

**State of Louisiana  
Department of Revenue**

***2004-2005***

**Tax  
Exemption  
Budget**



**EDR**

The background of the page features a large, faint watermark of the Seal of the State of Louisiana. The seal is circular and contains the text "SEAL OF THE STATE OF LOUISIANA" around the top edge and "1804" at the bottom. In the center, it depicts a pelican feeding its young in a nest, with the word "JUSTITIA" written across the scene.

**State of Louisiana  
Department of Revenue**

***2004-2005***

**Tax  
Exemption  
Budget**

This public document was published at a total cost of \$2,334.97. Three hundred copies of this public document were published in this first printing at a cost of \$2,334.97. The total cost of all printings of this document, including reprints, is \$2,334.97. This document was duplicated by State Printing, Division of Administration, Baton Rouge, LA, to provide information relating to state tax exemptions under authority of R.S. 30:60. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

# Table of Contents

|  | Page |
|--|------|
| <b>1. Introduction</b> .....                       | 1    |
| <b>2. Overview of Tax Exemption Budget</b> .....   | 3    |
| <b>3. Five-Year Estimated Revenue Loss</b>         |      |
| Summary of all taxes - In order of magnitude ..... | 15   |
| Income tax - corporation .....                     | 16   |
| Sales tax .....                                    | 20   |
| Income tax - individual .....                      | 34   |
| Natural resources - severance tax .....            | 38   |
| Tax exemption contracts .....                      | 40   |
| Inheritance tax .....                              | 41   |
| Corporation franchise tax .....                    | 42   |
| Tobacco tax.....                                   | 45   |
| Petroleum products taxes .....                     | 46   |
| Gift tax.....                                      | 48   |
| Liquors - alcoholic beverage taxes .....           | 49   |
| Miscellaneous taxes                                |      |
| Public utilities and carriers taxes                |      |
| Inspection and supervision fee .....               | 51   |
| Transportation and communication tax .....         | 51   |
| Telecommunication tax .....                        | 51   |
| Hazardous waste disposal tax .....                 | 51   |
| <b>4. Listing of Exemptions</b>                    |      |
| Corporation franchise tax exemptions .....         | 55   |
| Gift tax exemptions .....                          | 79   |
| Hazardous waste tax exemption.....                 | 87   |
| Income taxes                                       |      |
| Corporation income tax exemptions .....            | 91   |
| Individual income tax exemptions .....             | 123  |
| Inheritance tax exemptions .....                   | 157  |
| Liquors - alcoholic beverage taxes                 |      |
| Beer tax exemptions .....                          | 167  |
| Liquor and wine tax exemptions .....               | 167  |

|  |     |
|--|-----|
| Natural resource tax                                   |     |
| Severance tax exemptions .....                         | 177 |
| Petroleum products taxes                               |     |
| Gasoline tax exemptions .....                          | 197 |
| Special fuels tax exemptions.....                      | 197 |
| Public utilities and carriers taxes                    |     |
| Inspection and supervision fee exemptions .....        | 209 |
| Transportation and communications tax exemptions ..... | 209 |
| Sales tax exemptions .....                             | 217 |
| Tax exemption contracts .....                          | 313 |
| Telecommunication tax exemption .....                  | 325 |
| Tobacco tax exemptions .....                           | 329 |

# Annual Tax Exemption Budget

## Part 1

### Introduction

#### Statutory requirements

The Louisiana Department of Revenue is required by Section 1517 of Title 47 of the Louisiana Revised Statutes to prepare an annual tax exemption budget. This report must include the following information pertaining to the state's tax exemptions:

1. Listing of each exclusion, exemption, credit, refund, preferential tax rate, or deferred tax liability
2. Legal citation
3. Purpose
4. Estimate of the revenues lost for the preceding three years
5. Estimate of the revenues lost for the current and ensuing fiscal year
6. Estimated cost of administering and implementing each exemption for the five years reflected in this report.

The Department is able to provide all of the required information except for the costs of administering and implementing each tax exemption. We do not have the data available to estimate these costs with any degree of accuracy.

In addition to the above data, this report must also contain the following information as it applies to specific tax exemptions:

- A determination of the tax exemption's effectiveness in fulfilling the purpose for which it was enacted; i.e., did the intended recipient benefit and, if not, who did benefit;
- An assessment as to whether the tax exemption is the most fiscally effective means of achieving its purpose;

- An evaluation as to whether unintended or inadvertent effects, benefits, or harm was caused by the tax exemption, including whether the tax exemption conflicts with other state statutes; and
- An evaluation as to whether the tax exemption simplifies or complicates the state tax statutes.

#### Contents of the Report

In addition to the Introduction (Part 1), the report consists of an Overview (Part 2), a Five- Year Estimate of Revenue Loss (Part 3), and a Listing of Exemptions (Part 4).

Part 2, the Overview, provides a general discussion of the tax exemption report and additional information on tax collections by the Department of Revenue.

Part 3, the Five-Year Estimate of Revenue Loss, is a listing of each exemption and the fiscal losses for the preceding three years, the current year, and the ensuing year as required. Preceding the listing is a summary of all taxes arranged in order of the magnitude of the revenue loss.

Part 4, the Listing of Exemptions, is arranged alphabetically by major tax type and provides the following general information on each tax exemption: the legal citation, legislative origin, effective date, purpose, and administration. Each section begins with an index listing individual tax exemptions, the legal citation, and page number. The index is followed by a general discussion of the tax, the tax base, rate of imposition, and any recent significant changes to its imposition or administration.

# Part 2. Overview

## Introduction

The state's tax laws authorize a large number of exemptions, exclusions, deductions, credits, preferential tax treatments, and tax deferrals that substantially reduce the tax collection revenues. These special provisions are designed to encourage certain activities or to limit the tax burden on specific individuals or endeavors. The purpose of this report is to provide a comprehensive listing of all tax exemptions and to quantify the fiscal cost of the various tax exemptions, exclusions, deductions, and credits.

### What is a tax exemption?

For the purpose of this report, the term **exemption** is used to describe all exemptions, exclusions, deductions, credits, preferential tax treatments, and tax deferrals. Tax exemptions are tax dollars that are not collected and result in a loss of state tax revenues available for appropriation. In this sense, the fiscal effect of tax exemptions is the same as a direct fund expenditure. This report includes all tax exemptions provided for by state statutes for taxes administered by the Department of Revenue.

### State exemptions versus total exemptions

There are several statutory tax exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions are separately grouped at the end of each tax section.

### Measuring the tax exemptions

In order to accurately interpret the data contained in this report, the methods of calculation and assumptions should be noted.

All revenue loss estimates in this report are based on information gathered from various sources. The most reliable information was obtained from the actual tax return data. Unfortunately, this information was not always available and other sources were used. This was the case for many of the sales tax exemptions.

In estimating the fiscal effect for each exemption, the following assumptions were made:

- Each tax exemption revenue loss was considered separately and it was assumed that all other elements of the tax system remained unchanged.
- The calculations of the revenue loss for a specific tax exemption did not consider any side effects that could result from the removal of any other exemption in another tax.
- Each estimate was made in isolation. If two or more items were eliminated within the same tax, each adjustment was computed independently.
- All estimates are only as good as the assumptions used to complete the necessary calculations. If little data was available, the estimates included numerous assumptions.

### Terminology

For the purposes of this report the following terminology is used to describe the fiscal effects:

- **Negligible** is used if the tax exemption was estimated at \$10,000 or less;
- **No data** is used to indicate that data was not available from any source to estimate the past revenue loss;
- **Unable to anticipate** is used to indicate that data was not available from any source to predict the future revenue loss; and,

## Part 2. Overview

- **NRR** is used to indicate that there is no reporting requirement for the data. This was generally the case for income tax and corporation franchise tax exemptions. Many of the corporations exempted are not required to file tax returns. For this reason, we do not have data available to calculate the fiscal effect for these exemptions.

### Sales Tax – A special situation

Estimation of the fiscal effect for sales tax exemptions is complicated by the suspension of exemptions beginning in 1986.

In 1986, the effectiveness of the exemptions was temporarily suspended for one year under a House Concurrent Resolution resulting in the taxation of sales, services, and rentals that had previously been nontaxable, including food and utilities. The suspended exemptions were taxed at the rate of one percent. This suspension has been continued through a series of Resolutions and Acts at various rates of suspension. The current suspension of exemptions was passed in the 2004 1<sup>st</sup> Extraordinary Session. Special Legislative Sessions to extend the suspension through June 30, 2009.

Until the suspension of the exemptions began in 1986, the primary method of extending any tax benefits to taxpayers was through the exemption statutes under R.S. 47:305. In addition, the definitions under R.S. 47:301 contain exclusions that are not affected by the suspension of exemptions. In order to extend tax relief to taxpayers, the Louisiana Legislature began enacting exclusions from the tax under the definitions in R.S. 47:301, rather than the exemptions under R.S. 47:305. Some of the exclusions replaced existing exemptions that were taxable under the suspension of exemptions. This action resulted in two statutes affecting the same subject. In 1998, the Louisiana Legislature repealed most of these exemptions leaving only the exclusion as the statutory authority.

For fiscal years 1997-98, 1998-99, and 1999-2000, the exemptions were suspended at the rate of three percent. For fiscal year 2000-2001 and 2001-2002, the exemptions are suspended at the rate of four percent.

Legislation to suspend most exemptions at the four percent state sales tax rate for fiscal years 2005-2009 was enacted during the 2004 1<sup>st</sup> Ex. Sess., Act 4. Effective July 1, 2003, the state sales tax rate on sales of steam, electric power or energy, water, and natural gas for other than residential use is taxed at 3.8 percent.

There are some special words or terms used in the sales tax section. These terms and the meaning of these terms are as follows:

- “Suspended” is used to indicate that a particular exemption is being fully taxed because of the suspension of the exemption; hence no fiscal loss. This term is used for the fiscal impacts in the fiscal year 2004-2005 and 2005-2006.
- “See Number (N)” indicates that the fiscal impact for that exemption is included with the fiscal impact of the referenced exclusion/exemption. This will apply to those exemptions that have been superceded by an exclusion or grouped with a like exclusion/exemption.

### Other Credits - Corporation Income and Franchise Taxes

Several of the corporation income tax and franchise tax credits are combined on one line on the tax return. For this reason, we are unable to calculate the individual losses for these credits, but we are able to determine the total revenue loss. We have grouped these credits together under the heading **Other Credits** and the total revenue loss is shown on the table.

## Part 2. Overview

---

### **Tax collections versus tax exemptions**

The largest fiscal losses due to tax exemptions stem from five major taxes: sales tax; income tax, which includes individual and corporation; severance taxes; inheritance tax; and corporation franchise taxes. The bar graph on page 6 compares the revenue loss from these tax exemptions with the tax collections for FY 2003-2004. The comparison includes only the state tax exemptions; exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements are omitted.

In theory, the actual tax collections plus the tax exemption revenue losses should equal the total potential tax collections. The tax exemption revenue losses were divided by the total potential collections to arrive at the percentage of tax loss.

### **Top tax revenue losses**

Sales, individual income, and corporation income taxes are the taxes with the largest fiscal losses due to statutory exemptions. Analyses of the various exemption categories for these taxes for FY 2003-2004 can be found on pages 6 through 9. In categorizing the various exemptions, only state tax exemptions were included. Exemptions that are prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements were not considered.

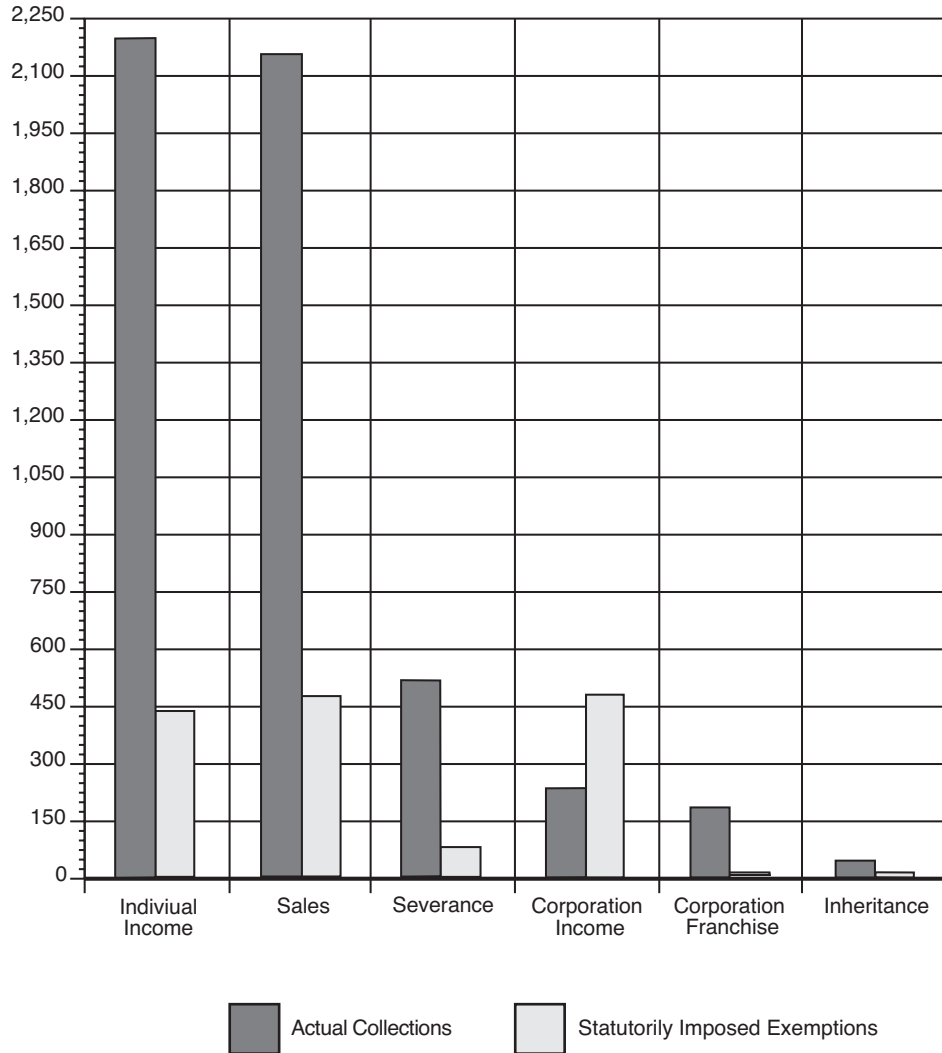
### **Comparison of major tax exemptions**

Comparisons of the major tax exemptions for the sales, individual income, and corporation income taxes with the exemptions allowed in southeastern states can be found on pages 10 through 12. In categorizing the major exemptions, statutory and constitutionally protected exemptions were considered.



## Part 2. Overview

### Analysis of Tax Collections vs. Exemptions FY 2003-04



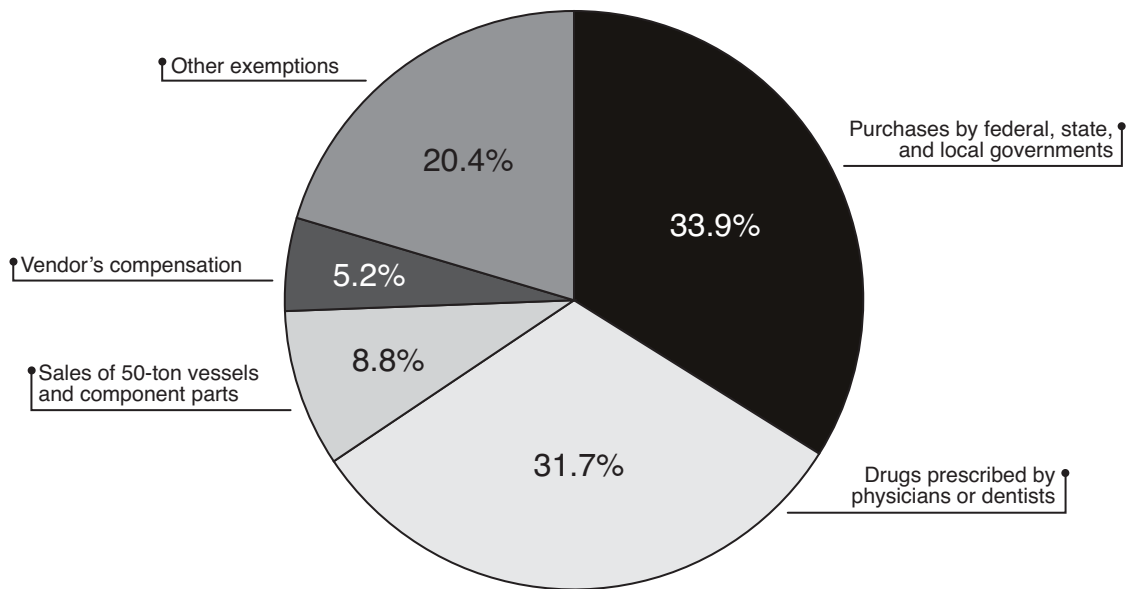
|                             | Individual Income | Sales   | Severance | Corporation Income | Corporation Franchise | Inheritance |
|-----------------------------|-------------------|---------|-----------|--------------------|-----------------------|-------------|
| Actual Collections          | \$2,196           | \$2,152 | \$514     | \$233              | \$183                 | \$44        |
| Estimated Exemptions        | \$434             | \$472   | \$78      | \$478              | \$10                  | \$13        |
| Total Potential Collections | \$2,630           | \$2,624 | \$592     | \$711              | \$193                 | \$57        |
| Percentage of tax loss      | 16.5%             | 18%     | 13%       | 67%                | 5%                    | 23%         |

In Millions of Dollars

---

## Top Tax Exemptions 2003-04

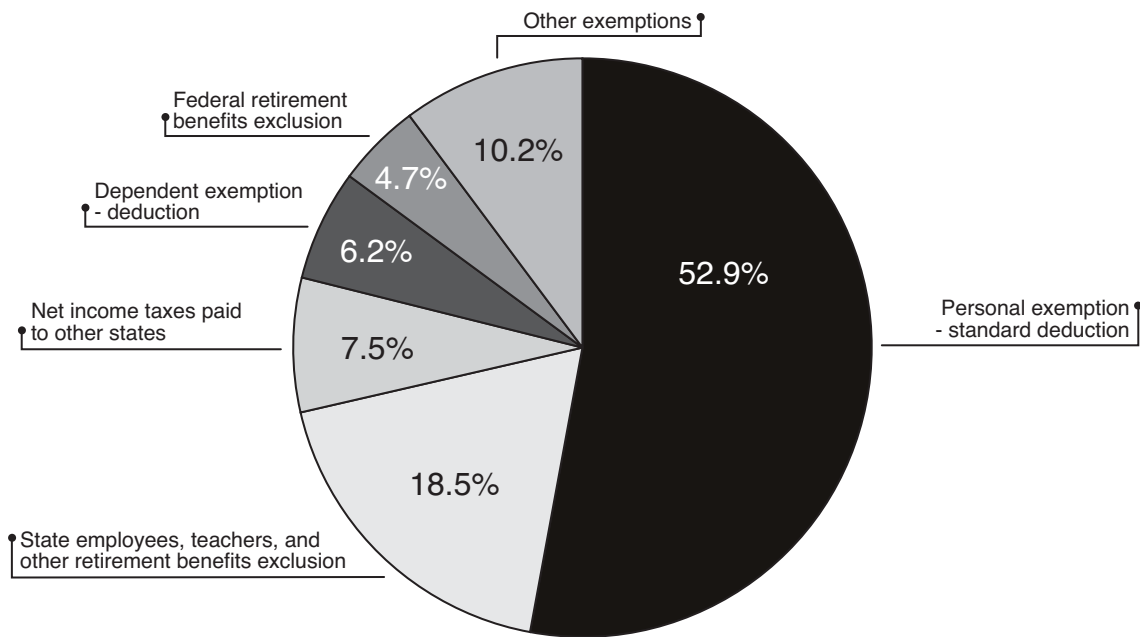
### Sales Tax (Statutorily imposed)



|   |                      |               |
|---|----------------------|---------------|
| Purchases by federal, state and local governments | \$159,992,656        | 33.9%         |
| Drugs prescribed by physicians or dentists*       | \$149,703,296        | 31.7%         |
| Sales of 50-ton vessels and component parts       | \$41,644,504         | 8.8%          |
| Vendor's compensation                             | \$24,568,755         | 5.2%          |
| Other exemptions                                  | \$96,325,329         | 20.4%         |
| <b>Total exemptions</b>                           | <b>\$472,234,540</b> | <b>100.0%</b> |

\* Drugs prescribed by physicians or dentists also includes other medical devices that are exempt from sales tax as the data does not allow for the fiscal impact to be determined for each item separately.

