commission in the form of a spreadsheet with formulas to be used for allocation of the Tulane Exemption.

Net Fair Market Value of a Property—the Fair Market Value of that property minus its Pro-rata Share.

Non-Exempt Property—any property owned by Tulane University in the state of Louisiana that is not exempt by Louisiana law for ad valorem tax purposes prior to application of the Tulane exemption.

Pro-Rata Share—that portion of the Tulane Exemption allocated to each Non-Exempt Property according to the Allocation Formula.

Tax Assessor—all tax assessors within the state of Louisiana, individually and/or jointly, whose jurisdiction includes property owned by Tulane University.

Tulane Exemption—the $5,000,000 exemption as provided in Act 1884, No. 43.

Tulane Hearing Date—the first Wednesday and/or Thursday of each December shall be the commission hearing date for resolution of any property valuation issues, and/or

allocation of the Tulane Exemption, and/or ordering issuance of supplements and change orders to the tax rolls. If after the closing of the rolls in all Louisiana parishes in which Tulane University owns Non-Exempt Property, there is no dispute as to the Fair Market Value of any Non-Exempt Property, the commission, at its discretion, may hold a hearing at an earlier date.

Tulane University—the Administrators of the Tulane Educational Fund, a Louisiana Non-Profit Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005), amended LR 33:503 (March 2007).

§3515. General Rule

A. Each property of Tulane University statewide for each tax year shall be and remain marked as exempt on all tax rolls until the commission has allocated the Tulane exemption across all non-exempt property according to the allocation formula and delivers its supplements or change orders to each reporting parish indicating the net fair market value and resulting assessed value for the land and improvements of each non-exempt property.

B. Should the fair market value of Tulane University's non-exempt property exceed the Tulane exemption then the commission shall determine the net fair market value and resulting assessed value of each non-exempt property according to the allocation formula.

C. The property status as of January 1st (August 1st preceding the tax year for Orleans Parish) each tax year shall determine whether a property is non-exempt property.

D. Since Orleans Parish imposes a prospective taxable year for ad valorem taxes and all other parishes in the state impose a retrospective taxable year, for the purpose of allocation of the Tulane exemption only, and no other matter, the prospective taxable year of Orleans Parish and the retrospective taxable year applicable in all other parishes shall be considered the same taxable year.

E. All Tax Assessors and related governmental entities shall use current, accurate property legal descriptions found in the public records for all real estate assessments, correspondence, and notices when complying with §3509.

F. All Tulane University property tax bills and related correspondence shall be sent to:

Tulane University
Attention: Director of Real Estate
800 East Commerce Road, Suite 201
Harahan, LA 70123-3452

G. All correspondence to the commission related to Regulation 3509 shall be sent to:

Louisiana Tax Commission
Attention: Tulane Exemption
Post Office Box 66788
Baton Rouge, LA 70896-6788

H. All correspondence to each Tax Assessor related to Section 3509 shall be sent to its address as shown in the public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005), amended LR 33:503 (March 2007), LR 34:691 (April 2008).

§3517. Tulane University—Reporting and Valuation Procedure

A. With respect to all Tulane University properties, all tax assessors, boards of review, and related governmental entities shall operate according to the following administrative procedures and time line.

1. On or before June 30 of each year, Tulane University shall deliver, in writing, to the commission and the tax assessor for each municipal district/parish in which Tulane University owns non-exempt property a report on each non-exempt property on Louisiana Tax Commission Form TC-TU01-A.

2. Each year, on or before the date the roll opens for public review and inspection, each tax assessor shall complete, sign and deliver to Tulane University and the Commission, Louisiana Tax Commission Form TC-TU01-B for each property submitted on Louisiana Tax Commission Form TC-TU01-A and each property in such tax assessor's jurisdiction that the tax assessor intends to assess as non-exempt property, showing the proposed fair market value and assessed value of the land and of the improvements for each such property. The tax assessor shall determine one assessed value for the land and one assessed value for the improvements.

3. Should Tulane University agree with the fair market value and assessed value of each land parcel and the fair market value and assessed value of each improvement proposed by the tax assessor, then Tulane University shall sign each form and forward it to the commission and each respective tax assessor. Should Tulane University disagree with the Fair Market Value and Assessed Value of each Land Parcel and the fair market value and assessed value of each improvement proposed by the tax assessor, then Tulane University shall note its objection on each form and forward it to the commission and each respective tax assessor.

4. All tax assessors may make reasonable inquiry of Tulane University in an effort to determine all property owned by Tulane University within the tax assessor's jurisdiction.

5. All tax assessors shall list all non-exempt property as exempt and indicate the tax assessor's proposed fair market value of each property in the tax rolls, until the allocation formula is applied and approved by the commission and the tax assessor receives a change order from the commission.

6. In each board of review certification to the commission, the board of review shall list all non-exempt property as exempt and indicate the board of review's recommended fair market value of each property in the tax rolls, until the allocation formula is applied and approved by the commission and the tax assessor receives a change order from the commission.

