

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Income: Corporation Income Tax (LAC 61:I.1135 and 1136)

Under the authority of R.S. 47:1511 and 287.95 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division proposes to amend LAC 61:I.1135 and 1136 relative to the sourcing and exclusion of certain sales for purposes of calculating Louisiana income.

The proposed Rule implements Act 430 of the 2023 Regular Session. Act 430 removes certain sales from the types of sales treated as apportionable income and eliminates the requirement to exclude unassignable sales from both the numerator and the denominator of the sales factor.

This proposed Rule is written utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax

§1135. Sourcing of Sales Other Than Sales of Tangible Personal Property

A.-B. ...

1. determining whether and to what extent the market for a sale other than the sale of tangible personal property is in Louisiana, and

2. reasonably approximating the state or states of assignment where the state or states cannot be determined.

3.-4. Repealed.

C.-F.3. ...

G. Rule with Respect to Sales Factor.

The sales factor only includes those amounts defined as sales under applicable statutes and regulations.

2.-4. Repealed.

H.-H.2.b.i.(d) ...

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.

3.-5.b. ...

I. Sale of Immovable Property. In the case of the sale of immovable property, the receipts are sourced to Louisiana if and to the extent that the immovable property is located in Louisiana.

J. Repealed.

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.-L.3.a. ...

4.-4.a. Repealed.

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); amended by the Department of Revenue, Tax Policy and Planning Division, LR 52:

§1136. Sourcing of Certain Sales of Tangible Personal Property

- A. ...
- B.-C.2. Repealed.
- D. ...
- E. Repealed.
- F.-F.3. ...

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); Amended by the Department of Revenue, Tax Policy and Planning Division, LR 52:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Brad Blanchard, Attorney, Tax Policy and Planning Division, by email to bradley.blanchard@la.gov. All comments must be received no later than Monday, July 27, 2026, at 4:00 p.m.

Public Hearing

Interested persons may submit a written request for a public hearing no later than Friday, July 10, 2026, at 4:30 p.m. Requests may be submitted via email to bradley.blanchard@la.gov and reference LAC 61:I.1135 and 1136. Pursuant to R.S. 49:961(B)(1), a public hearing will be held only if the statutory requirements are satisfied. If those requirements are met, the hearing will take place on Tuesday, July 28, 2026, at 11:00 a.m. in the River Room, located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, to receive oral and written comments from interested persons. If the requirements have been met and a public hearing will be held, notice of the hearing will be posted under the respective rule topic on the Department's website at <https://revenue.louisiana.gov/tax-policy/rules-regulations>, under "Types," then "Nonemergency Rulemaking." A posted notice confirms that the statutory hearing requirements have been met and that the hearing will be held. If no notice appears, a public hearing will not be conducted.

In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation in order to participate, contact Brad Blanchard by email at LDRadarequests@la.gov or by phone at (225) 219-2780

Jarrold J. Coniglio
Secretary, Department of Revenue

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Income: Corporation Income Tax (LAC 61:I.1135 and 1136)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to result in material costs or cost savings to the Department of Revenue (LDR) or to other state or local governmental units. LDR may incur minimal workload increases associated with taxpayer education and answering inquiries related to the rule change, but such duties are consistent with existing department functions and are anticipated to be absorbed within LDR's current budget allocation.

The purpose of this proposed regulation is to implement Act 430 of the 2023 Regular Session. Act 430 repeals the removal of certain sales from the sales factor when those sales cannot be reasonably assigned to a state or when the taxpayer is not taxable in the state to which the sale is assigned. Additionally, Act 430 also removes income from the rental, lease, or license of immovable, tangible, and intangible property from the category of apportionable income to clarify that such income constitutes allocable income.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to result in an indeterminable decrease in state revenue from income tax collections. The sales factor is calculated by dividing an entity's sales within Louisiana by its total overall sales across all locations. The inclusion of sales not assigned to any state is anticipated to increase the denominator of the sales factor, which decreases the sales factor and, in turn, reduces the taxpayer's apportionable income. Additionally, reclassification of rental, lease, or license of immovable, tangible, and intangible property to allocable income decreases both the numerator and denominator, which can either increase, decrease, or have no effect on sales depending on whether the income is Louisiana or out-of-state income. However, the reclassification to allocable income is unlikely to fully offset the state revenue decrease from the reduction in apportionable income.

This proposal should have no impact on the revenue collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Tax liabilities of affected taxpayers are anticipated to decrease by an indeterminable amount, although the exact tax liability is dependent upon the individual business model of each taxpayer. No additional tax forms or paperwork is anticipated by affected taxpayers, as LDR staff indicate that field auditors will assess whether or not sales are being sourced to the appropriate locations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have a material effect on competition and employment.

Branda Averett
Deputy Secretary

Alan M. Boxberger
Legislative Fiscal Officer