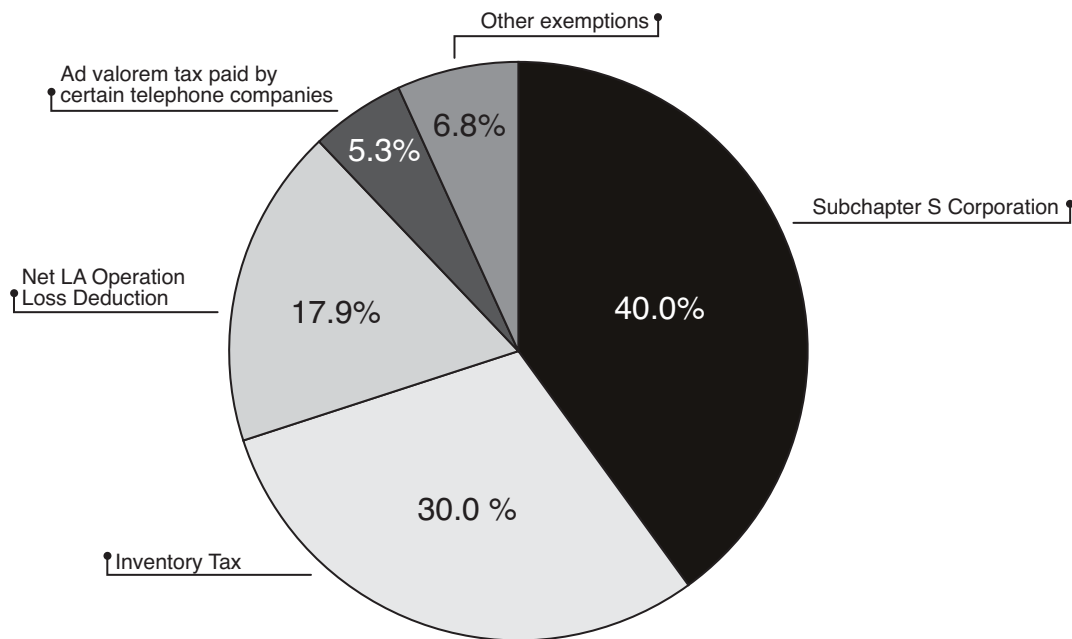
## Top Tax Exemptions 2003-04 Individual Income Tax (Statutorily imposed)



|  |                      |               |
|--|----------------------|---------------|
| Personal exemption - standard deduction                            | \$230,020,000        | 52.9%         |
| State employees, teachers, and other retirement benefits exclusion | \$80,359,800         | 18.5%         |
| Net income taxes paid to other states                              | \$32,708,170         | 7.5%          |
| Dependent exemption - deduction                                    | \$27,118,000         | 6.2%          |
| Federal retirement benefits exclusion                              | \$20,662,500         | 4.7%          |
| Other exemptions   | \$43,423,520         | 10.2%         |
| <b>Total exemptions</b>  | <b>\$434,291,990</b> | <b>100.0%</b> |

## Top Tax Exemptions 2003-04

### Corporation Income Tax (Statutorily imposed)



|  |                      |               |
|--|----------------------|---------------|
| Subchapter S Corporation                           | \$190,882,115        | 40.0%         |
| Inventory tax                                      | \$143,392,600        | 30.0%         |
| Net LA operating loss deduction                    | \$85,520,000         | 17.9%         |
| Ad valorem tax paid by certain telephone companies | \$25,358,300         | 5.3%          |
| Other exemptions                                   | \$32,386,115         | 6.8%          |
| <b>Total exemptions</b>                            | <b>\$477,539,130</b> | <b>100.0%</b> |

# Sales Tax

## Comparison of Major Tax Exemptions with Southeastern States

| Louisiana   | Alabama   | Arkansas  | Florida                 | Georgia   | Kentucky  | Mississippi  | North Carolina   | South Carolina  | Tennessee   | Texas                                       | Virginia   | West Virginia |
|---|---|---|-------------------------|---|---|--|--|---|---|---|--|---------------|
| <b>Exemption</b>  |   |   |                         |   |   |  |  |   |   |   |  |               |
| 1. Drugs, medical equipment and supplies, insulin, etc.                   | Exempt; includes prescription drugs; durable medical equip. only when under order of doctor by a provider to Medicare recipient | Exempt prescription drugs, insulin strips, prescription medical equip. and supplies | Exempt                  | Exempt prescription drugs, insulin, insulin syringes, blood measuring devices, and wheelchairs. Exempt durable medical equip. when paid for with Medicaid or Medicare funds | Exempt prescription drugs, medical oxygen, insulin, diabetic supplies, and prosthetic devices <sup>19</sup> | Exempts prescription drugs, and the sale of home medical supplies and equipment paid for by Medicare or Medicaid | See note <sup>1</sup>  | Medicine & prosthetic devices sold by prescription, prescription medicines & therapeutic radiopharmaceuticals used in the treatment of cancer or related diseases <sup>24</sup> | Exempt  | Exempt                                      | Exempt   | Exempt        |
| 2. Food for further preparation   | Taxable   | Taxable   | No Tax                  | Exempts food as defined by Federal Food Stamp Act for off premises consumption  | Exempt  | Taxable <sup>3</sup>   | No state sales tax; all counties charge a 2% local sales tax | Taxable at 5% unless eligible food items under the Federal Food Stamp Act   | Taxable at 6%; exempt when purchased with food stamps | Exempt                                      | Taxable at 3% - through 6/30/05; Reduced to 2.5% 7/1/05; 2.0% on 7/1/06 and 1.5% on 7/1/07 | Taxable       |
| 3. Trade-ins of like-kind property  | Taxable Exc.MV  | Taxable Exc.MV  | No Tax                  | No Tax  | No Tax  | No Tax   | Taxable Exc.MV   | No Tax  | No Tax  | No Tax                                      | No Tax   | No Tax        |
| 4. Electric power or energy   | Taxable   | <sup>21</sup> Taxable   | Taxable <sup>4</sup>    | Taxable <sup>17</sup>   | Taxable <sup>16</sup>   | Taxable <sup>5</sup>   | Taxable  | Taxable <sup>6</sup>  | Taxable <sup>7</sup>                                  | Taxable <sup>8</sup>                        | Exempt <sup>22</sup>   | Exempt        |
| 5. Natural gas  | Taxable   | Taxable   | Taxable <sup>4</sup>    | Taxable <sup>18</sup>   | Taxable <sup>16</sup>   | Taxable <sup>5</sup>   | No Tax <sup>14</sup>   | Taxable <sup>6</sup>  | Taxable <sup>7</sup>                                  | Taxable <sup>8</sup>                        | Exempt <sup>9</sup>  | Exempt        |
| 6. 1.1% vendor's compensation No Maximum                                  | 5%-up to \$100; 2%-on remaining \$400 max   | 2% prompt payment discount \$1,000 per month max                                    | 2.5% on \$1,200 tax/max | 3% on first \$3,000/tax; 0.5% over \$3,000  | 1.75% on \$1,000 tax; 1% over   | 2% \$50 max per return; \$600 max per year   | No   | 3% less than \$100/tax; 2% over; max \$3,000 per year; \$3,100 if return filed electronically <sup>25</sup>   | No Repealed July 1, 2000                              | .5% for timely filed; 1.25% for prepayments | Varies <sup>10</sup>   | No            |
| 7. Property purchased for exclusive use outside the state (off-shore use) | Taxable unless delivered; special exem. for offshore drilling equip.  | Taxable   | No Tax <sup>12</sup>    | Taxable <sup>13</sup>   | Taxable unless delivered  | Exempt   | Exempt   | Taxable   | Taxable   | Exempt                                      | Taxable <sup>23</sup>  | Taxable       |

<sup>1</sup>Exempts Prescription Drugs, Insulin, Nonprescription Drugs sold on written prescription, durable medical equipment covered under Medicare/Medicaid, certain medical aids, nutritional supplements sold by chiropractors and orthopedic supplies.

<sup>3</sup>Unless purchased with food stamps or purchased with food instruments issued to the Mississippi Band of Choctaw Indians

<sup>4</sup>residential utilities are exempt; non-residential utilities are taxed at 7% unless used in an industrial manufacturing process at a fixed location within the state

<sup>5</sup>Commercial usage – 7%, residential usage – 0%, industrial usage – 1.5%

<sup>6</sup>unless used in the manufacture of tangible personal property for sale, used in the production of poultry, livestock, swine and milk and used for residential purposes

<sup>7</sup>residential energy fuels are exempt; fuels used in manufacturing are taxed at a reduced rate (1.5%)

<sup>8</sup>unless used predominantly in manufacturing

<sup>9</sup>Natural gas delivered to customers through lines, mains, or pipes is exempt

<sup>10</sup>4% of 3% tax on first \$62,000 taxable sales; 3% of 3% tax on taxable sales between \$62,000 and \$208,000; and 2% of 3% tax on taxable sales over \$208,000

<sup>12</sup>as long as possession is taken outside the state

<sup>13</sup>exempts consumables and motor fuels placed in ships plying the high seas in interstate or foreign commerce

<sup>14</sup>No Tax: Sales tax was repealed and replaced by excise tax.

<sup>16</sup>Residential is exempt, industrial manufacturing capped at energy costs up to 3% of cost of production

<sup>17</sup>Georgia exempts the sale of electricity sold to farmers for exclusive use in a poultry structure and exclusive use for irrigation systems on row crops

<sup>18</sup>Georgia exempts the 4% tax on sales of natural gas sold to electricity manufacturers

<sup>19</sup>Prior to July 1, 2004, drugs administered by for profit healthcare providers, excluding hospitals, were taxable

<sup>21</sup>Sale of first 500 kwh of electricity per month exempt for residential customers with HH income below \$12,000 per year

<sup>22</sup>Effective 9/1/2004, machinery, tools and equipment used by a public service corporation in the generation of electric power will be subject to sales and use tax.

<sup>23</sup>Exemption for fuel and supplies for use or consumption aboard ships or vessels plying the high seas, in interstate or foreign commerce, when delivered directly to such ships or vessels.

<sup>24</sup>For complete list of items that qualify for exemption see 12-26-2120 (28) (a)-(e)

<sup>25</sup>A maximum of \$10,000 when not required to register but collect the tax voluntarily

# Individual Income Tax

## Comparison of Major Tax Exemptions with Southeastern States

| Louisiana   | Alabama  | Arkansas                                     | Georgia   | Kentucky                              | Mississippi  | North Carolina                                      | South Carolina                                      | Virginia   | West Virginia                      |
|---|--|--|---|---------------------------------------|--|---|---|--|------------------------------------|
| <b>Exemption</b>  |  |  |   |                                       |  |   |   |  |                                    |
| 1. Personal exemption<br>\$4,500 S/MJ; \$9,000 MJ/HH (This is a combined personal exemption/standard deduction) | \$1,500 S \$3,000 M<br>\$3,000 HH \$1,500 MS                 | Tax Credit<br>\$20 S/HH<br>\$40 MJ<br>\$20MS | \$2,700 each person   | Tax credit \$20 per taxpayer          | \$6,000 S<br>\$12,000 MJ<br>\$8,000 HH                   | \$2,500 <sup>1</sup> per taxpayer (SAF)             | \$3,100 per taxpayer (SAF)                          | \$800 per taxpayer increasing to \$900 in taxable year 2005                    | \$2,000 per taxpayer <sup>11</sup> |
| 2. Standard deduction (Louisiana has a combined personal exemption/standard deduction - See figures above.)     | 20% of AGI maximum<br>\$4,000/MJ or \$2,000 all others       | \$4,000/MJ<br>\$2,000 all others             | \$2,300/S or HH<br>\$3,000/MJ<br>\$1,500/MS <sup>12</sup>   | \$1,870 per taxpayer indexed annually | \$2,300/S<br>\$4,600/MJ<br>\$3,400/HH<br>\$2,300/MS      | \$3,000/S<br>\$6,000/MJ<br>\$2,500/MS<br>\$4,400/HH | \$4,850/S \$9,700/MJ<br>\$4,850/MS \$7,150/HH (SAF) | Effective for taxable years beginning 1/1/2005 \$3,000/S \$6,000/MJ \$3,000/MS | No                                 |
| 3. Excess federal itemized deduction (Repealed for taxable periods beginning after 12/31/2002)                  | (SAF) FICA deductible, medical limited to 4% instead of 7.5% | (SAF) Cannot deduct state tax                | (SAF) Cannot deduct state tax for states other than Georgia | (SAF) Cannot deduct state tax         | (SAF) Cannot deduct state tax, Mississippi Gaming losses | (SAF) Cannot deduct state tax                       | (SAF) Cannot deduct state tax                       | (SAF) Cannot deduct state tax  | No                                 |
| 4. Dependent exemption-deduction \$1,000 per dependent  | \$300 per dependent  | \$20 tax credit per dependent                | \$3,000 per dependent                                       | \$20 tax credit per dependent         | \$1,500 per dependent                                    | 2500 <sup>1</sup> per dependent                     | (SAF) \$3,100 per dependent <sup>2</sup>            | \$800 per dependent; increasing to \$900 in taxable year 2005                  | \$2,000 per dependent              |
| 5. State employees, teachers, and other   | Yes  | No <sup>3</sup>                              | No <sup>3</sup>   | Yes <sup>4</sup>                      | Yes  | Yes <sup>5</sup>                                    | No <sup>6</sup>                                     | Yes  | Yes <sup>7</sup>                   |
| 6. Federal retirement benefits exclusion  | Yes  | No <sup>3</sup>                              | No <sup>3</sup>   | Yes <sup>4</sup>                      | Yes  | \$4,000 max exclusion <sup>8</sup>                  | No <sup>9</sup>                                     | No <sup>10</sup>   | Yes <sup>7</sup>                   |
| 7. Federal income tax deduction   | Yes  | No   | No  | No                                    | No   | No  | No  | No   | No                                 |

SAF=same as federal  
MS=married filing separate

HH=head of household  
S=single

MJ=married filing joint

Florida, Tennessee, and Texas do not have an individual income tax; Florida and Tennessee tax interest and dividend income from certain intangible assets.

<sup>1</sup>\$2,000 if AGI is equal to or greater than threshold amount for filing status. A \$60 tax credit is allowed for each dependent child for whom a personal exemption is claimed if the AGI is not over the threshold amount for filing status, as follows; \$60,000/S; \$100,000/MJ; \$50,000/MS; \$80,000/HH

<sup>2</sup>Children under six years of age receive a double exemption.

<sup>3</sup>All taxpayers age 65 or older are allowed to exclude their first \$15,000 of retirement income. Retirement income includes all unearned income and is determined on an individual taxpayer basis.

<sup>4</sup>State, local, and federal retirement income for service performed after 12/31/97 is treated the same as private pension income (up to \$38,775 excludable)

<sup>5</sup>\$4,000 maximum exclusion for state or local government retirement benefits; \$2,000 maximum exclusion for private retirement benefits. Max of \$4,000 for all

retirement benefits, except that North Carolina state and local government employees who had five or more years of creditable service as of August 12, 1989 may exclude all retirement benefits from certain defined benefit plans, which include most state-sponsored retirement systems.

<sup>6</sup>All persons age 65 or older are eligible for an \$11,500 deduction.

<sup>7</sup>Complete exclusion for benefits received under any WV police, WV fireman's retirement system, WV State Police death, disability and retirement fund, WV deputy sheriff retirement system. \$2,000 exclusion for federal, military and WV public employees and teachers retirement systems; \$8,000 exclusion for senior citizens (\$16,000 on joint returns). Military retirees are also entitled to an additional exclusion (For tax years beginning after 12/31/2000 and ending prior to 1/1/2003, the additional exclusion equals 2% multiplied by the number of years of active duty multiplied by the first \$30,000 of military retirement income. For tax years beginning after 12/31/02, the additional exclusion equals the first \$20,000 of military retirement income.)

<sup>8</sup>Max of \$4,000 for all retirement benefits, except that Federal government employees who had five or more years of creditable service as of August 12, 1989 may exclude all retirement benefits from certain defined benefit plans, including the Federal Employees' Retirement System and the United States Civil Service Requirement System.

<sup>9</sup>Social Security and railroad retirement are not taxable. \$3,000 deduction from retirement income, \$10,000 deduction from retirement income upon reaching sixty-five years of age - Also, upon reaching sixty-five years of age \$15,000 deduction from any taxable income reduced by any retirement income deduction.

<sup>10</sup>A deduction is allowed in the amount of \$6,000 for taxpayers age 62 through 64 and \$12,000 for taxpayers age 65 and older.

<sup>11</sup>Except for those that are claimed as a dependent on another taxpayer's return. The exemption for a taxpayer claimed as a dependent on another person's return is limited to \$500.

<sup>12</sup>Additional \$1,300 deduction each for taxpayer/spouse age 65 or older; \$1,300 deduction each for taxpayer/spouse that is blind.

# Corporation Income Tax

## Comparison of Major Tax Exemptions with Southeastern States

| Louisiana  | Alabama  | Arkansas            | Florida              | Georgia                                 | Kentucky         | Mississippi                             | North Carolina                    | South Carolina       | Tennessee            | Texas               | Virginia                                       | West Virginia    |
|--|--|---------------------|----------------------|---|------------------|---|-----------------------------------|----------------------|----------------------|---------------------|--|------------------|
| <b>Exemption</b>   |  |                     |                      |   |                  |   |                                   |                      |                      |                     |  |                  |
| 1. Net operating loss deduction (Carryback 3 years, carryforward 15 years)                   | Yes forward 15 years                           | Yes forward 5 years | Yes forward 15 years | Yes forward 20 years; carryback 2 years | Yes <sup>1</sup> | Yes forward 20 years; carryback 2 years | Yes forward 15 years <sup>2</sup> | Yes forward 15 years | Yes forward 15 years | Yes forward 5 years | Yes based upon federal provisions <sup>6</sup> | Yes <sup>3</sup> |
| 2. Subchapter S Status recognized  | Yes  | Yes                 | Yes                  | Yes                                     | Yes              | Yes                                     | Yes                               | Yes                  | No                   | No                  | Yes  | Yes              |
| 3. Percentage depletion (22% of gross income limited to 50% of net income from the property) | 12% of gross income from property <sup>5</sup> | Same as federal     | No                   | Same as federal                         | Yes              | No                                      | Yes <sup>4</sup>                  | No                   | No                   | Same as federal     | No   | No               |
| 4. Federal income tax deduction  | Yes  | No                  | No                   | No                                      | No               | No                                      | No                                | No                   | No                   | No                  | No   | No               |

12

<sup>1</sup>Same as federal provisions, effective for losses incurred for taxable years beginning after 8/15/97; except that the five year NOL carryback period enacted by the Job Creation and Worker Assistance of 2002 has not been adopted.

<sup>2</sup>For economic loss only; no carryback.

<sup>3</sup>Carryback and carryforward provisions are the same as federal provisions. However, no more than \$300,000 of net operating loss from any taxable year may be carried back to any previous taxable year.

<sup>4</sup>In excess of cost depletion allowance on North Carolina property.

<sup>5</sup>Gross Income excludes rents or royalties. Limit computed on net income without allowance for depletion. In no case less than federal. In case of leases, equitably apportioned between lessor or lessee. (40-18-16(b)(2))

<sup>6</sup>For years 2001 and 2002 corporations limited to two-year carryback, can carry-forward until utilized

**Part 3.**  
**Five-Year Estimated Revenue Loss**



# Summary of all taxes

(Statutorily imposed exemptions only)

# Five-Year Revenue Loss

| Page                          | Tax type<br>(Listed in order of<br>magnitude by FYE 6-04) | FYE<br>6-02     | FYE<br>6-03     | FYE<br>6-04     | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|-------------------------------|---|-----------------|-----------------|-----------------|----------------------------|----------------------------|
| 16                            | Income Tax - corporation                                  | \$458,920,000   | \$511,932,650   | \$477,539,130   | \$497,475,500              | \$511,860,500              |
| 20                            | Sales tax   | \$350,090,503   | \$633,109,921   | \$472,234,540   | \$486,996,570              | \$510,568,920              |
| 34                            | Income Tax - individual                                   | \$461,558,000   | \$488,336,600   | \$434,291,990   | \$447,310,500              | \$460,705,000              |
| 38                            | Natural resources - severance tax                         | \$84,879,500    | \$81,163,000    | \$77,695,000    | \$87,978,000               | \$94,547,000               |
| 40                            | Tax exemption & incentive contracts                       | \$31,500,378    | \$55,847,202    | \$24,298,636    | No data                    | No data                    |
| 41                            | Inheritance tax   | \$52,779,000    | \$31,769,500    | \$12,707,800    | \$2,541,560                | \$508,250                  |
| 42                            | Corporation franchise tax                                 | \$8,750,000     | \$9,023,000     | \$9,576,743     | \$9,732,300                | \$32,523,800               |
| 45                            | Tobacco tax   | \$7,458,500     | \$8,441,000     | \$9,357,100     | \$8,950,000                | \$8,950,000                |
| 46                            | Petroleum products taxes                                  | \$6,969,200     | \$7,182,200     | \$7,108,000     | \$7,135,000                | \$7,135,000                |
| 48                            | Gift tax  | \$3,399,000     | \$3,510,500     | \$3,557,000     | \$3,801,000                | \$3,915,000                |
| 49                            | Liquors - alcoholic beverage taxes                        | \$973,000       | \$1,009,100     | \$1,036,000     | \$1,045,000                | \$1,050,00                 |
| 51                            | *Public utilities and carriers taxes                      | \$695,000       | \$695,000       | \$695,000       | \$695,000                  | \$695,000                  |
| 51                            | *Telecommunications tax                                   | \$29,900        | \$30,000        | \$30,000        | \$30,000                   | \$30,000                   |
| 51                            | *Hazardous waste disposal tax                             | \$20,000        | \$20,000        | \$20,000        | \$20,000                   | \$20,000                   |
| <b>Total tax revenue loss</b> |   | \$1,468,021,981 | \$1,832,069,673 | \$1,530,146,939 | \$1,553,710,430            | \$1,632,508,470            |

\*Included on the miscellaneous tax table

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

# Corporation Income Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Exemptions and exclusions</b>   |             |             |             |                            |                            |
| 1. Credit Unions   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 2. Exemption for certain foreign corporations  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 3. Electric cooperatives   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 4. Exemption for events, activities, or enterprises conducted in domed-stadium facilities  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 5. Exemption for events, activities, or enterprises conducted in publicly-owned facilities | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 6. State banking corporations and shareholders   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 7. Dividends from national banking corporations  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 8. Interest on state or local government obligations                                       | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 9. Governmental subsidies for operating public transportation systems                      | \$0         | \$0         | \$0         | \$0                        | \$0                        |
| 10. Income from carriage on high seas  | \$0         | \$0         | \$0         | \$0                        | \$0                        |
| 11. Certain exempt corporations, organizations, etc.                                       | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 12. Exemption for Certified Louisiana Capital Company                                      | NRR         | NRR         | NRR         | NRR                        | NRR                        |

# Corporation Income Tax

# Five-Year Revenue Loss

| Exemptions   | FYE 6-02      | FYE 6-03      | FYE 6-04                   | FYE 6-05 (projected) | FYE 6-06 (projected) |
|--|---------------|---------------|----------------------------|----------------------|----------------------|
| <b>Deductions</b>  |               |               |                            |                      |                      |
| 13. Percentage depletion   | \$18,000,000  | \$18,000,000  | \$18,000,000               | \$18,000,000         | \$18,000,000         |
| 14. Net Louisiana operating loss   | \$131,000,000 | \$156,000,000 | \$85,520,000               | \$93,081,000         | \$95,874,000         |
| 15. Subchapter S corporation <sup>1</sup>  | \$72,000,000  | \$79,200,000  | \$190,882,115 <sup>1</sup> | \$196,609,000        | \$202,507,000        |
| <b>Credits</b>   |               |               |                            |                      |                      |
| 16. Corporation jobs   | \$372,000     | \$358,000     | \$179,800                  | \$196,500            | \$202,500            |
| 17. Inventory tax <sup>2</sup>   | \$183,000,000 | \$192,192,650 | \$143,392,600              | \$147,694,000        | \$152,125,000        |
| 18. Credit for ad valorem tax paid by certain telephone companies <sup>2</sup>   | \$28,960,000  | \$30,191,161  | \$25,358,300               | \$26,119,000         | \$26,903,000         |
| 19. Credit for purchases from Prison Industry Enhancement <sup>2</sup>   | ***           | \$27,839      | \$5,800                    | \$6,900              | \$7,000              |
| 20. Louisiana capital companies  | \$7,200,000   | \$7,825,000   | \$1,363,515                | \$1,651,600          | \$1,701,000          |
| <b>Other credits - revenue loss for credits in shaded areas included in total for all "other credits"</b>              |               |               |                            |                      |                      |
| 21. Cash donations to the Dedicated Research Investment Fund   |               |               |                            |                      |                      |
| 22. Hiring eligible re-entrants  |               |               |                            |                      |                      |
| 23. Contribution of tangible personal property of a sophisticated and technological nature to educational institutions |               |               |                            |                      |                      |
| 24. Neighborhood assistance  |               |               |                            |                      |                      |

<sup>1</sup>The FYE 6-04 revenue loss for the subchapter S corporation income tax deduction is based on tax return detail data captured by the department's new computer system and has been verified to be correct. Revenue loss projections for FYE 6-05 and 6-06 have been adjusted accordingly.