7. All board of review decisions on appeals of the proposed assessments by the tax assessor shall be delivered to the commission according to standard procedures and deadlines as the board of review's recommended assessment.

8.a. On the Tulane hearing date of each year, the commission shall:

i. hold all appeal hearings involving non-exempt property;

ii. decide each appeal and issue written reasons for decisions on all such appeals; and

iii. allocate the Tulane exemption across all non-exempt property according to the allocation formula, and LTC Form TC-TU02, then order issuance of all supplements and change orders of the tax rolls to each reporting municipal district/parish, establishing the land parcel assessed value after exemption and the improvement assessed value after exemption for each non-exempt property.

b. Upon receipt of said change orders, the tax assessor shall adjust the tax rolls to reflect the commission's change orders.

9. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal a proposed or actual assessment by any tax assessor or any decision or ruling of any board of review or the commission under the administrative and judicial remedies available to all taxpayers. The proposed assessment by the tax assessor, the board of review's recommended assessment, and the commission's determination shall be treated in the same manner as if the property were not marked exempt on the tax rolls and the proposed assessment was the tax assessor's final assessment on the tax rolls, the board of review's recommended assessment and/or the commission's determination was its final assessment decision.

10. Nothing in these regulations shall alter or diminish in any way Tulane University's right or any tax assessor's right to appeal, by all available administrative and judicial remedies the commission's allocation of the Tulane exemption.

11. After allocation of the Tulane exemption and issuance of the requisite supplements and change orders by the commission, the total amount of the Tulane exemption allocated to each property (as shown in the column entitled "FMV Reduction by Exemption" of the Louisiana Tax Commission Form TC-TU02) shall remain unchanged thereafter and not be later readjusted, regardless of the outcome of subsequent appeals of valuation of assessments for that tax year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005), amended LR 33:504 (March 2007).

§3519. Tulane University—Allocation Formula

A. The taxable assessed value of each property to be determined by the commission in compliance with §3509 and delivered by the commission to each reporting municipal district/parish in the form of a supplement or change order to the regular tax roll shall be calculated as follows.

1. Exemption Percentages and Amounts. Purpose: calculate both the percentage and the dollar amount of the Tulane exemption applicable to land and both the percentage and the dollar amount of the Tulane exemption applicable to improvements:

a. (FMV Land Statewide) (x) (Land Assessment Ratio) (=) (Land Assessed Value Statewide)

b. (FMV Improvements Statewide) (x) (Improvement Assessment Ratio) (=) (Improvement Assessed Value Statewide)

c. (Land Assessed Value Statewide) (+) (Improvement Assessed Value Statewide) (=) (Total Assessed Value Statewide)

d. (Land Assessed Value Statewide) (÷) (Total Assessed Value Statewide) (=) (Land Exemption Percentage Statewide)

e. (Improvement Assessed Value Statewide) (÷) (Total Assessed Value Statewide) (=) (Improvement Exemption Percentage Statewide)

f. (Land Exemption Percentage Statewide) (x) (Tulane Exemption) (=) (Land Exemption Amount Statewide)

g. (Improvement Exemption Percentage Statewide) (x) (Tulane Exemption) (=) (Improvement Exemption Amount Statewide)

2. Land. Purpose: calculate the assessed value of each land parcel after allocation of the Tulane exemption:

a. (FMV each Land Parcel) (÷) (FMV Land Statewide) (=) (Land Parcel FMV %)

b. (Land Parcel FMV %) (x) (Land Exemption Amount Statewide) (=) (Land Parcel FMV Reduction by Exemption)

c. (FMV each Land Parcel) (-) (Land Parcel FMV Reduction by Exemption) (=) (Land Parcel FMV after Exemption Reduction)

d. (Land Parcel FMV after Exemption Reduction) (x) (Land Assessment Ratio) (=) (Land Parcel Assessed Value after Exemption)

3. Improvements:

a. (FMV each Improvement) (÷) (FMV Improvements Statewide) (=) (Improvement FMV %)

b. (Improvement FMV %) (x) (Improvement Exemption Amount Statewide) (=) (Improvement FMV Reduction by Exemption)

c. (FMV each Improvement) (-) (Improvement FMV Reduction by Exemption) (=) (Improvement FMV after Exemption Reduction)

d. (Improvement FMV after Exemption Reduction) (x) (Improvement Assessment Ratio) (=) (Improvement Assessed Value after Exemption)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR: 33:504 (March 2007).

§3521. Tulane University—Allocation Report

A. On the Tulane Hearing Date, the commission shall calculate and adopt the Allocation Formula and evidence its application on the report entitled Tulane University Exemption Allocation Report (LTC Form TC-TU02).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR 33:505 (March 2007).