<sup>2</sup>The estimated revenue loss for these credits include the total revenue loss for individual income tax and corporation income and franchise taxes.

# Corporation Income Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>                        |             |             |             |                            |                            |
| 25. Employment of the previously unemployed                  |             |             |             |                            |                            |
| 26. Alternative fuel usage                                   |             |             |             |                            |                            |
| 27. Bone-marrow donor expense                                |             |             |             |                            |                            |
| 28. Employment of certain first time drug offenders          |             |             |             |                            |                            |
| 29. Investment losses in certain film productions            |             |             |             |                            |                            |
| 30. Donations to assist qualified playgrounds                |             |             |             |                            |                            |
| 31. Louisiana basic-skills training                          |             |             |             |                            |                            |
| 32. Insurance company premium tax                            |             |             |             |                            |                            |
| 33. Certain refunds issued by utilities                      |             |             |             |                            |                            |
| 34. Donations to public elementary or secondary schools      |             |             |             |                            |                            |
| 35. Low-income housing                                       |             |             |             |                            |                            |
| 36. Employment in a qualified motion picture production      | ***         | *           | *           | *                          | *                          |
| 37. Purchasing of qualified recycling equipment              |             |             |             |                            |                            |
| 38. Alcohol and other substance abuse programs for employees |             |             |             |                            |                            |
| 39. Donations of property to certain offices and agencies    |             |             |             |                            |                            |

\*See number 6, Motion Picture Incentive, Tax Exemption contract Section

# Corporation Income Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02   | FYE<br>6-03   | FYE<br>6-04   | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------|---------------|---------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>   |               |               |               |                            |                            |
| 40. Donations of material, equipment or instructors made to certain training procedures |               |               |               |                            |                            |
| 41. Atchafalaya Trace Heritage area development zone tax exemptions                     | ***           | ***           |               |                            |                            |
| 42. Credit for debt issuance costs  | ***           |               |               |                            |                            |
| 43. Credit for rehabilitation of historic structures                                    | ***           |               |               |                            |                            |
| 44. New markets credit  | ***           | ***           |               |                            |                            |
| 45. Research and development credit   | ***           | ***           |               |                            |                            |
| 46. Technology commercialization credit   | ***           | ***           |               |                            |                            |
| <b>Other credits - total</b>  | \$18,388,000  | \$28,138,000  | \$12,837,000  | \$14,117,500               | \$14,541,000               |
| <b>Total state revenue loss</b>   | \$458,920,000 | \$511,932,650 | \$477,539,130 | \$497,475,500              | \$511,860,500              |
| <b>Exemption required by the state constitution</b>                                     |               |               |               |                            |                            |
| 47. Federal income tax deduction  | \$67,000,000  | \$54,000,000  | \$42,134,000  | \$43,400,000               | \$44,701,000               |
| <b>Total corporation income tax revenue loss</b>  | \$525,920,000 | \$565,932,650 | \$519,673,130 | \$540,875,500              | \$556,561,500              |

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03  | FYE<br>6-04  | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|--------------|--------------|----------------------------|----------------------------|
| <b>Exclusions</b>   |             |              |              |                            |                            |
| 1. Purchases by pari-mutuel race tracks   | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 2. Purchases by off-track wagering facilities   | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 3. Purchases, services and rentals for construction of sewerage or waste water treatment facility | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 4. Isolated or occasional sales of tangible personal property                                     | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 5. Installation charges on tangible personal property   | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 6. Installation of board roads to oil-field operators   | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 7. Manufacturers rebates on new motor vehicles*   | \$7,680,000 | \$12,511,222 | \$18,646,618 | \$18,900,000               | \$19,278,000               |
| 8. Manufacturers rebates paid directly to a dealer  | \$2,200,000 | \$2,350,000  | \$2,395,000  | \$2,442,900                | \$2,491,750                |
| 9. Leases by railway companies and railroad corporations when they act as lessees                 | No data     | No data      | No data      | Unable to anticipate       | Unable to anticipate       |
| 10. Purchases of manufacturing machinery and equipment  | ***         | ***          | ***          | \$5,000,000                | \$20,000,000               |
| 11. Room rentals at religious camp and retreat facilities   | Negligible  | Negligible   | ***          | Negligible                 | Negligible                 |
| 12. Rentals or leases of certain oil-field property to be re-leases or re-rented                  | \$880,000   | \$893,000    | \$910,800    | \$929,000                  | \$947,580                  |

\*Revised from Office of Motor Vehicles data.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03    | FYE<br>6-04    | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|----------------|----------------|----------------------------|----------------------------|
| <b>Exclusions <i>continued</i></b>  |             |                |                |                            |                            |
| 13. Certain transactions involving the construction or overhaul of U.S. Navy vessels  | \$549,000   | \$557,000      | \$568,000      | \$579,350                  | \$590,940                  |
| 14. Rental or purchase of airplanes or airplane equipment and parts by Louisiana domiciled commuter airlines                    | No data     | No data        | No data        | Unable to anticipate       | Unable to anticipate       |
| 15. Purchases and leases by free hospitals  | \$45,000    | \$46,000       | \$47,000       | \$48,000                   | \$48,500                   |
| 16. Certain educational materials and equipment used for classroom instruction  | \$560,000   | \$568,000      | \$579,000      | \$590,600                  | ***                        |
| 17. Sales and rentals to Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc.                                       | Negligible  | Negligible     | Negligible     | Negligible                 | Negligible                 |
| 18. Vehicle rentals for reread to warranty customers  | \$104,000   | \$106,000      | \$108,000      | \$110,150                  | \$112,350                  |
| 19. Purchases by regionally accredited independent educational institutions   | \$187,000   | \$190,000      | \$193,500      | \$197,350                  | \$201,300                  |
| 20. Purchases by state and local governments  | No data     | \$230,778,650* | \$159,992,656* | \$163,192,500*             | \$166,456,400*             |
| 21. Purchases of certain bibles, songbooks, or literature by certain churches or synagogues for religious instructional classes | \$550,000   | ***            | \$600,000      | \$612,000                  | \$624,500                  |
| 22. Purchases by the Society of the Little Sisters of the Poor  | \$25,000    | ***            | \$25,000       | \$25,000                   | \$25,000                   |

\*This amount includes the total revenue loss for purchases by state and local government and sales to the U.S. government (see #31). Estimate is based on Sales Tax Line item reports.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02  | FYE<br>6-03  | FYE<br>6-04              | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|--------------|--------------|--------------------------|----------------------------|----------------------------|
| <b>Exclusions <i>continued</i></b>                                 |              |              |                          |                            |                            |
| 23. Purchases of tangible personal property for lease or rental    | \$18,300,000 | \$18,635,000 | \$2,087,723 <sup>1</sup> | \$2,088,000                | \$2,129,500                |
| 24. Purchases of new research equipment by a biotechnology company | ***          | \$1,300,000  | \$1,300,000              | \$1,326,000                | \$1,350,000                |
| 25. Purchases by a motion picture production company               | ***          | \$1,500,000  | \$1,530,000              | \$1,560,600                | \$1,592,000                |
| 26. Sales through coin-operated vending machines                   | \$3,100,000  | \$3,147,000  | \$3,210,000              | \$3,274,000                | \$3,300,000                |
| 27. Natural gas used in the production of iron                     | No data      | No data      | No data                  | Unable to anticipate       | Unable to anticipate       |
| 28. Electricity for chlor-alkali manufacturing process             | \$5,900,000  | \$5,989,000  | \$6,109,000              | \$6,231,000                | \$6,350,000                |
| 29. Sales of human-tissue transplants                              | Negligible   | Negligible   | Negligible               | Negligible                 | Negligible                 |
| 30. Sales of raw agricultural products                             | \$0          | \$0          | \$0                      | \$0                        | \$0                        |
| 31. Sales to the United States Government and its agencies         | No data      | No data      | No data                  | See number 20              | See number 20              |
| 32. Sales of food items by youth organizations                     | \$155,000    | \$157,000    | \$160,000                | \$163,000                  | \$166,000                  |
| 33. Purchases of school buses by independent operators             | \$360,000    | \$365,000    | \$372,000                | \$379,000                  | \$387,000                  |
| 34. Tangible personal property sold to food banks                  | Negligible   | Negligible   | Negligible               | Negligible                 | Negligible                 |
| 35. Pollution control devices and systems <sup>2</sup>             | \$448,527    | \$798,365    | \$9,815                  | \$589,950                  | \$601,750                  |

<sup>1</sup>Revised amounts obtained from sales tax line item report.

<sup>2</sup>Revised amounts obtained from refunds issued.



# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04  | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-------------|-------------|--------------|----------------------------|----------------------------|
| <b>Exclusions <i>continued</i></b>   |             |             |              |                            |                            |
| 36. Certain aircraft assembled in Louisiana with a capacity of 50 people or more   | \$0         | \$0         | No data      | Unable to anticipate       | Unable to anticipate       |
| 37. Pelletized paper waste used in a permitted boiler  | No data     | No data     | No data      | Unable to anticipate       | Unable to anticipate       |
| 38. Purchases of equipment by bonafide volunteer and public fire department  | \$165,000   | \$167,000   | \$170,500    | \$174,000                  | \$177,500                  |
| 39. Sales of telephone directories by advertising companies  | ***         | \$42,000    | \$42,000     | \$42,000                   | \$42,000                   |
| 40. Sales of cellular telephones and electronic accessories  | ***         | ***         | ***          | ***                        | ***                        |
| 41. Purchases of fuel or gas by residential consumers  | ***         | ***         | ***          | \$4,300,000                | \$4,300,000                |
| 42. Articles traded in on tangible personal property   | No data     | No data     | No data      | Unable to anticipate       | Unable to anticipate       |
| 43. First \$50,000 of new farm equipment used in poultry production  | \$145,000   | \$147,000   | \$150,000    | See number 118             | See number 118             |
| 44. Admissions to athletic or entertainment events by educational institutions and membership dues of certain nonprofit, civic organizations | \$2,070,000 | \$2,101,000 | \$2,143,000  | \$2,186,000                | \$2,229,700                |
| 45. Admissions to museums  | \$1,140,000 | \$1,157,000 | \$1,180,000  | \$1,203,600                | \$1,227,650                |
| 46. Admissions to places of amusement at camp/retreat facilities   | Negligible  | Negligible  | Negligible   | Negligible                 | Negligible                 |
| 47. Repair services performed in Louisiana when the repaired property is exported  | \$3,100,000 | \$3,147,000 | \$3,857,334* | \$3,865,000                | \$3,934,500                |

\*Revised amounts obtained from sales tax line item report.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02              | FYE<br>6-03              | FYE<br>6-04            | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|--------------------------|--------------------------|------------------------|----------------------------|----------------------------|
| <b>Exclusions <i>continued</i></b>   |                          |                          |                        |                            |                            |
| 48. Defined call centers   | \$795,000                | \$795,000                | \$253,000              | \$177,000                  | \$180,500                  |
| 49. Telecommunication services through coin-operated telephones              | No data                  | No data                  | No data                | Unable to anticipate       | Unable to anticipate       |
| 50. Telecommunication services through interstate telephone calls            | ***                      | ***                      | ***                    | ***                        | ***                        |
| 51. Miscellaneous telecommunications services                                | No data                  | No data                  | No data                | Unable to anticipate       | Unable to anticipate       |
| 52. Coin bullion with a value of \$1,000 or more                             | \$197,000                | \$200,000                | \$204,000              | \$208,000                  | \$212,500                  |
| 53. Certain geophysical survey information and data analyses                 | \$0                      | \$0                      | \$0                    | \$0                        | \$0                        |
| 54. Work products of certain professionals                                   | \$0                      | \$0                      | \$0                    | \$0                        | \$0                        |
| 55. Pharmaceuticals administered to livestock for agricultural purposes      | Negligible               | Negligible               | Negligible             | Negligible                 | Negligible                 |
| 56. Used manufactured homes and 54 percent of cost of new manufactured homes | \$4,880,000 <sup>1</sup> | \$4,271,664 <sup>1</sup> | \$3,727,273            | \$3,801,800                | \$3,877,850                |
| 57. Purchases of certain custom computer software                            | ***                      | \$2,500,000              | \$147,340 <sup>2</sup> | \$150,000                  | \$153,000                  |
| 58. Certain digital television and digital radio conversion equipment        | ***                      | \$1,110,000              | \$610,000              | \$622,000                  | \$634,500                  |
| 59. Materials used directly in the collection of blood                       | ***                      | \$600,000                | \$600,000              | \$600,000                  | \$612,000                  |
| 60. Apheresis kits and leuko reduction filters                               | ***                      | \$175,000                | \$175,000              | \$175,000                  | \$178,500                  |
| 61. Other constructions permanently attached to the ground                   | No data                  | No data                  | No data                | Unable to anticipate       | Unable to anticipate       |
| 62. Donation to certain schools from resale inventory                        | No data                  | No data                  | No data                | Unable to anticipate       | Unable to anticipate       |

<sup>1</sup>Revised from Office of Motor Vehicle data.

<sup>2</sup>Revised amounts obtained from sales tax line item report.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Exclusions <i>continued</i></b>                                 |             |             |             |                            |                            |
| 63. Use tax on residual or by-products consumed by the producer    | No data     | No data     | No data     | Unable to anticipate       | Unable to anticipate       |
| 64. Advertising services   | \$0         | \$0         | \$0         | \$0                        | \$0                        |
| <b>Exemptions</b>  |             |             |             |                            |                            |
| 65. Purchases by nonprofit electric cooperatives                   | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |
| 66. Purchases by a public trust                                    | No data     | \$0         | \$0         | \$0                        | \$0                        |
| 67. Sales by state-owned domed stadiums                            | \$1,240,000 | \$1,259,000 | \$1,284,000 | \$1,309,700                | \$1,335,750                |
| 68. Sales by farm products direct from the farm                    | No data     | No data     | No data     | Unable to anticipate       | Unable to anticipate       |
| 69. Sales of farm products direct from the farm                    | \$300,000   | \$305,000   | \$311,000   | \$317,000                  | \$323,500                  |
| 70. Racehorses claimed at races in Louisiana                       | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |
| 71. Feed and feed additives for animals held for business purposes | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |
| 72. Materials used in the production or harvesting of crawfish     | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |
| 73. Materials used in the production or harvesting of catfish      | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |
| 74. Farm products produced and used by the farmers                 | \$75,000    | \$76,000    | \$77,500    | \$79,000                   | \$80,550                   |
| 75. Sales of gasoline (not subject to motor fuels tax)             | Suspended   | Suspended   | Suspended   | Suspended                  | Suspended                  |

25

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02      | FYE<br>6-03      | FYE<br>6-04      | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|------------------|------------------|------------------|----------------------------|----------------------------|
| <b>Exemptions <i>continued</i></b>  |                  |                  |                  |                            |                            |
| 76. Sales of steam  | Suspended        | Negligible       | See number<br>78 | See number<br>78           | See number<br>78           |
| 77. Sales of water  | Suspended        | \$1,844,761*     | See number<br>78 | See number<br>78           | See number<br>78           |
| 78. Sales of electric power or energy   | Suspended        | \$23,981,895*    | \$9,192,874      | \$9,376,700                | \$9,564,250                |
| 79. Sales of newspapers   | Suspended        | Suspended        | Suspended        | Suspended                  | Suspended                  |
| 80. Sales of fertilizers and containers to farmers  | \$0              | \$0              | \$0              | \$0                        | \$0                        |
| 81. Sales of natural gas  | Suspended        | \$11,068,566*    | See number<br>78 | See number<br>78           | See number<br>78           |
| 82. Materials and energy sources used for boiler fuel   | Suspended        | Suspended        | Suspended        | Suspended                  | Suspended                  |
| 83. Trucks, automobiles, and new aircraft removed from inventory for use as demonstrators                                   | Suspended        | Suspended        | Suspended        | Suspended                  | Suspended                  |
| 84. Drugs prescribed by physicians or dentists  | \$222,312,710*   | \$226,758,500*   | \$149,703,296*   | \$150,000,000              | \$152,697,350              |
| 85. Orthotic and prosthetic devices, wheelchairs and wheelchair lifts, and patient aids prescribed by physicians            | See number<br>84 | See number<br>84 | See number<br>84 | See number<br>84           | See number<br>84           |
| 86. Orthotic and prosthetic devices, wheelchair and wheelchair lifts, and patient aids prescribed by licensed chiropractors | See number<br>84 | See number<br>84 | See number<br>84 | See number<br>84           | See number<br>84           |
| 87. Ostomy, colostomy, and ileostomy devices and equipment  | See number<br>84 | See number<br>84 | See number<br>84 | See number<br>84           | See number<br>84           |

\*Revised amounts obtained from sales tax line item reports.

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02          | FYE<br>6-03          | FYE<br>6-04   | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|----------------------|----------------------|---------------|----------------------------|----------------------------|
| <b>Exemptions <i>continued</i></b>  |                      |                      |               |                            |                            |
| 88. Sales of food by certain institutions   | Suspended            | Suspended            | Suspended     | Suspended                  | Suspended                  |
| 89. Patient medical devices used in the treatment of a disease prescribed by a physician  | See number 84        | See number 84        | See number 84 | See number 84              | See number 84              |
| 90. Dental orthotic and prosthetic devices, prostheses, and restorative materials   | See number 84        | See number 84        | See number 84 | See number 84              | See number 84              |
| 91. Adaptive driving equipment and motor vehicle modification   | Suspended            | Suspended            | Suspended     | Suspended                  | Suspended                  |
| 92. Fees paid by radio and television broadcasters for the rights to broadcast film, video, and tapes                                       | Suspended            | Suspended            | Suspended     | Suspended                  | Suspended                  |
| 93. Kidney dialysis equipment and supply purchases or rentals   | See number 84        | See number 84        | See number 84 | See number 84              | See number 84              |
| 94. Repairs of materials used drilling rigs and equipment   | ***                  | No data              | No data       | Suspended                  | Suspended                  |
| 95. Sales of 50-ton vessels and new component parts and sales of certain materials and services to vessels operating in interstate commerce | Unable to anticipate | Unable to anticipate | \$41,644,504* | \$41,650,000               | \$42,477,500               |
| 96. Sales of insulin for personal use   | See number 84        | See number 84        | See number 84 | See number 84              | See number 84              |
| 97. Sales of seeds for planting crops   | \$49,000             | \$50,000             | \$51,000      | \$52,000                   | \$53,000                   |

\*Revised amounts obtained from sales tax line item reports.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03          | FYE<br>6-04          | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|----------------------|----------------------|----------------------------|----------------------------|
| <b>Exemptions <i>continued</i></b>  |             |                      |                      |                            |                            |
| 98. Sales of admission tickets by Little Theater organizations  | Suspended   | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 99. Tickets to musical performances by nonprofit musical organizations                                      | Suspended   | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 100. Sales of pesticides for agricultural purposes  | \$1,650,000 | \$1,675,000          | \$1,708,500          | \$1,742,670                | \$1,777,500                |
| 101. Rentals of motion-picture film to commercial theaters  | Suspended   | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 102. Property purchased for exclusive use outside the state   | No data     | No data              | No data              | Unable to anticipate       | Unable to anticipate       |
| 103. Additional tax levy on contracts entered into prior to and within 90 days of tax levy                  | Suspended   | Unable to anticipate | Unable to anticipate | Unable to anticipate       | Unable to anticipate       |
| 104. Admissions to entertainment by domestic nonprofit charitable, educational, and religious organizations | Suspended   | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 105. Sales of tangible personal property at or admissions to events sponsored by certain nonprofit groups   | \$2,600,000 | \$2,639,000          | \$2,691,800          | \$2,745,600                | \$2,800,500                |
| 106. Sales by thrift shops on military installations  | Negligible  | Negligible           | Negligible           | Negligible                 | Negligible                 |
| 107. Sales of newspapers by religious organizations   | \$34,000    | \$35,000             | \$35,500             | \$36,200                   | \$37,000                   |
| 108. Sales to nonprofit literacy organizations  | ***         | \$50,000             | \$50,000             | \$51,000                   | \$52,000                   |
| 109. Sales or purposes by blind persons operating small business  | \$183,000   | \$186,000            | \$190,000            | \$193,800                  | \$197,700                  |

28

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02   | FYE<br>6-03   | FYE<br>6-04   | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------|---------------|---------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>   |               |               |               |                            |                            |
| 110. Purchases by certain organizations that promote training for the blind   | Negligible    | Negligible    | Negligible    | Negligible                 | Negligible                 |
| 111. Cable television installation and repair services  | \$0           | \$0           | \$0           | \$0                        | \$0                        |
| 112. Receipts from coin-operated washing and drying machines in commercial laundromats                                  | \$0           | \$0           | \$0           | \$0                        | \$0                        |
| 113. Outside gate admissions and parking fees at fairs, festivals, and expositions sponsored by nonprofit organizations | Suspended     | Suspended     | Suspended     | Suspended                  | Suspended                  |
| 114. Lease or rental of certain vessels in mineral production   | Suspended     | Suspended     | Suspended     | Suspended                  | Suspended                  |
| 115. Purchases of supplies, fuels, and repair services for boats used by commercial fisherman                           | \$2,700,000   | \$2,741,000   | \$2,796,000   | \$2,851,900                | \$2,909,000                |
| 116. Certain seafood-processing facilities  | \$217,000     | \$220,000     | \$224,500     | \$229,000                  | \$233,550                  |
| 117. Certain equipment when removed from resale inventory   | See number 23 | See number 23 | See number 23 | See number 23              | See number 23              |
| 118. First \$50,000 of the sales price of certain rubber-tired farm equipment and attachments                           | \$15,000,000  | \$15,000,000  | \$3,765,133*  | \$3,775,000                | \$3,840,500                |
| 119. New vehicles furnished by a dealer for driver-education programs   | Suspended     | Suspended     | Suspended     | Suspended                  | Suspended                  |
| 120. Sales of gasohol   | Suspended     | Suspended     | Suspended     | Suspended                  | Suspended                  |

\*Revised amounts obtained from sales tax line item reports.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02    | FYE<br>6-03    | FYE<br>6-04    | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|----------------|----------------|----------------|----------------------------|----------------------------|
| <b>Exemptions <i>continued</i></b>  |                |                |                |                            |                            |
| 121. Construction materials and operating supplies for certain nonprofit retirement centers                         | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |
| 122. Sales of motor vehicles to be leased or rented by qualified lessors  | See number 23  | See number 23  | See number 23  | See number 23              | See number 23              |
| 123. Sales of certain fuels used for farm purposes  | \$10,250,000   | \$10,404,000   | \$10,612,000   | \$10,824,250               | \$11,040,000               |
| 124. Sales or purchases by certain sheltered workshops  | \$70,000       | \$71,000       | \$72,000       | \$73,500                   | \$75,000                   |
| 125. Purchases of certain fuels for private residential consumption   | Suspended      | Suspended      | Suspended      | See number 41              | See number 41              |
| 126. Specialty Mardi Gras items purchased by certain organizations  | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |
| 127. Purchases and sales by Ducks Unlimited and Bass Life   | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |
| 128. Tickets to dance, drama, or performing arts presentations by certain nonprofit organizations                   | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |
| 129. Purchases by and sales by certain nonprofit organizations dedicated to the conservation of migratory waterfowl | See number 127 | See number 127 | See number 127 | See number 127             | See number 127             |
| 130. Raw materials used in the printing process   | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |
| 131. Piggy-back trailers or containers and rolling stock  | Suspended      | Suspended      | Suspended      | Suspended                  | Suspended                  |

30



# Sales Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02   | FYE<br>6-03          | FYE<br>6-04          | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------|----------------------|----------------------|----------------------------|----------------------------|
| <b>Exemptions <i>continued</i></b>  |               |                      |                      |                            |                            |
| 132. Pharmaceutical samples distributed in Louisiana  | Suspended     | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 133. Catalogs distributed in Louisiana  | Suspended     | Suspended            | Suspended            | Suspended                  | Suspended                  |
| 134. Certain trucks and trailers used 80% in interstate commerce  | \$5,600,000*  | \$5,790,311*         | \$6,642,948*         | \$6,775,800                | \$6,911,300                |
| 135. Certain contract carrier buses used 80% in interstate commerce   | \$988,000*    | \$1,021,819*         | \$1,171,285*         | \$1,194,700                | \$1,218,600                |
| 136. Railrolling stock manufactured in Louisiana used in interstate commerce                                  | No data       | Unable to anticipate | ***                  | ***                        | ***                        |
| 137. Utilities used by steelworks and blast furnaces  | No data       | Unable to anticipate | Unable to anticipate | Unable to anticipate       | Unable to anticipate       |
| 138. Antique airplanes held by private collectors and not used for commercial purposes                        | Suspended     | Suspended            | Suspended            | Suspended                  | Suspended                  |
| <b>Alternate-reporting methods</b>  |               |                      |                      |                            |                            |
| 139. Certain interchangeable components optional method to determine  | \$560,000     | \$568,000            | \$579,500            | \$591,100                  | \$602,200                  |
| 140. Helicopters leased for use in the extraction, production, or exploration for oil, gas, or other minerals | See number 23 | See number 23        | See number 23        | See number 23              | See number 23              |
| 141. Cash-basis sales tax reporting and remitting for health and fitness club membership contracts            | No data       | No data              | No data              | Unable to anticipate       | Unable to anticipate       |

\*Revised from Office of Motor Vehicle data.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02               | FYE<br>6-03               | FYE<br>6-04               | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|---------------------------|---------------------------|---------------------------|----------------------------|----------------------------|
| <b>Alternate-reporting methods <i>continued</i></b>  |                           |                           |                           |                            |                            |
| 142. Cash-basis reporting procedure for rental and lease transaction                               | No data                   | No data                   | No data                   | Unable to anticipate       | Unable to anticipate       |
| 143. Collection from interstate and foreign transportation dealers                                 | No data                   | No data                   | No data                   | Unable to anticipate       | Unable to anticipate       |
| <b>Statutorily prescribed methods of taxation</b>  |                           |                           |                           |                            |                            |
| 144. Extended time to register mobile homes  | No data                   | No data                   | No data                   | Unable to anticipate       | Unable to anticipate       |
| 145. Cost price of refinery gas  | \$0                       | \$0                       | \$0                       | \$0                        | \$0                        |
| 146. Sales price of refinery gas and other byproducts  | \$0                       | \$0                       | \$0                       | \$0                        | \$0                        |
| <b>Credits</b>   |                           |                           |                           |                            |                            |
| 147. Vendor's compensation   | \$30,185,545 <sup>1</sup> | \$29,986,587 <sup>1</sup> | \$24,568,755 <sup>1</sup> | \$24,570,000               | \$25,060,000               |
| 148. Credit for costs to reprogram cash registers  | No data                   | No data                   | \$47,976                  | \$50,000                   | \$50,000                   |
| <b>Refunds</b>   |                           |                           |                           |                            |                            |
| 149. Sales tax remitted on bad debts from credit sales   | \$1,917,177               | \$392,469                 | \$1,839,880               | \$1,876,670                | \$1,914,000                |
| 150. State sales tax paid on property destroyed in a natural disaster                              | No data                   | \$12,814 <sup>2</sup>     | \$754 <sup>2</sup>        | Unable to anticipate       | Unable to anticipate       |
| 151. Materials used in the construction, restoration, or renovation of housing in designated areas | No data                   | No data                   | No data                   | Unable to anticipate       | Unable to anticipate       |

<sup>1</sup>Revised amounts obtained from sales tax line item report.

<sup>2</sup>Revised amounts obtained from refunds issued.

# Sales Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02                | FYE<br>6-03                | FYE<br>6-04                | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| <b>Refunds <i>continued</i></b>  |                            |                            |                            |                            |                            |
| 152. Purchases and leases of durable medical equipment paid by or under provisions of Medicare | No data                    | No data                    | No data                    | Unable to anticipate       | Unable to anticipate       |
| 153. Refunds of sales tax to motion-picture production companies                               | \$16,639 <sup>1</sup>      | Unable to anticipate       | See number 25              | See number 25              | See number 25              |
| 154. Louisiana Tax Free Shopping Program   | \$606,904 <sup>1</sup>     | \$669,298 <sup>1</sup>     | \$870,276 <sup>1</sup>     | \$887,680                  | \$905,400                  |
| <b>Total state sales tax revenue loss</b>  | <b>\$350,090,503</b>       | <b>\$633,109,921</b>       | <b>\$472,234,540</b>       | <b>\$486,996,570</b>       | <b>\$510,568,920</b>       |
| <b>State exemptions with prohibitions on taxation<sup>2</sup></b>                              |                            |                            |                            |                            |                            |
| 155. Sales of gasoline, gasohol, and diesel  | \$143,000,000 <sup>3</sup> | \$162,120,503 <sup>3</sup> | \$180,160,500 <sup>3</sup> | \$183,463,000 <sup>3</sup> | \$187,130,000              |
| 156. Purchases made with food stamps and WIC vouchers  | \$39,579,600               | \$40,371,200               | \$41,178,600               | \$42,002,175               | \$42,842,200               |
| 157. Credit for sales and use taxes paid to other states on property imported into Louisiana   | \$22,000,000               | \$22,330,000               | \$22,776,600               | \$23,232,100               | \$23,696,750               |
| 158. Credit for use tax paid on automobiles imported by certain members of the armed services  | See number 157             | See number 157             | See number 157             | See number 157             | See number 157             |
| 159. Use of vehicles in Louisiana by active military personnel                                 | See number 157             | See number 157             | See number 157             | See number 157             | See number 157             |
| 160. Sales of food for preparation and consumption in the home                                 | Suspended                  | \$58,136,660 <sup>4</sup>  | \$177,978,695 <sup>4</sup> | \$178,000,000              | \$181,538,250              |
| 161. Sales of electric power or energy to the consumer for residential use                     | Suspended                  | See number 78              | \$198,346,679 <sup>4</sup> | \$198,350,000              | \$202,313,600              |
| 162. Sales of natural gas to the consumer for residential use                                  | Suspended                  | See number 81              | See number 161             | See number 161             | See number 161             |
| 163. Sales of water to the consumer for residential use  | Suspended                  | See number 77              | See number 161             | See number 161             | See number 161             |
| <b>Total revenue loss from exemptions with prohibitions on taxation</b>                        | <b>\$204,579,600</b>       | <b>\$282,958,363</b>       | <b>\$620,441,074</b>       | <b>\$625,047,275</b>       | <b>\$637,520,800</b>       |
| <b>Total sales tax revenue loss</b>  | <b>\$554,670,103</b>       | <b>\$916,068,284</b>       | <b>\$1,092,675,614</b>     | <b>\$1,112,043,845</b>     | <b>\$1,148,089,720</b>     |

<sup>1</sup>Revised amounts obtained from refunds issued.

<sup>2</sup>Taxation is prohibited by the state constitution, federal laws, or existing reciprocal agreements.

<sup>3</sup>Revised amounts derived from data provided by the U.S. Department of Energy.  
<sup>4</sup>Revised amounts obtained from sales tax line item report.

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

# Individual Income Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02                       | FYE<br>6-03                       | FYE<br>6-04           | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-----------------------------------|-----------------------------------|-----------------------|----------------------------|----------------------------|
| <b>Exemption and exclusions</b>  |                                   |                                   |                       |                            |                            |
| 1. Annual retirement income exclusion  | \$14,347,000                      | \$13,722,000                      | \$12,558,000          | \$12,935,000               | \$13,323,000               |
| 2. Disability income exclusion   | See note <sup>1</sup>             | See note <sup>1</sup>             | See note <sup>1</sup> | See note <sup>1</sup>      | See note <sup>1</sup>      |
| 3. State employees, teachers, and other retirement benefits exclusion  | \$62,294,000                      | \$67,483,000                      | \$80,359,800          | \$82,770,000               | \$85,254,000               |
| 4. Federal retirement benefits exclusion   | \$17,977,000                      | \$18,100,000                      | \$20,662,500          | \$21,282,000               | \$21,921,000               |
| 5. Certain compensation paid to military personnel   | ***                               | Unable to anticipate              | \$2,615,000           | \$2,693,500                | \$2,774,000                |
| 6. Exclusions for certain income reported to shareholders of banks organized as S Corps.                               | ***                               | \$884,000                         | \$884,000             | \$884,000                  | \$884,000                  |
| 7. Exemptions for Estate and Trust   | NRR                               | NRR                               | NRR                   | NRR                        | NRR                        |
| <b>Deductions</b>  |                                   |                                   |                       |                            |                            |
| 8. Disabled individual home adaptation expense   | NRR                               | NRR                               | NRR                   | NRR                        | NRR                        |
| 9. Dependent exemption/deduction   | \$29,345,000                      | \$29,647,000                      | \$27,118,000          | \$27,931,000               | \$28,770,000               |
| 10. Excess federal itemized deductions   | \$87,681,000                      | \$111,343,000                     | Repealed              | Repealed                   | Repealed                   |
| 11. Student Tuition Assistance   | Unable to anticipate <sup>2</sup> | Unable to anticipate <sup>2</sup> | \$382,000             | \$394,000                  | \$405,000                  |
| 12. Personal exemption - standard deduction <sup>3</sup>   | \$225,642,000                     | \$222,682,000                     | \$230,020,000         | \$236,920,000              | \$244,028,000              |
| <b>Credits</b>   |                                   |                                   |                       |                            |                            |
| 13. Net income taxes paid to other states  | \$19,204,000                      | \$17,946,000                      | \$32,708,170          | \$33,689,500               | \$34,700,000               |
| 14. Contribution of tangible personal property of a sophisticated and technological nature to educational institutions | \$347,000                         | \$325,000                         | \$646,570             | \$642,000                  | \$661,000                  |

<sup>1</sup>An individual with a permanent total disability may exclude up to \$6,000 of annual disability income from adjusted gross income beginning on or after January 1, 2001. We have no data to estimate the revenue loss from the exclusion.

<sup>2</sup>Contributions made to a START Savings Program can be deducted from adjusted gross income beginning on January 1, 2001. We had no data to estimate the revenue loss from this deduction.

<sup>3</sup>The fiscal effect assumes no restrictions on eliminating this deduction. Assuming that to reduce this deduction below the levels in effect January 1, 1974, would require a constitutional amendment, 58 percent of the fiscal effect should be considered protected.

# Individual Income Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02           | FYE<br>6-03           | FYE<br>6-04           | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-----------------------|-----------------------|-----------------------|----------------------------|----------------------------|
| <b>Credits continued</b>  |                       |                       |                       |                            |                            |
| 15. Certain disabilities  | \$1,298,000           | \$1,303,000           | \$1,592,700           | \$1,682,000                | \$1,732,000                |
| 16. Special credits   | \$1,540,000           | \$1,587,000           | \$238,050             | \$245,000                  | \$253,000                  |
| 17. Education   | See note <sup>1</sup> | See note <sup>1</sup> | See note <sup>1</sup> | See note <sup>1</sup>      | See note <sup>1</sup>      |
| 18. Inventory tax/Ad valorem tax  | See note <sup>2</sup> | See note <sup>2</sup> | See note <sup>2</sup> | See note <sup>2</sup>      | See note <sup>2</sup>      |
| 19. Property taxes paid by telephone companies  | ***                   | See note <sup>3</sup> | See note <sup>3</sup> | See note <sup>3</sup>      | See note <sup>3</sup>      |
| 20. Credit for purchases from Prison Industry Enhancement Contractors   | ***                   | See note <sup>4</sup> | See note <sup>4</sup> | See note <sup>4</sup>      | See note <sup>4</sup>      |
| <b>Other credits - revenue loss for all other credits in shaded areas included in total for all "Other credits - total"</b> |                       |                       |                       |                            |                            |
| 21. Low-income housing  |                       |                       |                       |                            |                            |
| 22. Louisiana capital companies   |                       |                       |                       |                            |                            |
| 23. Cash donations to the Dedicated Research Investment Fund  |                       |                       |                       |                            |                            |
| 24. Employment of the previously unemployed   |                       |                       |                       |                            |                            |
| 25. Alternative-fuel usage  |                       |                       |                       |                            |                            |
| 26. Small-town doctors  |                       |                       |                       |                            |                            |
| 27. Investment losses in certain film productions   |                       |                       |                       |                            |                            |
| 28. Louisiana basic-skills training   |                       |                       |                       |                            |                            |
| 29. Gasoline and special fuels taxes  |                       |                       |                       |                            |                            |

<sup>1</sup>Education credit is repealed effective for taxable periods beginning after December 31, 1999, and ending before January 1, 2006.

<sup>2</sup>The estimated revenue loss for the inventory tax credit is shown on the corporation income tax table and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

<sup>3</sup>An individual is allowed a credit of 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties beginning with tax years after December 31, 2000. The estimated revenue loss is shown on the corporation income tax table and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

<sup>4</sup>The estimated revenue loss for the Prison Industry Enhancement Contractors credit is shown on the corporation income tax table and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

# Individual Income Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>   |             |             |             |                            |                            |
| 30. Educational expenses incurred for a degree related to law enforcement                         |             |             |             |                            |                            |
| 31. Employment of certain first time drug offenders   |             |             |             |                            |                            |
| 32. Bone-marrow donor expenses  |             |             |             |                            |                            |
| 33. Purchase of bullet proof vest   |             |             |             |                            |                            |
| 34. Donations to assist qualified playgrounds   |             |             |             |                            |                            |
| 35. Employment related expenses for maintaining household for certain disabled dependents         |             |             |             |                            |                            |
| 36. Family responsibility   |             |             |             |                            |                            |
| 37. Employment in a qualified motion picture production   | ***         | ***         | See Note*   | See Note*                  | See Note*                  |
| 38. Purchase of a qualified recycling equipment   |             |             |             |                            |                            |
| 39. Alcohol and other substance abuse programs for employees                                      |             |             |             |                            |                            |
| 40. Donations of property to certain offices and agencies   |             |             |             |                            |                            |
| 41. Donations of material, equipment, advisors, or instructors made to certain training providers |             |             |             |                            |                            |
| 42. Credit for rehabilitation of historic structures  | ***         | ***         |             |                            |                            |

\*The estimated revenue loss is shown on the Tax Exemption Contract tax table, Motion Picture Incentive.

# Individual Income Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02          | FYE<br>6-03          | FYE<br>6-04          | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|----------------------|----------------------|----------------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>                              |                      |                      |                      |                            |                            |
| 43. New markets credit   | ***                  | ***                  | ***                  |                            |                            |
| 44. Atchafalaya Trace Heritage Area development zone tax exemption | ***                  | ***                  | ***                  |                            |                            |
| 45. Research and development credit                                | ***                  | ***                  | ***                  |                            |                            |
| 46. Technology commercialization credit                            | ***                  | ***                  | ***                  |                            |                            |
| 47. Credit for certain child care expenses                         | ***                  | ***                  | \$6,375,600          | \$6,567,000                | \$6,764,000                |
| 48. Credit for debt issuance costs                                 | ***                  | ***                  |                      |                            |                            |
| 49. Long-term insurance premiums credit                            | ***                  | ***                  | ***                  | ***                        | ***                        |
| <b>Other credits - total</b>                                       | \$1,883,000          | \$3,314,600          | \$18,131,600         | \$18,675,500               | \$19,236,000               |
| <b>Total state revenue loss</b>                                    | \$461,558,000        | \$488,336,600        | \$434,291,990        | \$447,310,500              | \$460,705,000              |
| <b>Exemption required by the state constitution</b>                |                      |                      |                      |                            |                            |
| 50. Federal income tax deduction                                   | \$442,810,000        | \$400,616,500        | \$429,734,000        | \$442,625,000              | \$455,905,000              |
| <b>Total individual income tax revenue loss</b>                    | <b>\$904,368,000</b> | <b>\$888,953,100</b> | <b>\$864,025,990</b> | <b>\$889,935,500</b>       | <b>\$916,610,000</b>       |

37

## Natural Resources - Severance Tax

## Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02  | FYE<br>6-03  | FYE<br>6-04   | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|--------------|--------------|---------------|----------------------------|----------------------------|
| <b>Natural gas exclusions</b>  |              |              |               |                            |                            |
| 1. Injection   | \$124,000    | \$200,000    | \$230,000     | \$280,000                  | \$280,000                  |
| 2. Produced outside the state of Louisiana                                   | \$24,000     | \$50,000     | \$87,000      | \$105,000                  | \$110,000                  |
| 3. Flared or vented  | \$1,100,000  | \$630,000    | \$ 1,200,000  | \$1,500,000                | \$1,600,000                |
| 4. Consumed in field operations  | \$8,000,000  | \$5,550,000  | \$6,300,000   | \$7,600,000                | \$8,000,000                |
| 5. Consumed in the production of natural resources in the state of Louisiana | \$100,000    | \$50,000     | \$58,000      | \$70,000                   | \$70,000                   |
| 6. Used in the manufacture of carbon black                                   | \$440,000    | \$280,000    | \$240,000     | \$290,000                  | \$300,000                  |
| <b>Natural gas suspensions</b>   |              |              |               |                            |                            |
| 7. Horizontal walls  | \$625,000    | \$1,200,000  | \$1,050,000   | \$1,300,000                | \$1,000,000                |
| 8. Inactive walls  | \$7,200,000  | \$11,300,000 | \$2,600,000   | \$3,000,000                | \$3,000,000                |
| 9. Deep walls  | \$17,600,000 | \$10,700,000 | \$9,340,000   | \$11,300,000               | \$11,000,000               |
| 10. New discovery walls  | \$4,200,000  | \$1,190,000  | \$1,000,000   | Expired                    | Expired                    |
| <b>Natural gas special rates</b>   |              |              |               |                            |                            |
| 11. Incapable oil-well gas   | \$2,200,000  | \$750,000    | \$960,000     | \$1,300,000                | \$1,300,000                |
| 12. Incapable gas-well gas   | \$14,700,000 | \$8,100,000  | \$ 13,000,000 | \$17,000,000               | \$17,500,000               |
| 13. Contract gas at less than 52¢ per MCF                                    | \$0          | Repealed     | Repealed      | Repealed                   | Repealed                   |
| <b>Oil Deduction</b>   |              |              |               |                            |                            |
| 14. Trucking, barging, and pipeline fees                                     | \$2,600,000  | \$2,300,000  | \$2,400,000   | \$2,500,000                | \$2,500,000                |