§3523. Tulane University—Forms

A. The following forms shall be used in the Tulane University exemption and non-exemption reporting process.

1. Louisiana Tax Commission Form TC-TU01-A, Tulane Non-Exempt Property Report.

2. Louisiana Tax Commission Form TC-TU01-B, Tulane Non-Exempt Property Report of the Pre-Exemption Property Values.

3. Louisiana Tax Commission Form TC-TU02, Tulane University Exemption Allocation Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR 33:505 (March 2007).

§3525. Reporting of Certain Property Assessments by Assessors and Louisiana Tax Commission Members

A. In accordance with R.S. 47:1979(A), if a tax assessor or a member of his immediate family owns property within his jurisdiction, such assessor shall assess the property in accordance with all applicable provisions of law. As used in this Section, "own" shall include a direct ownership, ownership in part, or through any legal entity.

B. The tax assessor shall submit all such assessments to the Louisiana Tax Commission within 30 days after the filing of the assessor's assessment rolls with the Louisiana Tax Commission, and the commission shall then review those assessments for compliance with all applicable laws and Louisiana Tax Commission rules and regulations.

C. Upon appraisal review, if the Louisiana Tax Commission determines that any assessment is questionable, the Louisiana Tax Commission shall give written notice to the assessor of its findings and subsequently clarify and/or remedy the assessment matter with the assessor.

D. In accordance with R.S. 47:1979(B), the members of the Louisiana Tax Commission shall file the same report as required in R.S. 47:1979(A) and shall list the ownership of all property within the state owned by him or a member of his immediate family along with the assessment of such property as shown on the appropriate assessment roll.

E. The Louisiana Tax Commission shall submit the members' property assessment reports with the President of the Senate, the Speaker of the House of Representatives and the Legislative Audit Advisory Council no later than December 15 of each calendar year.

F. For the purpose of defining "immediate family" R.S. 42:1102(13) identifies the family members to include:

1. sons and their spouses;
2. daughters and their spouses;
3. brothers and their spouses;
4. sisters and their spouses;
5. parents;
6. spouse; and
7. parents of spouse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1979; Act 670 of the 2003 Regular Legislative Session; Act 71 of the 2004 Regular Legislative Session; and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005).

Chapter 37. Reassessment Guidelines Pursuant to R.S. 47.1978 and 1978.1

§3701. Listing and Assessing of Overflowed Lands

A. Whenever lands or other property are overflowed by the waters of the Mississippi River, or by the waters of any other river, lake, bayou, or backwater, the assessors within whose parishes such lands or other property may be situated, shall reassess such lands or property for their actual cash value, and in so doing they shall specially take into consideration all the damages to the lands or property and the depreciation of the value of such land or property caused by the overflow. The assessors throughout the state shall make these reassessments whether the time fixed by law for filing assessment rolls has elapsed or not, and in case of reassessments, as provided by this Section, the assessor shall prepare supplemental rolls of overflowed lands and other overflowed property, which they shall file in the manner provided by law for general assessment rolls; such reassessment shall be subject to the same rights as to contest as to assessment generally.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1978 and R.S. 47:1978.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:505 (March 2007).

§3702. Listing and Assessing of Land and Property Damaged or Destroyed during a Disaster or Emergency Declared by the Governor or Fire

A. If lands or property, including buildings, structures, or personal property, are damaged or destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or to a disaster or fire, the assessor or

assessors within such parish shall assess such lands or property for the year in which damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property, including obsolescence, and the depreciation of the value of such land or other property caused by the disaster, fire, or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

B. The assessments provided for in this Section and in §3701 shall be completed no later than six months following the implementation of §3701 or this Section. The Louisiana Tax Commission shall grant the assessor an additional six months to complete the assessments referred to in §3701 or this Section upon a reasonable showing by the assessor that additional time is needed to complete the assessment of the property described in §3701 or this Section.

C. The assessor shall assess such damaged, destroyed, non-operational, or uninhabitable property in one of the following three manners.

1. The assessments of such property shall be reflected on the general assessment roll if at the time lands and other property are damaged, destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or due to a disaster or fire, the general assessment roll has not been certified by the assessor to the local Board of Review. The procedures for public inspection of the general assessment rolls, review of assessments by the Board of Review, and certification of the assessment rolls to the Louisiana Tax Commission shall be followed. The rolls shall be open for public inspection for a period of 15 days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law. If the dates provided for by existing law have expired, the assessor shall advertise new exposure dates and dates for the board of review even if those dates are not within the time period provided for by existing law.

2. If, at the time such lands and other property are damaged, destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or due to a disaster or fire, the general assessment rolls have already been certified by the assessor to the local Board of Review, the assessor shall prepare a supplemental roll of land or property damaged or destroyed as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

3. If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner shall have 15 days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within 15 days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

D. The assessment provided for in this Section shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

E. The provisions of this Section shall apply to the Louisiana Tax Commission in the assessment of public service properties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1978 and R.S. 47:1978.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:505 (March 2007).