## Natural Resources - Severance Tax

## Five-Year Revenue Loss

| Exemptions                                       | FYE<br>6-02         | FYE<br>6-03         | FYE<br>6-04         | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|---------------------|---------------------|---------------------|----------------------------|----------------------------|
| <b>Oil suspensions</b>                           |                     |                     |                     |                            |                            |
| 15. Horizontal wells                             | \$3,900,000         | \$5,200,000         | \$6,700,000         | \$7,300,000                | \$8,400,000                |
| 16. Inactive wells                               | \$9,000,000         | \$6,800,000         | \$7,600,000         | \$8,300,000                | \$9,500,000                |
| 17. Deep wells                                   | \$2,100,000         | \$8,040,000         | \$3,800,000         | \$4,000,000                | \$4,700,000                |
| 18. New discovery wells                          | \$1,200,000         | \$1,900,000         | \$1,100,000         | Expired                    | Expired                    |
| 19. Tertiary recovery                            | \$37,000            | \$0                 | \$50,000            | \$50,000                   | \$50,000                   |
| <b>Oil special rates</b>                         |                     |                     |                     |                            |                            |
| 20. Incapable oil                                | \$2,800,000         | \$4,800,000         | \$5,250,000         | \$5,700,000                | \$6,500,000                |
| 21. Stripper oil                                 | \$6,900,000         | \$12,000,000        | \$14,650,000        | \$16,300,000               | \$18,650,000               |
| 22. Stripper oil value less than \$20 per barrel | \$12,500            | \$19,000            | \$0                 | \$0                        | \$0                        |
| 23. Salvage oil                                  | \$17,000            | \$0                 | \$60,000            | \$60,000                   | \$60,000                   |
| 24. Horizontal mining and drilling projects      | \$0                 | \$0                 | \$0                 | \$0                        | \$0                        |
| <b>Oil and gas incentives</b>                    |                     |                     |                     |                            |                            |
| 25. Produced water injection incentive           | \$0                 | \$104,000           | \$20,000            | \$23,000                   | \$27,000                   |
| <b>Mineral exemption</b>                         |                     |                     |                     |                            |                            |
| 26. Owned and severed by political subdivisions  | \$0                 | \$0                 | \$0                 | \$0                        | \$0                        |
| <b>Total severance tax revenue loss</b>          | <b>\$84,879,500</b> | <b>\$81,163,000</b> | <b>\$77,695,000</b> | <b>\$87,978,000</b>        | <b>\$94,547,000</b>        |

## Tax Exemption and Incentive Contracts

## Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02   | FYE<br>6-03  | FYE<br>6-04  | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------|--------------|--------------|----------------------------|----------------------------|
| 1. Tax equalization                               | \$655,660     | \$3,541,168  | \$7,456,073  | No data                    | No data                    |
| 2. Manufacturing                                  | \$0           | \$0          | \$135,028    | No data                    | No data                    |
| 3. Enterprise zones                               | \$27,345,780  | \$46,894,533 | \$12,692,761 | No data                    | No data                    |
| 4. Research and development                       | \$0           | \$0          | \$0          | No data                    | No data                    |
| 5. Quality jobs program incentives                | \$3,498,938*  | \$5,394,861  | \$4,014,774  | No data                    | No data                    |
| 6. Motion picture incentive                       | \$0           | \$16,640     | \$0          | No data                    | No data                    |
| 7. Technology Commercialization Credit Program    | Not in effect | \$0          | \$0          | No data                    | No data                    |
| <b>Total tax exemption contracts revenue loss</b> | \$31,500,378  | \$55,847,202 | \$24,298,636 | No data                    | No data                    |

\*This amount has been changed from the amount reported in previous years' reports to reflect corrected revenue loss data.

# Inheritance Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02         | FYE<br>6-03         | FYE<br>6-04         | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------------|---------------------|---------------------|----------------------------|----------------------------|
| <b>Exemptions</b>   |                     |                     |                     |                            |                            |
| 1. Direct descendants by blood or affinity  | \$14,080,000        | \$8,500,000         | \$3,400,000         | \$680,000                  | \$136,000                  |
| 2. Surviving spouse   | \$3,750,000         | \$2,265,000         | \$906,000           | \$181,200                  | \$36,200                   |
| 3. Collateral relations; \$1,000  | \$2,194,000         | \$1,325,000         | \$530,000           | \$106,000                  | \$21,200                   |
| 4. Strangers or nonrelated persons:<br>\$500 exemption  | \$352,000           | \$212,500           | \$85,000            | \$17,000                   | \$34,000                   |
| 5. Bequests to charitable, religious, or educational<br>institutions in Louisiana                                 | \$3,728,000         | \$2,250,000         | 900,000             | \$180,000                  | \$36,000                   |
| 6. Bequests to the state, incorporated municipali-<br>ties, or political subdivisions for exclusive<br>public use | \$994,000           | \$600,000           | \$240,000           | \$48,000                   | \$9,000                    |
| 7. Bequests to out-of-state charitable, religious, or<br>educational institutions                                 | \$243,000           | \$147,000           | \$58,800            | \$11,760                   | \$2,350                    |
| <b>Exclusions</b>   |                     |                     |                     |                            |                            |
| 8. Proceeds of life insurance payable to<br>named beneficiaries   | \$27,438,000        | \$16,470,000        | \$6,588,000         | \$1,317,600                | \$263,500                  |
| 9. Qualified retirement or pension plans  | NRR                 | NRR                 | NRR                 | NRR                        | NRR                        |
| <b>Total inheritance tax revenue loss</b>   | <b>\$52,779,000</b> | <b>\$31,769,500</b> | <b>\$12,707,800</b> | <b>\$2,541,560</b>         | <b>\$508,250</b>           |

41

# Corporation Franchise Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Exemptions and exclusions</b>  |             |             |             |                            |                            |
| 1. Agricultural cooperative associations and farmer credit and farmers' credit cooperative associations | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 2. Cooperative marketing associations   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 3. Credit unions  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 4. Limited liability companies  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 5. Exemption for certain foreign corporations   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 6. Electric cooperatives  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 7. Exemption for events, activities, or enterprises conducted in domed-stadium facilities               | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 8. Exemption for events, activities, or enterprises conducted in publicly-owned facilities              | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 9. Exemptions for certain corporations  | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 10. Exemption for Certified Louisiana Capital Company   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| <b>Deductions</b>   |             |             |             |                            |                            |
| 11. Phase-out of borrowed capital   | ***         | ***         | ***         | ***                        | \$22,500,000               |
| 12. Bank-holding corporations   | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 13. Public-utility holding corporations   | \$7,467,000 | \$7,600,000 | \$7,830,000 | \$8,060,000                | \$8,301,800                |
| 14. Public water utility companies  | \$98,000    | \$100,000   | \$103,000   | \$106,000                  | \$109,000                  |
| 15. Members of controlled groups that include a telephone corporation                                   | \$1,185,000 | \$1,200,000 | \$1,235,000 | \$1,272,000                | \$1,310,000                |

42

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

# Corporation Franchise Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02           | FYE<br>6-03           | FYE<br>6-04           | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|-----------------------|-----------------------|-----------------------|----------------------------|----------------------------|
| <b>Deductions <i>continued</i></b>   |                       |                       |                       |                            |                            |
| 16. Insurance Holding Corporations   | \$0                   | \$123,000             | \$123,000             | Not in effect              | Not in effect              |
| 17. Vehicle, boat and equipment dealers  | \$0                   | \$0                   | Minimal               | Minimal                    | Minimal                    |
| 18. Regulated utility companies  | \$0                   | \$0                   | \$0                   | \$0                        | \$0                        |
| <b>Tax credit</b>  |                       |                       |                       |                            |                            |
| 19. Inventory tax/Ad valorem tax   | See Note <sup>1</sup> | See Note <sup>1</sup> | See Note <sup>1</sup> | See Note <sup>1</sup>      | See Note <sup>1</sup>      |
| <b>Other credits - revenue loss for credit in shaded areas are included in total for all "other credits"</b> |                       |                       |                       |                            |                            |
| 20. Employment of the previously unemployed  |                       |                       |                       |                            |                            |
| 21. Donations to assist qualified playgrounds  |                       |                       |                       |                            |                            |
| 22. Louisiana basic-skills training  |                       |                       |                       |                            |                            |
| 23. Qualified donations made to public elementary or secondary schools                                       |                       |                       |                       |                            |                            |
| 24. La. Capital Investment Tax Credit  |                       |                       |                       |                            |                            |
| 25. Low-income housing   |                       |                       |                       |                            |                            |
| 26. Employment in a qualified motion picture production  | ***                   | See Note <sup>2</sup> | See Note <sup>2</sup> | See Note <sup>2</sup>      | See Note <sup>2</sup>      |
| 27. Purchase of qualified recycling equipment  |                       |                       |                       |                            |                            |
| 28. Donations of material, equipment, advisors, or instructors made to certain training providers            |                       | ***                   | ***                   |                            |                            |

<sup>1</sup>The estimated revenue loss for the inventory tax credit is shown on the corporation income tax table and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

<sup>2</sup>The estimated revenue loss is shown on the Tax Exemption Contract Tax Table, Motion Picture Incentive.

# Corporation Franchise Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02      | FYE<br>6-03      | FYE<br>6-04            | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|------------------|------------------|------------------------|----------------------------|----------------------------|
| <b>Other credits <i>continued</i></b>                                 |                  |                  |                        |                            |                            |
| 29. Atchafalaya Trace Heritage Area Development Zone Tax Exemption    |                  |                  |                        |                            |                            |
| 30. Credit for debt issuance costs                                    |                  |                  |                        |                            |                            |
| 31. Credit for Purchases from Prison Industry Enhancement Contractors |                  |                  | See note <sup>1</sup>  | See note <sup>1</sup>      | See note <sup>1</sup>      |
| 32. Credit for Rehabilitation of Historic Structures                  |                  |                  |                        |                            |                            |
| 33. New Markets Credit  |                  |                  |                        |                            |                            |
| 34. Research and Development Credit                                   |                  |                  |                        |                            |                            |
| 35. Technology Commercialization Credit                               |                  |                  |                        |                            |                            |
| <b>Other credits - total</b>  | \$0 <sup>2</sup> | \$0 <sup>2</sup> | \$285,743 <sup>2</sup> | \$294,300 <sup>2</sup>     | \$303,000 <sup>2</sup>     |
| <b>Total corporation franchise tax revenue loss</b>                   | \$8,750,000      | \$9,023,000      | \$9,576,743            | \$9,732,300                | \$32,523,800               |

44

<sup>1</sup>The estimated revenue loss for the Prison Industry Enhancement Contractors credit is shown on the corporation income tax table and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

<sup>2</sup>The credits classified as “other credits” for franchise tax can be applied against either the corporation income tax or corporation franchise tax. In previous years, “Other Credits” claimed against Franchise Tax were incorrectly included in the Enterprise Zone credit amount claimed against Franchise Tax due to a program error on the legacy system. The error has been corrected to reflect the amount of credit claimed against each one separately.

# Tobacco Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02         | FYE<br>6-03         | FYE<br>6-04         | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|---------------------|---------------------|---------------------|----------------------------|----------------------------|
| <b>Discounts</b>  |                     |                     |                     |                            |                            |
| 1. Discount of 6 percent for tobacco stamps                 | \$6,043,000         | \$6,842,000         | \$8,080,600         | \$8,100,000                | \$8,100,000                |
| 2. Discount of 6 percent for timely filing reports          | \$538,500           | \$480,000           | \$640,500           | \$650,000                  | \$650,000                  |
| <b>Exemptions</b>   |                     |                     |                     |                            |                            |
| 3. Sales to state institutions                              | Negligible          | Negligible          | Negligible          | Negligible                 | Negligible                 |
| 4. Return of taxable product to the manufacturer            | \$877,000           | \$1,119,000         | \$636,000           | \$200,000                  | \$200,000                  |
| <b>Total state revenue loss</b>                             | <b>\$7,458,500</b>  | <b>\$8,441,000</b>  | <b>\$9,357,100</b>  | <b>\$8,950,000</b>         | <b>\$8,950,000</b>         |
| <b>Federally imposed tax exemptions</b>                     |                     |                     |                     |                            |                            |
| 5. Sales to federal government and its agencies             | Negligible          | Negligible          | Negligible          | Negligible                 | Negligible                 |
| 6. Interstate shipments of tobacco products                 | \$14,400,000        | \$16,000,000        | \$16,000,000        | \$16,000,000               | \$16,000,000               |
| <b>Total revenue loss from federally imposed exemptions</b> | <b>\$14,400,000</b> | <b>\$16,000,000</b> | <b>\$16,000,000</b> | <b>\$16,000,000</b>        | <b>\$16,000,000</b>        |
| <b>Total tobacco tax revenue loss</b>                       | <b>\$21,858,500</b> | <b>\$24,441,000</b> | <b>\$25,357,100</b> | <b>\$24,950,000</b>        | <b>\$24,950,000</b>        |

45

# Petroleum Products Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02        | FYE<br>6-03        | FYE<br>6-04          | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|--------------------|--------------------|----------------------|----------------------------|----------------------------|
| <b>Gasoline tax exemptions</b>                                     |                    |                    |                      |                            |                            |
| 1. Casinghead gasoline   | \$0                | \$0                | \$0                  | \$0                        | \$0                        |
| 2. Aviation gasoline   | \$1,300,000*       | \$1,300,000*       | \$1,300,000*         | \$1,300,000                | \$1,300,000                |
| <b>Gasoline tax refunds</b>  |                    |                    |                      |                            |                            |
| 3. School-bus drivers  | \$378,800          | \$135,000          | \$135,000            | \$140,000                  | \$140,000                  |
| 4. Farmers, fishermen, and aircraft                                | \$111,400          | \$95,400           | \$115,000            | \$115,000                  | \$115,000                  |
| <b>Gasoline tax discounts</b>                                      |                    |                    |                      |                            |                            |
| 5. Discount of 3 percent for a gasoline jobber                     | \$701,000*         | \$700,000*         | \$700,000*           | \$700,000                  | \$700,000                  |
| 6. Discount of 3 percent for a gasoline dealer                     | \$650,000*         | \$700,000*         | \$700,000*           | \$700,000                  | \$700,000                  |
| <b>Special fuels tax refunds</b>                                   |                    |                    |                      |                            |                            |
| 7. School-bus drivers  | \$80,000           | \$356,800          | \$170,000            | \$180,000                  | \$180,000                  |
| 8. Special fuels used in licensed vehicles by commercial fisherman | Negligible         | Negligible         | Negligible           | Negligible                 | Negligible                 |
| <b>Special fuels tax discount</b>                                  |                    |                    |                      |                            |                            |
| 9. Discount of 3 percent   | \$3,748,000        | \$3,895,000        | \$3,988,000          | \$4,000,000                | \$4,000,000                |
| <b>Inspection fee on petroleum products</b>                        |                    |                    |                      |                            |                            |
| 10. Undyed special fuels used for nontaxable purposes              | ***                | ***                | Unable to anticipate | Unable to anticipate       | Unable to anticipate       |
| 11. Undyed special fuels used by commercial fishermen              | ***                | ***                | Unable to anticipate | Unable to anticipate       | Unable to anticipate       |
| <b>Total state revenue loss</b>                                    | <b>\$6,969,200</b> | <b>\$7,182,200</b> | <b>\$7,108,000</b>   | <b>\$7,135,000</b>         | <b>\$7,135,000</b>         |

\*Unable to verify with current program for statistics.

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000



# Petroleum Products Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02     | FYE<br>6-03     | FYE<br>6-04     | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-----------------|-----------------|-----------------|----------------------------|----------------------------|
| <b>Federally imposed exemptions</b>                         |                 |                 |                 |                            |                            |
| 12. Gasoline sales to federal government and its agencies   | \$2,851,000     | \$2,300,000     | \$1,771,000     | \$2,000,000                | \$2,000,000                |
| 13. Interstate gasoline shipments/exports                   | \$1,850,000,000 | \$1,887,000,000 | \$1,925,000,000 | \$1,925,000,000            | \$1,925,000,000            |
| <b>Total revenue loss from federally imposed exemptions</b> | \$1,852,851,000 | \$1,889,300,000 | \$1,926,771,000 | \$1,927,000,000            | \$1,927,000,000            |
| <b>Total petroleum products revenue loss</b>                | \$1,859,820,200 | \$1,896,482,200 | \$1,933,879,000 | \$1,934,135,000            | \$1,934,135,000            |

# Gift Tax

# Five-Year Revenue Loss

| Exemptions   | FYE<br>6-02        | FYE<br>6-03        | FYE<br>6-04        | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|--|--------------------|--------------------|--------------------|----------------------------|----------------------------|
| <b>Exemptions</b>  |                    |                    |                    |                            |                            |
| 1. Specific lifetime-donor exemption; \$30,000   | \$1,197,000        | \$1,240,000        | \$1,277,000        | \$1,315,500                | \$1,355,000                |
| 2. Gifts made to charitable, religious, or educational institutions located in Louisiana                             | \$155,000          | \$160,000          | \$165,000          | \$170,000                  | \$175,000                  |
| 3. Gifts made to the United States, the state of Louisiana, or any other political subdivision or civic organization | \$15,000           | \$15,500           | \$16,000           | \$16,500                   | \$17,000                   |
| 4. Gifts to spouse   | \$141,000          | \$145,000          | \$149,000          | \$154,000                  | \$159,000                  |
| <b>Exclusion</b>   |                    |                    |                    |                            |                            |
| 5. Annual exclusion per donee  | \$1,891,000        | \$1,950,000        | \$1,950,000        | \$2,145,000                | \$2,209,000                |
| <b>Total gift tax revenue loss</b>   | <b>\$3,399,000</b> | <b>\$3,510,500</b> | <b>\$3,557,000</b> | <b>\$3,801,000</b>         | <b>\$3,915,000</b>         |

# Liquors - Alcoholic Beverage Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02      | FYE<br>6-03        | FYE<br>6-04        | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|------------------|--------------------|--------------------|----------------------------|----------------------------|
| <b>Beer tax discount</b>                                      |                  |                    |                    |                            |                            |
| 1. Discount of 2 percent                                      | \$441,000        | \$450,000          | \$455,000          | \$455,000                  | \$460,000                  |
| <b>Beer, liquor and wine tax refund/credit</b>                |                  |                    |                    |                            |                            |
| 2. Products returned to manufacturer or destroyed by a dealer | Negligible       | Negligible         | Negligible         | Negligible                 | Negligible                 |
| <b>Liquor and wine tax exemptions</b>                         |                  |                    |                    |                            |                            |
| 3. Antiseptic, scientific, religious, and chemical uses       | NRR              | NRR                | NRR                | NRR                        | NRR                        |
| 4. Free samples of native wine                                | NRR              | NRR                | NRR                | NRR                        | NRR                        |
| <b>Liquor and wine tax discount</b>                           |                  |                    |                    |                            |                            |
| 5. Discount of 3.33 percent                                   | \$532,000        | \$559,100          | \$581,000          | \$590,000                  | \$590,000                  |
| <b>Total state revenue loss</b>                               | <b>\$973,000</b> | <b>\$1,009,100</b> | <b>\$1,036,000</b> | <b>\$1,045,000</b>         | <b>\$1,050,000</b>         |
| <b>Federally imposed tax exemptions</b>                       |                  |                    |                    |                            |                            |
| <b>Beer tax exemptions</b>                                    |                  |                    |                    |                            |                            |
| 6. Interstate shipments                                       | \$45,000         | \$50,000           | \$50,000           | \$50,000                   | \$50,000                   |
| 7. Sales to federal government and its agencies               | \$129,000        | \$130,000          | \$130,000          | \$130,000                  | \$130,000                  |
| 8. Sales to ships engaged in interstate or foreign commerce   | \$25,350         | \$30,000           | \$30,000           | \$30,000                   | \$30,000                   |
| <b>Beer tax exemptions</b>                                    |                  |                    |                    |                            |                            |
| 9. Interstate shipments of alcoholic beverages                | \$5,378,000      | \$5,400,000        | \$5,400,000        | \$5,400,000                | \$5,400,000                |
| 10. Foreign consul and foreign commerce                       | Negligible       | Negligible         | Negligible         | Negligible                 | Negligible                 |

49

\*\*\* = Not in effect

NRR = No Reporting Requirement

Negligible = less than \$10,000

## Liquors - Alcoholic Beverage Tax

## Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Liquor and wine tax exemptions <i>continued</i></b>      |             |             |             |                            |                            |
| 11. Sales to the federal government and its agencies        | \$121,280   | \$125,000   | \$125,000   | \$125,000                  | \$125,000                  |
| <b>Total revenue loss from federally imposed exemptions</b> | \$5,698,630 | \$5,735,000 | \$5,735,000 | \$5,735,000                | \$5,735,000                |
| <b>Total liquors-alcoholic beverages tax revenue loss</b>   | \$6,671,630 | \$6,744,100 | \$6,771,000 | \$6,780,000                | \$6,785,000                |

# Miscellaneous Tax

# Five-Year Revenue Loss

| Exemptions  | FYE<br>6-02 | FYE<br>6-03 | FYE<br>6-04 | FYE<br>6-05<br>(projected) | FYE<br>6-06<br>(projected) |
|---|-------------|-------------|-------------|----------------------------|----------------------------|
| <b>Public utilities and carriers taxes</b>                    |             |             |             |                            |                            |
| <b>Inspection and supervision fee</b>                         |             |             |             |                            |                            |
| 1. Ten-mile zone exclusion                                    | NRR         | NRR         | NRR         | NRR                        | NRR                        |
| 2. Power cost exclusion                                       | \$150,000*  | \$150,000*  | \$150,000*  | \$150,000                  | \$150,000                  |
| 3. Commercial mobile service exclusive                        | \$75,000*   | \$75,000*   | \$75,000*   | \$75,000                   | \$75,000                   |
| <b>Transportation and communications tax</b>                  |             |             |             |                            |                            |
| 1. Seven-mile zone exclusion                                  | \$450,000*  | \$450,000*  | \$450,000*  | \$450,000                  | \$450,000                  |
| <b>Total public utilities and carriers taxes revenue loss</b> | \$675,000   | \$675,000   | \$675,000   | \$675,000                  | \$675,000                  |
| <b>Telecommunication tax</b>                                  |             |             |             |                            |                            |
| 1. Deduction of 2 percent                                     | \$29,900    | \$30,000    | \$30,000    | \$30,000                   | \$30,000                   |
| <b>Hazardous waste disposal tax</b>                           |             |             |             |                            |                            |
| 1. Deduction for compliance                                   | \$20,000    | \$20,000    | \$20,000    | \$20,000                   | \$20,000                   |
| <b>Total miscellaneous tax revenue loss</b>                   | \$724,900   | \$725,000   | \$725,000   | \$725,000                  | \$725,000                  |

\*Unable to verify with current program for statistics.

## **Part 4.**

# **Listing of Exemptions**

# **Corporation Franchise Tax Exemptions**

# Corporation Franchise Tax Index of Exemptions

| Exemptions  | Legal Citations   | Page |
|---|---|------|
| <b>Exemptions and exclusions</b>  |   |      |
| 1. Agricultural cooperative associations and farmer credit and farmers' credit cooperative associations | R.S. 3:84   | 60   |
| 2. Cooperative marketing associations   | R.S. 3:147  | 60   |
| 3. Credit unions  | R.S. 6:662  | 61   |
| 4. Limited liability companies  | R.S. 9:3441-3447<br>R.S. 12:1301-1309                               | 61   |
| 5. Exemption for certain foreign corporations   | R.S. 12:302(K)<br>R.S. 12:302(L)                                    | 62   |
| 6. Electric cooperatives  | R.S. 12:425   | 62   |
| 7. Exemption for events, activities, or enterprises conducted in domed-stadium facilities               | R.S. 39:467   | 63   |
| 8. Exemption for events, activities, or enterprises conducted in publicly-owned facilities              | R.S. 39:468   | 63   |
| 9. Exemptions for certain corporations  | R.S. 47:608(1)(a)-(c)<br>R.S. 47:608(2)-(15)                        | 64   |
| 10. Exemption for Certified Louisiana Capital Company   | R.S. 51:1932  | 65   |
| <b>Deductions</b>   |   |      |
| 11. Phase-Out of Borrowed Capital in Franchise Tax Base   | R.S. 47:602(A)<br>R.S. 47:602(G)<br>R.S. 47:603(A)<br>R.S. 47:605.1 | 66   |
| 12. Bank-holding corporations   | R.S. 47:602(B)  | 66   |
| 13. Public-utility holding corporations   | R.S. 47:602(C)  | 67   |
| 14. Public water utility companies  | R.S. 47:602(D)  | 67   |
| 15. Members of controlled groups that include a telephone corporation                                   | R.S. 47:602(E)  | 68   |
| 16. Insurance Holding Corporations  | R.S. 47:602(F)  | 68   |
| 17. Vehicle, boat and equipment dealers   | R.S. 47:603   | 69   |
| 18. Regulated utility companies   | R.S. 47:605(C)  | 69   |
| <b>Credit</b>   |   |      |
| 19. Inventory tax/Ad valorem tax  | R.S. 47:6006  | 70   |
| <b>Other credits</b>  |   |      |
| 20. Employment of the previously unemployed   | R.S. 47:6004  | 70   |
| 21. Donations to assist qualified playgrounds   | R.S. 47:6008  | 71   |
| 22. Louisiana basic-skills training   | R.S. 47:6009  | 71   |
| 23. Donations to public elementary or secondary schools   | R.S. 47:6013  | 72   |
| 24. Louisiana Capital Investment Tax Credit   | R.S. 51:2771  | 72   |
| 25. Low-income housing  | R.S. 47:12  | 73   |



# Corporation Franchise Tax Index of Exemptions

| Exemptions  | Legal Citations | Page |
|---|-----------------|------|
| <b>Other credits <i>continued</i></b>   |                 |      |
| 26. Employment in a qualified motion picture production                                 | R.S. 47:1125.1  | 73   |
| 27. Purchase of qualified recycling equipment   | R.S. 47:6005    | 74   |
| 28. Donations of material, equipment, or instructors made to certain training providers | R.S. 47:6012    | 74   |
| 29. Atchafalaya Trace Heritage Area Development Zone tax exemptions                     | R.S. 25:1226.4  | 75   |
| 30. Credit for debt issuance costs  | R.S. 47:6017    | 75   |
| 31. Credit for purchases from prison industry enhancement contractors                   | R.S. 47:6018    | 76   |
| 32. Credit for rehabilitation of historic structures                                    | R.S. 47:6019    | 76   |
| 33. New markets credit  | R.S. 47:6016    | 77   |
| 34. Research and development credit   | R.S. 47:6015    | 77   |
| 35. Technology commercialization credit   | R.S. 51:2354    | 78   |

# Corporation Franchise Tax

## Introduction

The Louisiana corporation franchise tax was enacted in 1932. The tax was imposed on every domestic corporation and every foreign corporation authorized or doing business in the state, or using any part of its capital, plant, or any other property in the state. As originally enacted, the tax levied was due and payable for the privilege of carrying on or doing business, exercising of its charter or the continuance of its charter within the state.

An initial tax return covering the period beginning with the date the corporation first becomes liable for filing a return and ending with the close of the accounting period, must be filed on or before the fifteenth day of the third month after the corporation first becomes liable. Thereafter, an annual return is due by the fifteenth day of the fourth month after the close of an accounting period. The tax is due on the first day of the calendar year or the taxpayer's fiscal year.

The law has been amended many times since 1932. However, an amendment in 1970 to replace the *privilege of doing business* language in the original act with the statement that the *tax levied is due and payable on any one or all of the incidents referred to in the law* was one of the more important amendments.

## Legal Citations

R.S. 47:601 through 47:618

## Tax Base

Capital stock, surplus, undivided profits, and borrowed capital

## Tax Rate

The tax is currently assessed on the taxable base at the rate of \$1.50 per \$1,000 on the first \$300,000 and \$3.00 per \$1,000 over \$300,000. The tax is based on the larger of the assessed value of all real and personal property in the state or the amount of issued and outstanding capital stock, surplus, undivided profits and borrowed capital attributable to Louisiana.

## Types of Tax Exemptions

Corporation franchise tax exemptions are in the form of exemptions/exclusions, deductions, and credits. Exemptions/exclusions generally refer to organizations or corporations that are statutorily exempt from the imposition of the corporation franchise tax due to the nature of their operation. Deductions are generally defined as a reduction to the taxable base. Credits are generally defined as a reduction to the amount of tax due. All tax exemptions related to the corporation franchise tax are listed in this report.

## Significant Changes

### Fiscal Year 2003-2004

Acts 2004 1<sup>st</sup> Ex. Sess., No. 2, amended R.S. 47:601(A), 602(A), (B), and (E)(1), 603(A), and 606(A) and (C); enacts R.S. 47:602(G) and 605.1, and repeals R.S. 47:601(D) and 603 to phase out the debt portion of the corporation franchise tax base. The portion of debt included in the taxable base for calendar year taxpayers will be:

|  |
|--|
| 2005 income/2006 franchise tax return—86 percent of total debt included, |
| 2006 income/2007 franchise tax return—72 percent of total debt included, |
| 2007 income/2008 franchise tax return—58 percent of total debt included, |
| 2008 income/2009 franchise tax return—44 percent of total debt included, |
| 2009 income/2010 franchise tax return—30 percent of total debt included, |
| 2010 income/2011 franchise tax return—16 percent of total debt included, |
| 2011 income/2012 franchise tax return and after—no debt included.        |

Fiscal year taxpayers will include the percent of debt indicated in the above chart for the calendar year in which their fiscal year begins.

Effective January 1, 2006, for taxable years beginning after December 31, 2005.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 12 extended the sunset date for earning the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures provided by R.S. 47:6019.

The credit may now be earned in taxable years ending prior to January 1, 2008.

# Corporation Franchise Tax

## Exemptions/exclusions

### 1. Agricultural cooperative associations and farmer credit and farmers' credit cooperative associations

Qualifying cooperative associations are exempt from corporation franchise tax and all other license taxes, except for the annual \$10 license fee paid to the Secretary of State and ad valorem property taxes. The purpose of this exemption is to minimize the tax burden on these nonprofit associations.

**Legal Citation:** R.S. 3:84  
**Origin:** Acts 1938, No. 40  
**Effective Date:** July 1, 1938

**Beneficiaries:** The agricultural industry.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

### 2. Cooperative marketing associations

These associations are exempt from all franchise or other license taxes, except for taxes on real estate, furniture, and fixtures. These associations, however, must pay an annual \$10 license fee. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

**Legal Citation:** R.S. 3:147  
**Origin:** Acts 1922, No. 57  
**Effective Date:** July 1, 1922

**Beneficiaries:** Cooperative marketing associations and individuals and companies marketing their goods and services through these organizations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Franchise Tax

---

## 3. Credit unions

Credit unions, together with all accumulations therein, are exempt from all taxes except for taxes on immovable property owned. The shares of a credit union are not subject to a stock transfer tax when issued by the corporation or when transferred from one member to another. No fees, taxes, or any of the stipulations as to capital stock set forth in general statutes for corporations apply to credit unions. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

**Legal Citation:** R.S. 6:662  
**Origin:** Acts 1924, No. 40  
**Effective Date:** July 1, 1924

**Beneficiaries:** Individuals who are a member of a state or federal chartered credit union.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 4. Limited liability companies

For corporation franchise tax purposes, limited liability companies are taxed the same as a partnership. Partnerships are not subject to corporation franchise tax, therefore, limited liability companies are not subject to corporation franchise tax.

**Legal Citations:** R.S. 9:3441-3447  
R.S. 12:1301-1369  
**Origin:** Acts 1992, No. 780  
**Effective Date:** July 7, 1992

**Beneficiaries:** Shareholders of such organizations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Franchise Tax

---

## 5. Exemption for certain foreign corporations

Certain foreign corporations operating as mutual savings banks, mutual savings fund societies, real estate investment trusts, state banks or trust companies, insurance companies, corporations associated with real estate investment trust as its advisor, group insurance and annuity corporations, and nonprofit or nontrading corporations are exempt from the corporation franchise tax. The purpose of this exemption is to minimize the tax burden on these corporations.

**Legal Citations:** R.S. 12:302(K)  
R.S. 12:302(L)

**Origin:** Acts 1968, No. 105

**Effective Date:** 1968

**Beneficiaries:** Certain foreign corporations referred to in the law.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 6. Electric cooperatives

Electric cooperatives are exempt from all income and excise taxes, except for a fee of \$10 per each one hundred persons or fraction thereof to whom electricity is supplied within the state. The purpose of this exemption is to minimize the tax burden on these nonprofit electric cooperatives.

**Legal Citation:** R.S. 12:425

**Origin:** Acts 1940, No. 266

**Effective Date:** July 18, 1940

**Beneficiaries:** Individuals and companies purchasing electricity from electric cooperatives.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Franchise Tax

---

## 7. Exemption for events, activities, or enterprises conducted in domed-stadium facilities

Any events, activities, or enterprises conducted in certain domed-stadium facilities are exempt from all state and local taxes. The purpose of this exemption is to promote use of the dome-stadium facility.

**Legal Citation:** R.S. 39:467  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** The activities conducted in the dome-stadium economically benefit the state and its residents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 8. Exemption for events, activities, or enterprises, conducted in publicly-owned facilities

Any events, activities, or enterprises conducted in certain publicly-owned facilities are exempt from all state taxes provided that the local taxing authority first provides exemption from local taxes. The purpose of this exemption is to promote the use of qualifying facilities.

**Legal Citation:** R.S. 39:468  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** The activities conducted in the qualifying facilities economically benefit the state and its residents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Franchise Tax

## 9. Exemptions for certain corporations

Various franchise tax exemptions have been granted to certain, usually nonprofit, organizations and corporations. The purpose of these exemptions is to minimize the tax burden for qualifying nonprofit organizations. Exempted corporations are listed below:

- a. Labor corporations and corporations organized by labor unions or organizations for the purpose of holding title to property.
- b. Family agricultural and family horticultural corporations organized under the laws of and domiciled in the state of Louisiana.
- c. Certain agricultural and horticultural corporations, other than family corporations, organized under the laws of and domiciled in the state of Louisiana.
- d. Mutual savings banks, national banking corporations, and banking corporations organized under the laws of the state of Louisiana, who pay a tax for their shareholders or whose shareholders pay a tax on their shares of stock under other laws of this state, and building and loan associations.
- e. Fraternal beneficiary societies, orders, or associations operating under the lodge system, or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to members or their dependents.
- f. Cemetery companies owned and operated exclusively for the benefit of their members.
- g. Any corporation, community chest, or fund, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals.
- h. Business leagues, chambers of commerce, real estate boards, or boards of trade not organized for profit and of which no part of the net earnings benefits any private shareholder or individual.
- i. Nonprofit civic leagues or organizations operated exclusively for charitable, educational, or recreational purposes.
- j. Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes.
- k. Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations, but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.
- l. Insurance companies paying a premium tax under Title 22 of the Louisiana Revised Statutes of 1950.
- m. Certain farmers, fruit growers, or like associations organized and operated on a cooperative basis for the purpose of marketing products or purchasing supplies and equipment.
- n. Corporations organized by exempt farmers' cooperatives to finance crop operations of members.
- o. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to organizations organized and operated exclusively for religious, charitable, scientific, literary, and educational purposes, of which no part of the net earnings benefits any private stockholder.
- p. Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the association members or their dependents.

# Corporation Franchise Tax

## 9. Exemptions for certain corporations (continued)

- q. Teachers' retirement fund associations of a purely local character, if no part of their net earnings (other than through payment of retirement benefits) benefits any private shareholder or individual, and if the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income from investments.

**Legal Citations:** R.S. 47:608(1)(a)-(c)  
R.S. 47:608(2)-(15)

**Origin:** Various legislative acts since 1958

**Effective Date:** Various dates from 1958

**Beneficiaries:** Members and shareholders of these exempt organizations.

**Administration:** The purposes of these exemptions are achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 10. Exemption for Certified Louisiana Capital Company

Any corporation that is a certified Louisiana capital company shall be exempt from corporation franchise tax for five consecutive taxable years. The exemption begins with the second taxable year after the capital company was certified by the commissioner of the Department of Economic Development.

**Legal Citation:** R.S. 51:1932

**Origin:** Acts 1986, No. 915

**Effective Date:** Taxable periods beginning after December 31, 1985

**Beneficiaries:** Individuals who need venture capital to develop and operate a qualified Louisiana business.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.



# Corporation Franchise Tax

## Deductions

### 11. Phase-Out of Borrowed Capital in Franchise Tax Base

For taxable years beginning after December 31, 2005, the amount of borrowed capital included in taxable capital will be reduced until fully phased out. The portion of debt included in the taxable base for calendar year taxpayers will be:

2005 income/2006 franchise tax return—86 percent of total debt included,  
 2006 income/2007 franchise tax return—72 percent of total debt included,  
 2007 income/2008 franchise tax return—58 percent of total debt included,  
 2008 income/2009 franchise tax return—44 percent of total debt included,  
 2009 income/2010 franchise tax return—30 percent of total debt included,  
 2010 income/2011 franchise tax return—16 percent of total debt included,  
 2011 income/2012 franchise tax return and after—no debt included.

Guidance for the proper classification of related party transactions (debt vs. equity) has been provided for in R.S. 47:605.1.

**Legal Citation:** R.S. 47:602(A)  
 R.S. 47:602(G),  
 R.S. 47:603(A)  
 R.S. 47:605.1

**Origin:** Acts 2004 1<sup>st</sup> Ex.  
 Sess., No. 2

**Effective Date:** Taxable Years beginning after December 31, 2005

**Beneficiaries:** Corporations having borrowed capital in the franchise tax Base.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| Not in Effect           | \$22,500,000 |

### 12. Bank-holding corporations

Bank-holding corporations are allowed a deduction from their taxable base for the portion of their assets used to finance the operation of the subsidiary bank. The purpose of this deduction is to prevent the double taxation of these assets; first from the holding company and second from the subsidiary bank.

**Legal Citation:** R.S. 47:602(B)  
**Origin:** Acts 1970, No. 385  
**Effective Date:** Taxable periods beginning after December 31, 1970

**Beneficiaries:** Bank holding corporations and shareholders.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Franchise Tax

### 13. Public-utility holding corporations

A deduction is allowed for public-utility holding corporations. A corporation may deduct from its taxable base that portion of its assets used to finance the operation of its subsidiaries. For taxable periods beginning on or after January 1, 1995, Act 40 of the 1994 Regular Legislative Session amended R.S. 47:602(C) to provide that a regulated public-utility holding company shall compute the deduction from its taxable base by multiplying the sum of its investment in and advances to its subsidiary corporations by its Louisiana corporation franchise tax apportionment percent. Additionally, this legislation provided for a minimum \$100,000 annual corporation franchise tax payment by public-utility holding companies. The purpose of this deduction is to encourage corporations to relocate their principal office in Louisiana.

**Legal Citation:** R.S. 47:602(C)  
**Origin:** Acts 1973, No. 119  
**Effective Date:** June 1973

**Beneficiaries:** Public-utility holding companies, who own subsidiary corporations and who locate their home office in Louisiana, and their shareholders.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$8,060,000             | \$8,301,800 |

### 14. Public water utility companies

Corporations, with one or more subsidiary public water utility corporations, are allowed to deduct the amounts of its investment in and advances to these subsidiary corporations from taxable capital. The purpose of this deduction is to tax these assets at the subsidiary corporation level only.

**Legal Citation:** R.S. 47:602(D)  
**Origin:** Acts 1990, No. 385  
**Effective Date:** Taxable periods beginning on or after January 1, 1991

**Beneficiaries:** Public utility water corporations with investments in and advances to subsidiary corporations and shareholders of public utility water corporations.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$106,000               | \$109,000 |

# Corporation Franchise Tax

## 15. Members of controlled groups that include a telephone corporation

Any corporation in a controlled group, having as a member of such group a telephone corporation regulated by the Louisiana Public Service Commission, shall be entitled to deduct from its capital stock, surplus, undivided profits, and borrowed capital, its investment in and advances to any member of the controlled group. The purpose of this deduction is to eliminate double taxation of investments in and advances to an affiliated corporation in a controlled group having a telephone company as a member of the group.

**Legal Citation:** R.S. 47:602(E)  
**Origin:** Acts 1994, No. 134  
**Effective Date:** Taxable periods beginning on or after January 1, 1994

**Beneficiaries:** Corporations in a controlled group having as a member of such group a telephone corporation regulated by the Louisiana Public Service Commission.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,272,000             | \$1,310,000 |

## 16. Insurance Holding Corporations

Any corporation owning at least 80 percent of the capital stock of a subsidiary property and casualty insurance corporation, such subsidiary having capital and surplus of less than \$20 million, is entitled to a deduction from taxable capital in computing franchise tax. The holding corporation can deduct from its taxable base an amount equal to its investments in and advances to the subsidiary that were allocated to Louisiana under R.S. 47:606(B). The deduction is allowable for franchise tax years beginning after June 30, 2002, and ending before January 1, 2005.

**Legal Citation:** R.S. 47:602(F)  
**Origin:** Acts 2002, No. 59  
**Effective Date:** Taxable periods beginning after June 30, 2002

**Sunset Date:** December 31, 2004

**Beneficiaries:** Corporations owning at least 80 percent of the capital stock of a subsidiary property and casualty insurance corporation

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner

**Estimated Fiscal Effect:** This deduction is no longer in effect.

# Corporation Franchise Tax

## 17. Vehicle, Boat and Equipment Dealers

Vehicle, boat and equipment dealers are allowed to deduct from borrowed capital certain indebtedness in computing corporation franchise tax owed. The Act removes from the definition of borrowed capital the amount of master loan agreements entered into by motor vehicle, manufactured homes, recreational vehicles, boat, motorcycle, motor home or farm implement dealers. The loan agreements must be structured in such a way that the financing is secured by a specific identifiable unit, and the loan is repaid as each unit is sold.

**Legal Citation:** R.S. 47:603  
**Origin:** Acts 2002, No. 38  
**Effective Date:** June 25, 2002

**Beneficiaries:** Vehicle, boat and equipment dealers

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| Minimal                 | Minimal  |

## 18. Regulated utility companies

Certain regulated public utility companies are allowed to deduct from surplus those accounts representing assets for which no money, service, or thing of value was paid by the utility companies except for the regulated service or product. The purpose of this deduction is to effect equal tax treatment for regulated and nonregulated utility companies.

**Legal Citations:** R.S. 47:605(C)  
R.S. 47:606(E)  
**Origin:** Acts 1992, No. 156  
**Effective Date:** Taxable periods beginning on or after January 1, 1993

**Beneficiaries:** Public utility companies that are required by their regulatory authority to increase assets and surplus by amounts meeting the statutes' criteria.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; no additional revenue loss is anticipated.

# Corporation Franchise Tax

## Tax credit

### 19. Inventory tax/Ad Valorem tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers.

Acts 1994, 3rd Ex. Sess., No. 59 added R.S. 47:6006.1 to provide for a refundable tax credit against income and corporation franchise taxes for ad valorem taxes paid on vessels in Outer Continental Shelf Lands Act Waters. Also Acts 1994, No. 28 amended R.S. 47:6006 to provide that this credit is not allowed for ad valorem taxes that have been collected from the persons to whom the inventory has been sold. The purpose of this credit is to provide a tax offset for inventory taxes paid to local authorities.

**Legal Citation:** R.S. 47:6006  
R.S. 47:6006.1

**Origin:** Acts 1991, No. 153  
**Effective date:** July 1, 1992

**Beneficiaries:** All corporations paying ad valorem taxes on inventory benefit from this credit, which will help to promote economic development.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The estimated fiscal effect of the inventory tax credit is shown in the listing of exemptions for corporation income tax and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

## Other credits

### 20. Employment of the previously unemployed

A tax credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit, \$750 for each qualified new job, is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage employment of the previously unemployed.

**Legal Citation:** R.S. 47:6004  
**Origin:** Acts 1989, No. 636  
**Effective Date:** Taxable periods beginning on or after July 1, 1990

**Beneficiaries:** Corporations who hire the previously unemployed benefit from this credit. The state also benefits because these individuals are now employed and productive.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to separately estimate the fiscal effect for credits 20-35. The Department's tax data combines these credits on the tax return. The combined revenue loss for these credits is as follows:

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$294,300               | \$303,000 |

# Corporation Franchise Tax

---

## 21. Donations to assist qualified play grounds

A tax credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The donation may be in the form of cash, equipment, goods, or services and is limited to \$1,000 or 1/2 the value of the donation, whichever is less. The purpose of this credit is to encourage donations to qualifying playgrounds.

**Legal Citation:** R.S. 47:6008  
**Origin:** Acts 1992, No. 898  
**Effective Date:** Taxable periods beginning after December 31, 1992

**Beneficiaries:** Economically depressed areas benefit from this credit, which should help to improve the quality of life of the residents.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

## 22. Louisiana basic-skills training

Corporations are allowed a credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a twelfth-grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated workforce.

**Legal Citation:** R.S. 47:6009  
**Origin:** Acts 1992, No. 1098  
**Effective Date:** July 1, 1993

**Beneficiaries:** Individuals benefit from this credit by enabling them to bring their reading, writing, and mathematical skills to at least a twelfth-grade level. A better educated employee will be an asset to employers and the state.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

## Corporation Franchise Tax

---

### 23. Donations to public elementary or secondary schools

A credit is allowed for qualified donations made to public elementary or secondary schools. The credit allowed is for 40 percent of the appraised value of the donation and not to exceed the taxpayer's total tax liability for the year. "Qualified donation" means a donation of immovable property purchased or otherwise acquired by a corporation and donated to a public school immediately adjacent or contiguous to the property.

**Legal Citation:** R.S. 47:6013  
**Origin:** Acts 1998, No. 51  
**Effective date:** July 1, 1998

**Beneficiaries:** Corporations that make such donation and public schools in the state benefit.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

### 24. Louisiana capital investment tax credit

Corporations are allowed a tax credit amount equal to five percent of the capital costs of a qualifying project. The credit is against the corporation franchise tax that is generated by or arising out of the qualifying project in each of the 20 years commencing with the year during which the qualifying project is placed in service. Certain small projects must employ at least 15 new employees and certain large projects must employ at least 20 new employees at an average compensation between \$8 and \$10 per hour in order to take the credit. The purpose of this credit is to encourage creation of new jobs through industry expansion.

**Legal Citation:** R.S. 51:2771  
**Origin:** Acts 1996 1<sup>st</sup> Ex. Sess., No. 42

**Effective Date:** July 1, 1996  
**Sunset Date:** June 30, 2000  
However, credits granted prior to June 30, 2002, shall remain effective for the remainder of the 20-year period.

**Beneficiaries:** Corporations that reduce their corporation franchise tax with this credit and individuals who are employed as a result of project expansions.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# Corporation Franchise Tax

## 25. Low-income housing

A tax credit is allowed for providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Acts 1990, No. 972. The purpose of this credit is to encourage development of low-income housing.

**Legal Citation:** R.S. 47:12  
**Origin:** Acts 1990, No. 1033  
**Effective Date:** July 1, 1990  
**Sunset Date:** December 31, 1993,  
However unused  
credits can be carried  
forward until used.

**Beneficiaries:** Entities and individuals who provide low-income housing and recipients of low-income housing.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

## 26. Employment in a qualified motion picture production

A credit is allowed for qualified motion picture production companies for employment of Louisiana residents in the production of a qualified motion picture. The credit allowed is 10 percent of the total payroll for residents employed in the production if the total qualified payroll is \$300,000 or more during the taxable year or 20 percent if the total qualified payroll is \$1 million or more during the taxable year.

**Legal Citation:** R.S. 47:1125.1  
**Origin:** Acts 2002 1<sup>st</sup> Ex.  
Sess., No. 6

**Effective date:** July 1, 2002  
**Sunset date:** June 30, 2006

**Beneficiaries:** Qualified production companies and Louisiana residents employed by such companies benefit from this credit.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See Motion Picture Incentive in the Tax Exemption Contract Section on page 323.



# Corporation Franchise Tax

## 27. Purchase of qualified recycling equipment

A tax credit is allowed for the purchase of qualified recycling equipment. Purchases must be made between September 1, 1991 and December 31, 2000. The amount of the tax credit is computed at 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment. The credit, which can be claimed in any year, is limited to the lower of 20 percent of the total credit or 50 percent of the income and franchise tax liability. The purpose of this credit is to encourage recycling equipment purchases, which should result in a cleaner environment.

**Legal Citation:** R.S. 47:6005  
**Origin:** Acts 1991, Nos. 359 and 1052  
**Effective Date:** Taxable periods beginning on or after July 1, 1991  
**Sunset Date:** December 31, 2000. The credit may be carried forward until credit is exhausted or the equipment is sold.

**Beneficiaries:** Corporations who invest in qualifying equipment benefit from this credit. The general public also benefits from an improved environment.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

## 28. Donations of material, equipment, or instructors made to certain training providers

A credit is allowed against corporation franchise tax for donations of materials, equipment, or instructors made to training providers vocational/technical schools, apprenticeship programs registered with the Louisiana Department of Labor, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

**Legal Citation:** R.S. 47:6012  
**Origin:** Acts 1998, No. 30. Amended by Acts 2002, No. 11.  
**Effective date:** June 24, 1998  
**Sunset date:** December 31, 2000

**Reestablished:** August 15, 2002 for taxable periods beginning after December 31, 2002.

**Beneficiaries:** Individuals who take the tax credit and the citizens of the state that benefit from better equipped training facilities.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# Corporation Franchise Tax

## 29. Atchafalaya Trace Heritage Area Development Zone Tax Exemption

The Board of Commerce and Industry, after receiving approval from the review board consisting of the secretaries of the Department of Revenue and Culture, Recreation and Tourism, chairmen of the Atchafalaya Trace Heritage Area Commission, House Committee on Ways and Means, and Senate Revenue and Fiscal Affairs Committee and the executive director of the Atchafalaya Trace Commission, with the approval of the governor, may enter into contracts with heritage-based cottage industry concerns located in the development zone to grant tax credits to promote economic development and the creation of new jobs.

The credits that may be granted are:

- a \$750 credit for the business, and
- a \$750 credit for each new development zone resident employee.

The tax credit contract is for five years. The development zone covers the 13 parishes of St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

**Legal Citation:** R.S. 25:1226.4  
**Origin:** Acts 2002, 1<sup>st</sup> Ex. Session, No. 112  
**Effective Date:** January 1, 2003  
**Sunset Date:** No new applications to receive tax exemptions or credits will be accepted on or after January 1, 2007

**Beneficiaries:** Heritage-based cottage industry located in the development zone

**Administration:** The purpose of this credit is achieved in a fiscally effective manner

**Estimated Fiscal Effect:** See number 20.

## 30. Credit for Debt Issuance Costs

An economic development corporation is allowed a credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

**Legal Citation:** R.S. 47:6017  
**Origin:** Acts 2002, No. 78  
**Effective Date:** June 25, 2002

**Beneficiaries:** Economic development corporations

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# Corporation Franchise Tax

## 31. Credit for Purchases from Prison Industry Enhancement Contractors

A tax credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor. PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

**Legal Citation:** R.S. 47:6018  
**Origin:** Acts 2002, No. 32  
**Effective Date:** The credit is effective for Income and Franchise Tax becoming due after December 31, 2002

**Beneficiaries:** Private Sector Prison Industry Enhancement contractor.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The estimated fiscal effect of the credit for purchases from Prison Industry Enhancement Contractors is shown in the listing of exemptions for corporation income tax and includes the total revenue loss for individual income and franchise taxes.

## 32. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development district. The credit is 25 percent of the cost and expenses up to \$250,000 per structure.

This credit is effective for the period July 1, 2002, through December 31, 2007.

**Legal Citation:** R.S. 47:6019  
**Origin:** Acts 2002, No. 60

Amended Acts 2004, 1st Ex. Sess., No. 12  
**Effective Date:** Effective for the period July 1, 2002 through December 31, 2007

**Sunset Date:** December 31, 2007  
However, there is a five-year carryforward of unused credits.

**Beneficiaries:** Individuals or businesses rehabilitating a qualified historic structure

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# Corporation Franchise Tax

## 33. New Markets Credit

A tax credit is allowed for investments in qualified low-income community development entities (CDEs). The total tax credits that may be allowed for all taxpayers during any taxable year cannot exceed \$5 million. Before claiming the tax credit, investors must make application to the Department and the credits will be allocated on a first-come, first-served basis.

Investors are eligible for the tax credit if the Community Development Entity (CDE) has made qualified low-income community investments and no more than 25 percent of their investments in low-income communities are in the form of loans. Also, qualified low-income community investments cannot consist of investments secured by any state or federal governmental entity.

This credit is effective for tax years beginning on or after September 1, 2002 and is null and void on August 31, 2006. Unused credits can be carried over to succeeding years until used.

**Legal Citation:** R.S. 47:6016  
**Origin:** Acts 2002, No. 66  
**Effective Date:** For tax years beginning on or after September 1, 2002  
**Sunset Date:** August 31, 2006

**Beneficiaries:** Private sector capital investors investing in Certain low-income community investments.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

## 34. Research and Development Credit

The Department of Economic Development (DED) may approve a credit to qualifying taxpayers in an amount equal to eight percent of the state's apportioned share of the taxpayer's expenditures for increasing research activities, or 25 percent of the state's apportioned share of eligible expenditures if the taxpayer claims the alternative incremental tax credit pursuant to 26 U.S.C.A. §41. DED may also approve an additional one-time credit to taxpayers who receive Small Business Innovation Research Grants for eight percent of the award.

The credit is phased-in as follows:

- 25 percent of the credit is allowed for the period January 1, 2003, through December 31, 2003,
- 50 percent of the credit is allowed for the period January 1, 2004, through December 31, 2004,
- 75 percent of the credit is allowed for the period January 1, 2005, through December 31, 2005,
- 100 percent of the credit is allowed for the period beginning after December 31, 2005.

This credit is effective for income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003

**Legal Citation:** R.S. 47:6015  
**Origin:** Acts 2002 1<sup>st</sup> Ex. Sess., No. 9  
**Effective Date:** For Income tax years beginning after December 31, 2002 and franchise tax years beginning after December 31, 2003.

**Beneficiaries:** Qualifying taxpayers increasing research activities in Louisiana

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# Corporation Franchise Tax

---

## **35. Technology Commercialization Credit**

This credit, which is administered by the Department of Economic Development, is 15 percent of the investment in machinery and equipment and all expenditures associated with obtaining the rights to use or the use of technology, including fees related to patents, copyrights, and licenses. To qualify for the credit, an individual or business must invest in the commercialization of Louisiana technology in Louisiana.

This credit is effective for income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Legal Citation:** R.S. 51:2354

**Origin:** Acts 2002, 1<sup>st</sup> Ex. Sess., No. 8

**Effective Date:** Income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Sunset Date:** December 31, 2006  
However, there is a 20-year carryforward of unused credit.

**Beneficiaries:** Qualifying individuals or businesses that invest in the commercialization of Louisiana technology

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20.

# **Gift Tax Exemptions**

# Gift Tax

## Index of Exemptions

| Exemptions   | Legal Citations | Page |
|--|-----------------|------|
| <b>Exemptions</b>  |                 |      |
| 1. Specific lifetime-donor exemption; \$30,000   | R.S. 47:1205(B) | 83   |
| 2. Gifts made to charitable, religious, or educational institutions located in Louisiana                                       | R.S. 47:1204(1) | 83   |
| 3. Gifts made to the United States, the state of Louisiana, or any other Louisiana political subdivision or civic organization | R.S. 47:1204(2) | 84   |
| 4. Gifts to spouse   | R.S. 47:1204(3) | 84   |
| <b>Exclusion</b>   |                 |      |
| 5. Annual exclusion per donee  | R.S. 47:1205(A) | 85   |

# Gift Tax

---

## Introduction

The Louisiana gift tax law was enacted in 1940 to complement the inheritance tax law. With minor exceptions, it was patterned after the federal gift tax law.

The gift tax is imposed on donations between living persons, real or disguised, and transfers for an inadequate consideration in money's worth. It is irrelevant whether the transfer is in trust or otherwise, or whether the property is movable or immovable, corporeal or incorporeal.

## Legal Citations

R.S. 47:1201 through 47:1212

## Tax Base

The tax base consists of the true and full value of property transferred by gift (donations between living persons) based on the interest conveyed at the date of transfer. The tax base also includes the value of property transferred with donative intent for an amount less than adequate consideration in money or money's worth based on its true and full value at the date of transfer.

## Tax Rate

The tax rates are two percent of the first \$15,000 total sum of gifts in excess of the annual exclusion and specific lifetime exemption and three percent of any excess over \$15,000.

## Types of Tax Exemptions

Gift tax exemptions are in the form of exclusions and exemptions. Exclusions are the portion of the true and actual value of a gift that is excluded from the tax base by statute. Exemptions are the true and actual value of gifts included in the tax base, but specifically exempted from the tax imposed.

## Significant Changes

### Fiscal Year 2003-2004

There were no significant changes in the gift tax laws during the past year.



# Gift Tax

## Exemptions

### 1. Specific lifetime exemption: \$30,000

This exemption allows donors to exempt up to \$30,000 during their lifetime in computing the amount of any gift subject to tax. A donor may claim the total, or any portion of the specific lifetime exemption in any calendar year, or spread it over several calendar years. The purpose of this exemption is to provide the donor with a \$30,000 exemption to cover gifts that exceed the annual exclusion for each donee.

**Legal Citation:** R.S. 47:1205(B)  
**Origin:** Acts 1972, No. 569  
**Effective Date:** July 12, 1972

**Beneficiaries:** Persons transferring property.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,315,500             | \$1,355,000 |

### 2. Gifts made to charitable, religious, or educational institutions located in Louisiana

This exemption allows gifts made exclusively to charitable, religious, or educational institutions located within Louisiana to be exempt from and excluded from the tax base, provided no part of the net earnings benefits any private shareholder or individual. The purpose of this exemption is to exempt donative transfers made to charitable, religious, or educational institutions located in Louisiana from the gift tax.

**Legal Citation:** R.S. 47:1204(1)  
**Origin:** Acts 1940, No. 149  
**Effective Date:** July 12, 1940

**Beneficiaries:** Charitable, religious, or educational institutions located within Louisiana receiving gifts.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$170,000               | \$175,000 |

# Gift Tax

### 3. Gifts made to the United States, the state of Louisiana, or its political subdivisions or civic organizations

This exemption allows the gifts made to the United States, the state of Louisiana, or any political subdivision thereof, or civic organization to be exempted and excluded from the tax base, provided the donor does not benefit directly or indirectly from the gift. The purpose of this exemption is to exempt donative transfers made to the United States, the state of Louisiana, or any political subdivision thereof, or any civic organization from the payment of gift tax.

**Legal Citation:** R.S. 47:1204(2)  
**Origin:** Acts 1940, No. 149  
**Effective Date:** July 12, 1940

**Beneficiaries:** The U.S. Government, State of Louisiana, any political subdivision thereof, or civic organization receiving a gift, provided that the donor does not benefit directly or indirectly by such gifts.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$16,500                | \$17,000 |

### 4. Gifts to spouse

This exemption allows gifts made to a spouse during calendar year 1992 and thereafter to be exempted and excluded from the tax base. The purpose of this exemption is to provide a total exemption for gifts made to a spouse.

**Legal Citation:** R.S. 47:1204(3)  
**Origin:** Acts 1987, No 236  
**Effective Date:** July 2, 1987

**Beneficiaries:** Persons receiving gifts after December 31, 1991, from their spouses.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$154,000               | \$159,000 |

# Gift Tax

---

## Exclusion

### 5. Annual exclusion per donee

This exclusion allows an amount per donee to be excluded annually in computing the amount of gifts made to each donee in any calendar year. From 1972 through 1985, the annual exclusion was \$3,000 per donee; from 1986 through 2001, the annual exclusion was \$10,000 per donee. Beginning with gifts made after December 31, 2001, the amount of the annual exclusion per donee shall be equal to the amount allowed for federal gift tax purposes. The purpose of this exclusion is to exclude the initial amount of gifts made to a donee.

**Legal Citation:** R.S. 47:1205(A)  
**Origin:** Acts 2002, No. 15  
**Effective Date:** August 15, 2002

**Beneficiaries:** Donors and donees of gifts during any one calendar year.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,145,000             | \$2,209,000 |

# **Hazardous Waste Disposal Tax Exemption**

# Hazardous Waste Disposal Tax

## Introduction

In 1984, Act 8 of the First Extraordinary Session, levied a one-time tax on the hazardous waste content of the land. The tax was at the rate of \$2 per ton of waste disposed or stored in the land during 1981, 1982, 1983, and the first six months of 1984. This tax was administered by the Department of Environmental Quality, but collected by the Department of Revenue.

Also, by this same Act, the hazardous waste disposal tax was levied on the disposal of hazardous waste in Louisiana and on certain storage of wastes. The disposal tax rates were set at \$5 per dry-weight ton of waste disposed at the same site where produced or generated and \$10 per dry-weight ton of waste disposed or stored at a site other than where produced or generated. The tax was deemed collectible from the generator of the hazardous waste, if the generator disposed of his own hazardous waste, or from the disposer who must collect the tax from the generator of the waste at the time that the disposer received the waste. All generators and disposers must be registered with the Louisiana Department of Environmental Quality.

In 1988, Act 655 increased the rates to \$10 per dry-weight ton of hazardous waste disposed on site and \$20 per dry-weight ton of hazardous waste disposed at another site. This act further provided that the rates would increase \$1 per year until 1998. Additional provisions of the 1988 Act were the imposition of a tax of \$25 per dry-weight ton of extremely hazardous waste disposed in Louisiana and for the taxation of waste imported into Louisiana for disposal or storage.

The tax rates were again increased in 1990 by the passage of Act 391. This legislation changed the rates from \$10, \$20, and \$25 per dry-weight ton to \$30, \$60, and \$100, respectively. An additional provision allowed a credit of 0.5 percent of the tax due for col-

lecting and remitting the tax timely. A tax on the transportation of hazardous and extremely hazardous wastes was also levied at the rate of \$25 per gross-weight ton of hazardous or extremely hazardous wastes transported in Louisiana for disposal or storage in Louisiana.

During the 1992 Regular Legislative Session, Act 526 was enacted which reduced the tax on the disposal of waste at a site other than where produced from \$60 per dry-weight ton to \$40 per dry-weight ton. This legislation also repealed the tax on transporting hazardous or extremely hazardous waste effective July 1, 1992.

## Legal Citations

R.S. 47:821 through 47:832

## Tax Base

Dry-weight ton, or fraction thereof, of hazardous or extremely hazardous wastes disposed in Louisiana and of hazardous wastes stored for more than 90 days

## Tax Rate

Effective July 1, 1992:

- \$30 per ton of hazardous waste disposed at the site where produced
- \$40 per ton of hazardous waste disposed at a site other than where produced
- \$100 per ton of extremely hazardous waste disposed

**Imported wastes** produced out-of-state and disposed in Louisiana are taxed at either the current effective tax rate or at the rate that would be paid for disposal in the generating state, whichever is higher.

# Hazardous Waste Disposal Tax

## Types of Tax Exemptions

For hazardous waste disposal tax purposes, tax exemptions are in the form of a deduction. The deduction, for this purpose, is a specific reduction to the amount of tax due.

## Significant Changes

### Fiscal Year 2003-2004

There were no significant changes in the hazardous waste disposal tax laws during the past year.

## Deduction

### 1. Deduction for compliance

A deduction of 0.5 percent is allowed for the accurate and timely accounting for and remitting of the taxes due. The purpose of this deduction is to encourage compliance and to compensate companies for expenses relating to collection and remittance of the tax.

**Legal Citation:** R.S. 47:823(E)

**Origin:** Acts 1990, No. 391

**Effective Date:** August 1, 1990

**Beneficiaries:** Those parties responsible for collecting and remitting the taxes due benefit from this deduction. The state benefits from the prompt remittance of the taxes.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$20,000                | \$20,000 |

# **Corporation Income Tax Exemptions**

# Corporation Income Tax Index of Exemptions

| Exemptions   | Legal Citations  | Page |
|--|--|------|
| <b>Exemptions and exclusions</b>   |  |      |
| 1. Credit Unions   | R.S. 6:662   | 98   |
| 2. Exemption for certain foreign corporations  | R.S. 12:302(K)<br>R.S. 12:3.2(L)   | 98   |
| 3. Electric cooperatives   | R.S. 12:425  | 99   |
| 4. Exemption for events, activities, or enterprises conducted in domed-stadium facilities  | R.S. 39:367  | 99   |
| 5. Exemption for events, activities, or enterprises conducted in publicly-owned facilities | R.S. 39:468  | 100  |
| 6. State banking corporations and shareholders   | R.S. 47:8<br>R.S. 47:287.71(B)(6)  | 100  |
| 7. Dividends from national banking corporations  | R.S. 47:42<br>R.S. 47:287.71(B)(6)   | 101  |
| 8. Interest on state or local government obligations                                       | R.S. 47:48<br>R.S. 47:287.71(B)(4)   | 101  |
| 9. Governmental subsidies for operating public transportation systems                      | R.S. 47:51<br>R.S. 47:287.71(B)(2)   | 102  |
| 10. Income from carriage on high seas  | R.S. 47:53   | 102  |
| 11. Certain exempt corporations, organizations, etc.                                       | R.S. 47:121(1)-(15) R.S.<br>47:287.501(A) R.S.<br>47:287.501(B)(I) R.S.<br>47:287.521(A) | 103  |
| 12. Exemption for Certified Louisiana Capital Company Legal Citation                       | R.S. 51:1932   | 104  |
| <b>Deductions</b>  |  |      |
| 13. Percentage depletion   | R.S. 47:158(C)<br>R.S. 47:287.745  | 105  |
| 14. Net Louisiana operating loss   | R.S. 47:246<br>R.S. 47:287.86  | 105  |
| 15. Subchapter S corporation   | R.S. 47:287.732  | 106  |
| <b>Credit</b>  |  |      |
| 16. Corporation jobs   | R.S. 47.34<br>R.S. 47:287.749<br>R.S. 47.287.34  | 106  |
| 17. Inventory tax/Ad valorem tax   | R.S. 47:6006<br>R.S. 47: 6006.1  | 107  |



# Corporation Income Tax Index of Exemptions

| Exemptions   | Legal Citations                                     | Page |
|--|---|------|
| <b>Exemptions and exclusions</b>   |   |      |
| 18. Credit for ad valorem tax paid by certain telephone companies  | R.S. 47:6014  | 107  |
| 19. Credit for purchases from prison industry enhancement contractors  | R.S. 47:6018  | 108  |
| 20. Louisiana capital companies  | R.S. 51:1924  | 108  |
| 21. Cash donations to the Dedicated Research Investment Fund   | R.S. 51:2203  | 109  |
| <b>Other credits</b>   |   |      |
| 22. Hiring eligible re-entrants  | R.S. 47:287.748                                     | 109  |
| 23. Contribution of tangible personal property of a sophisticated and technological nature to educational institutions | R.S. 47:287.34<br>R.S. 47:37<br>R.S. 47:287.755     | 110  |
| 24. Neighborhood assistance  | R.S. 47:35<br>R.S. 47:287.34 R.S.<br>47:287.753     | 110  |
| 25. Employment of the previously unemployed  | R.S. 47:6004  | 111  |
| 26. Alternate-fuel usage   | R.S. 47:287.757<br>R.S. 47:38                       | 111  |
| 27. Bone-marrow donor expense  | R.S. 47:287.758<br>R.S. 47:297(I)                   | 112  |
| 28. Employment of certain first-time drug offenders  | R.S. 47:287.34<br>R.S. 47:287.752<br>R.S. 47:297(K) | 112  |
| 29. Investment losses in certain film productions  | R.S. 47:6007  | 113  |
| 30. Donations to assist qualified playgrounds  | R.S. 47:6008  | 114  |
| 31. Louisiana basic-skills training  | R.S. 47:6009  | 114  |
| 32. Insurance company premium tax  | R.S. 47:227   | 115  |
| 33. Certain refunds issued by utilities  | R.S. 47:265<br>R.S. 47:287.664                      | 115  |
| 34. Donations to public elementary or secondary schools  | R.S. 47:6013  | 116  |
| 35. Low-income housing   | R.S. 47:12  | 116  |
| 36. Employment in a qualified motion picture production  | R.S. 47:1125.1                                      | 117  |
| 37. Purchase of qualified recycling equipment  | R.S. 47:6005  | 117  |
| 38. Alcohol and other substance abuse programs for employees   | R.S. 47:6010  | 118  |
| 39. Donations of property to certain offices and agencies  | R.S. 47:6011  | 118  |
| 40. Donations of material, equipment, or instructors made to certain training providers                                | R.S. 47:6012  | 119  |
| 41. Atchafalaya trace heritage area development zone   | R.S. 25:1226.4                                      | 119  |

# Corporation Income Tax Index of Exemptions

| Exemptions  | Legal Citations   | Page |
|---|---|------|
| <b>Other credits <i>continued</i></b>                               |   |      |
| 42. Credit for debt issuance costs                                  | R.S. 47:6017  | 120  |
| 43. Credit for rehabilitation of historic structures                | R.S. 47:6019  | 120  |
| 44. New markets credit  | R.S. 47:6016  | 121  |
| 45. Research and development credit                                 | R.S. 47:6015  | 121  |
| 46. Technology commercialization credit                             | R.S. 51:2354  | 122  |
| <b>Exemption prohibited from taxation by the state constitution</b> |   |      |
| 47. Federal income tax deduction                                    | La. Const., art. VII, Part I,<br>Sect. 4(A)(West 2001)<br>R.S. 47:55<br>R.S. 47:241<br>R.S. 47:287.85 | 122  |

# Corporation Income Tax

---

## Introduction

The Louisiana corporation income tax was authorized by the 1921 state constitution. The first tax was levied in 1934 at the rate of four percent of corporate earnings exceeding \$3,000. In 1977, Louisiana raised the income tax rate from a flat rate of four percent to a five-tier tax rate schedule that ranged from four percent of the first \$25,000 of taxable income to a maximum of eight percent of the taxable income exceeding \$200,000.

Like many other states that impose a corporate income tax, Louisiana closely follows the federal system. That is, the state employs the federal definition of income and deductions with certain modifications. Act 16 of the First Extraordinary Session of 1986 enacted R.S. 47:287.2 through 47:287.785 relative to corporation income tax and provided for the conformance of this tax to the federal tax system.

For multistate corporations, Louisiana net income is generally determined through formula apportionment. Under the formula apportionment method, total net income is generally apportioned to Louisiana based on the average of three factors: property, revenue, and wages. Louisiana allows a deduction for federal income tax in computing taxable income.

Domestic corporations organized under the laws of Louisiana, unless specifically exempted, must file an income tax return each year. Foreign corporations, organized under the laws of other states, who derive income from Louisiana sources, regardless of whether or not they have net income, must file an income tax return unless specifically exempted.

An income tax return must be filed on or before the fifteenth day of the fourth month following the close of an accounting period.

## Legal Citations

R.S. 47:287.2 through 47:287.785

## Tax Base

Taxable income earned within or derived from sources within Louisiana

## Tax Rate

Four percent on the first \$25,000; five percent on the next \$25,000; six percent on the next \$50,000; seven percent on the next \$100,000; eight percent on the taxable income above \$200,000.

## Type of Tax Exemptions

Corporation income tax exemptions are in the form of exemptions/exclusions, deductions, and credits. An exemption/exclusion generally means that a corporation is statutorily exempt from the imposition of the corporate income tax because of the nature of the corporation's business or a specific item of income that is not taxed. Deductions are generally defined as a reduction in net income to arrive at taxable income. Credits are generally defined as a reduction to the amount of tax due. All exemptions related to corporation income tax are contained in this report.

The federal income tax deduction, although a statutory deduction, is also required by the state constitution. Repeal of this deduction requires a vote of the people. For this reason, this deduction has been separated from the others and appears at the end of this section.

# Corporation Income Tax

---

## **Significant Changes Fiscal Year 2003-2004**

Acts 2004 1<sup>st</sup> Ex. Sess., No. 7 amended R.S. 47:6007, concerning the Louisiana motion picture investor tax credit as follows:

1. Removes the sunset date of the credit;
2. Limits the credit so that it will not exceed Louisiana expenditures of the production;
3. Specifies that the credit can only be applied to taxes for the tax period in which the credit is earned or carried forward for 10 years;
4. Removes the limitation on the number of transfers of credit permitted in any year;
5. Provides for the Department of Revenue to impose a fee, by regulation, of up to \$200 per transferee for transfers to credits; and
6. Provides administrative procedures for certifying productions and issuing credit certificates.

Effective March 25, 2004.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 12 extended the sunset date for earning the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures provided by R.S. 47:6019. The credit may now be earned in taxable years ending prior to January 1, 2008.

# Corporation Income Tax

---

## Exemptions and exclusions

### 1. Credit unions

Credit unions, together with all accumulations therein, are exempt from all taxes except for immovable property owned. The shares of a credit union are not subject to a stock-transfer tax when issued by the corporation or when transferred from one member to another. No fees or taxes, nor any of the stipulations as to capital stock set forth in general statutes for corporations, apply to credit unions. The purpose of this exemption is to minimize the tax burden on these nonprofit organizations.

**Legal Citation:** R.S. 6:662  
**Origin:** Acts 1924, No. 40  
**Effective Date:** July 1, 1924

**Beneficiaries:** Individuals who are a member of a state- or federal-chartered credit union.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

### 2. Exemption for certain foreign corporations

Certain foreign corporations operating as mutual savings banks, mutual savings funds societies, real estate investment trusts, state banks or trust companies, insurance companies, corporations associated with real estate investment trusts, group insurance and annuity corporations, and nonprofit or nontrading corporations are exempt from state corporation income tax. The purpose of this exemption is to grant financial assistance to qualifying corporations.

**Legal Citations:** R.S. 12:302(K)  
R.S. 12:302(L)  
**Origin:** Acts 1968, No. 105  
**Effective Date:** 1968

**Beneficiaries:** Certain foreign corporations referred to in the law.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Income Tax

---

## 3. Electric cooperatives

Electric cooperatives are exempt from all excise and income taxes, except for the fee of \$10 for each 100 persons, or fraction thereof, to whom electricity is supplied within the state. The purpose of this exemption is to minimize the tax burden on nonprofit electric cooperatives.

**Legal Citation:** R.S. 12:425  
**Origin:** Acts 1924, No. 266  
**Effective Date:** July 1, 1940

**Beneficiaries:** Individuals and companies purchasing electricity from electric cooperatives.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 4. Exemption for events, activities, or enterprises conducted in domed-stadium facilities

Any event, activity, or enterprise conducted in certain domed-stadium facilities is exempt from all state and local taxes. The purpose of this exemption is to promote use of the domed stadium.

**Legal Citation:** R.S. 39:467  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** The increased use of the dome-stadium facilities benefits the state and its residents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Income Tax

---

## 5. Exemption for events, activities, or enterprises conducted in publicly-owned facilities

Any event, activity, or enterprise conducted in certain publicly-owned facilities is exempt from all state taxes provided that the local taxing authority first provides exemption from local taxes. The purpose of this exemption is to promote use of qualifying facilities.

**Legal Citation:** R.S. 39:468  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** The increased use of publicly-owned facilities benefits the state and its residents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 6. State banking corporations and shareholders

State banking corporations and their shareholders are exempt from corporation income tax. The purpose of this exemption is to grant state corporations and their shareholders the same tax exemptions allowed to national banking corporations and their shareholders.

**Legal Citations:** R.S. 47:8  
R.S. 47:287.71(B)  
**Origin:** Acts 1966, No. 445  
**Effective Date:** July 1, 1966

**Beneficiaries:** State chartered banks and their shareholders.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Income Tax

---

## 7. Dividends from national banking corporations

Dividends from national banking corporations are excluded from the gross income of corporations. The federal law in effect at the time the state income tax statutes were enacted prohibited states from taxing dividends of national banking corporations. Although this prohibition was removed, Louisiana did not change its statutes to tax these dividends. The purpose of this exclusion is to comply with federal laws in effect at the time of enactment.

**Legal Citations:** R.S. 47:42  
R.S. 47:287.71(B)  
**Origin:** Acts 1934, No. 21  
**Effective Date:** 1934

**Beneficiaries:** Individual and corporate shareholders of national banking corporations.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 8. Interest on state or local government obligations

Interest earned on state or local obligations is excluded from gross income. The purpose of this exclusion is to encourage investment in Louisiana obligations.

**Legal Citations:** R.S. 47:48  
R.S. 47:287.71(B)(4)  
**Origin:** Acts 1934, No. 21  
**Effective Date:** 1934

**Beneficiaries:** State and local governments and the individuals and entities that invest in their obligations.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.



# Corporation Income Tax

---

## 9. Governmental subsidies for operating public transportation systems

Funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system are excluded from gross income. The purpose of this exclusion is to provide financial assistance to public transportation systems.

**Legal Citations:** R.S. 47:51  
R.S. 47:287.71(B)(2)  
**Origin:** Acts 1979, No. 300  
**Effective Date:** Taxable periods  
beginning on or after  
January 1, 1979

**Beneficiaries:** Certain public-service corporations.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; this exclusion has been inactive. No future activity is anticipated.

## 10. Income from carriage on the high seas

Income derived from commerce on the high seas is excluded from gross income. At the time this exclusion was passed in 1942, Louisiana taxed domestic corporations on income from all sources. Since the law was changed to tax only income derived from sources within the state, the apportionment method should theoretically achieve the same result. The purpose of this exclusion is to tax only income derived from Louisiana sources.

**Legal Citation:** R.S. 47:53  
**Origin:** Acts 1942, No. 100  
**Effective Date:** 1942

**Beneficiaries:** Originally, this exclusion benefited domestic corporations deriving income from engaging in commerce on the high seas. Theoretically, this income is now apportioned outside Louisiana.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; no future activity is anticipated.

# Corporation Income Tax

## 11. Certain exempt corporations, organizations, etc.

Organizations described in Internal Revenue Code sections 401(a) or 501 are exempt from corporation income tax to the extent that those organizations are exempt from income taxation under federal law. Also, the Louisiana corporation income statute exempts certain other organizations, corporations, etc. The purpose of this exemption is to provide financial assistance to these nonprofit organizations. The following is a list of exempt entities:

- a. Labor, agricultural, and horticultural organizations that are educational or instructive in character, and are designed to encourage the development of agricultural and horticultural products. The income from these organizations must be used exclusively to meet the necessary expenses of upkeep and operation.
- b. Mutual savings banks, national banking corporations, and banking corporations organized under the laws of the state of Louisiana, who pay a tax for their shareholders, or whose shareholders pay a tax on their shares of stock under other laws of this state, and building and loan associations.
- c. Fraternal beneficiary societies, orders, or associations operating under the lodge system, or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to members of the society, order, or association or their dependents.
- d. Nonprofit cemetery companies owned and operated exclusively for the benefit of their members.
- e. Any corporation, community chest, or fund, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals.
- f. Business leagues, chambers of commerce, real estate boards, or boards of trade not organized for profit and no part of the net earnings benefits any private shareholder or individual.
- g. Nonprofit civic leagues or organizations operated exclusively for charitable, educational, or recreational purposes.
- h. Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes.
- i. Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations, but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.
- j. Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including interinsurers and reciprocal underwriters), but only if the income of which is used or held for the purpose of paying losses or expenses.
- k. Certain farmers, fruit growers, or like associations organized and operated on a cooperative basis for the purpose of marketing products or purchasing supplies and equipment.
- l. Corporations organized by exempt farmers' cooperatives to finance crop operations of members.
- m. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to organizations that are organized and operated exclusively for religious, charitable, scientific, literary, and educational purposes. No part of the net earnings can benefit any private stockholder.
- n. Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents.

# Corporation Income Tax

---

## 11. Certain exempt corporations, organizations, etc. (*continued*)

- o. Teachers' retirement fund associations of a purely local character, if no part of their net earnings (other than through payment of retirement benefits) benefits a private shareholder or individual, and if the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments.

**Legal Citations:** R.S. 47:121(1)-(15)  
R.S. 47:287.501(A)  
R.S. 47:287.501(B)(I)  
R.S. 47:287.521(A)

**Origin:** Acts 1934, Nos. 21  
and 28  
Acts 1986, No. 16

**Effective Date:** 1934

**Beneficiaries:** Members and shareholders of these exempt corporations.

**Administration:** The purpose of these exemptions are achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

## 12. Exemption for Certified Louisiana Capital Company

Any corporation that is a certified Louisiana capital company shall be exempt from corporation income tax for five consecutive taxable years. The exemption shall commence with the taxable year in which the capital company is certified by the commissioner of the Department of Economic Development.

**Legal Citation:** R.S. 51:1932

**Origin:** Acts 1986, No. 915

**Effective Date:** Taxable periods  
beginning after  
December 31, 1985

**Beneficiaries:** Individuals who need venture capital to develop and operate a qualified Louisiana business.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect; there is no reporting requirement for the data.

# Corporation Income Tax

## Deductions

### 13. Percentage depletion

An additional deduction in determining net income is allowed for oil and gas depletion. The deduction is based on a percentage of gross income from the property limited to 50 percent of the net income from the property calculated without the deduction for depletion. The purpose of this deduction is to promote oil and gas exploration and production.

**Legal Citations:** R.S. 47:158(C)  
R.S. 47:287.745

**Origin:** Acts 1934, No. 21

**Effective Date:** 1934

**Beneficiaries:** Corporations with percentage depletion on oil and gas properties that is greater than their cost depletion.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$18,000,000            | \$18,000,000 |

### 14. Net Louisiana operating loss

Corporations are allowed to carry a net operating loss deduction back for 3 years and forward for 15 years. The purpose of this deduction is to allow corporations to offset losses made in one tax year with income earned in another.

**Legal Citations:** R.S. 47:246  
R.S. 47:287.86  
**Origin:** Acts 1979, No. 586  
**Effective Date:** Taxable periods beginning after December 31, 1978

**Beneficiaries:** Corporations that have losses for one year that can be offset against income earned during other years.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$93,081,000            | \$95,874,000 |

# Corporation Income Tax

## 15. Subchapter S corporation

Corporations classified as S corporations under Subchapter S of the Internal Revenue Code may deduct a percentage of their Louisiana net income to arrive at taxable income. The percentage is determined by dividing the number of issued and outstanding shares of capital stock of the Subchapter S corporation owned by Louisiana resident individuals on the last day of the corporation's taxable year by the total number of issued and outstanding shares of capital stock of the corporation on the last day of the corporation's taxable year. The purpose of this deduction is to limit taxation on Subchapter S corporations to either the corporate or shareholder level.

**Legal Citation:** R.S. 47:287.732  
**Origin:** Acts 1989, No. 622  
**Effective Date:** Taxable periods beginning on or after January 1, 1991

**Beneficiaries:** Subchapter S corporation shareholders.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$196,609,000           | \$202,507,000 |

## Credits

### 16. Corporation jobs

A credit is allowed for each employee hired into a newly created job. The amount of the credit depends on whether the new employee qualifies as economically disadvantaged or is a resident of a neighborhood with an unemployment rate of 10 percent or more. The total jobs credit is limited to 50 percent of the tax liability. The purpose of this credit is to encourage corporations to create new jobs in Louisiana.

**Legal Citations:** R.S. 47:34  
R.S. 47:287.34  
R.S. 47:287.749  
**Origin:** Acts 1978, No. 596  
Acts 1986, No.16  
**Effective Date:** 1978

**Beneficiaries:** Corporations creating new jobs.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$196,500               | \$202,500 |

# Corporation Income Tax

## Other Credits

### 17. Inventory tax/Ad valorem tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers.

Act 59 of the 1994 Third Extraordinary Session added R.S. 47:6006.1 to provide for a refundable tax credit against income and corporation franchise taxes for ad valorem taxes paid on vessels in Outer Continental Shelf Lands Act Waters. Also, Act 28 of the 1994 Regular Session amended R.S. 47:6006 to provide that this credit is not allowed for ad valorem taxes that have been collected from the persons to whom the inventory has been sold. The purpose of this credit is to provide a tax offset for inventory taxes paid to local authorities.

**Legal Citation:** R.S. 47:6006  
R.S. 47:6006.1

**Origin:** Acts 1991, No. 153

**Effective Date:** July 1, 1992

**Beneficiaries:** All corporations paying ad valorem taxes on inventory.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |                |
|-------------------------|----------------|
| FYE 6-05                | FYE 6-06       |
| \$147,694,000*          | \$152,125,000* |

\* This amount includes the total revenue loss for individual income tax and corporation income and franchise taxes.

### 18. Credit for ad valorem tax paid by certain telephone companies

A credit is allowed for 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties.

The credit is effective for income and franchise tax years ending on or after December 31, 2001.

**Legal Citation:** R.S. 47:6014

**Origin:** Acts 2000, No. 22

**Effective Date:** The credit is effective for income and franchise tax years ending on or after December 31, 2001.

**Beneficiaries:** Telephone companies in an amount equal to 40 percent of ad valorem taxes paid to political subdivisions for public service properties.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$26,119,000*           | \$26,903,000* |

\* This amount includes the total revenue loss for individual income tax and corporation income and franchise taxes.

# Corporation Income Tax

## 19. Credit for Purchases from Prison Industry Enhancement Contractors

A tax credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor.

PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

**Legal Citation:** R.S. 47:6018  
**Origin:** Acts 2002, No. 32  
**Effective Date:** The credit is effective for income and franchise tax becoming due after December 31, 2002

**Beneficiaries:** Private Sector Prison Industry Enhancement contractors.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$6,900*                | \$7,000* |

\* This amount includes the total revenue loss for individual income tax and corporation income and franchise taxes.

## 20. Louisiana capital companies

A credit is allowed for contributions to certified Louisiana capital companies. The credit is equal to 35 percent of the cash investment in the capital of a certified Louisiana capital company. The purpose of this credit is to encourage investments in qualifying capital companies.

**Legal Citations:** R.S. 51:1924  
**Origin:** Acts 1983, No. 642  
**Effective Date:** July 20, 1983

**Beneficiaries:** The additional venture capital produced by this credit benefits entrepreneurs. The state benefits from the new jobs created in Louisiana.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,651,600             | \$1,701,000 |

# Corporation Income Tax

## 21. Cash donations to the Dedicated Research Investment Fund

A credit is allowed for cash donations of \$200,000 or more to the Dedicated Research Investment Fund. The purpose of this credit is to encourage donations to qualifying funds, which will assist the research industry in the state.

**Legal Citation:** R.S. 51:2203  
**Origin:** Acts 1987, No. 300  
**Effective Date:** July 5, 1987

**Beneficiaries:** Qualifying research institutions.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to separately estimate the fiscal effect for credits 21-45. The Department's tax data combines these credits on the tax return. The combined revenue loss for these credits is as follows:

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$14,117,500            | \$14,541,000 |

## 22. Hiring eligible re-entrants

A credit is allowed for hiring re-entrants who have been convicted of a felony and who have successfully completed the Intensive Incarceration Program. The purpose of this credit is to provide job opportunities to qualified individuals.

**Legal Citation:** R.S. 47:287.748  
**Origin:** Acts 1987, No. 758  
**Effective Date:** Taxable periods beginning after December 31, 1986

**Beneficiaries:** Individuals employed as a result of this tax credit.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.



# Corporation Income Tax

## 23. Contribution of tangible personal property of a sophisticated and technological nature to educational institutions

A credit is allowed to corporations, persons, estates, and trusts that donate, sell below cost, or contribute properties of a sophisticated and technological nature to educational institutions in the state of Louisiana. The credit allowed is 40 percent of the property's value, or, in the case of sales below cost, 40 percent of the difference between the price received and the property's value, subject to the limitations prescribed in the statute. The purpose of this credit is to encourage donations of qualifying equipment to educational institutions.

**Legal Citations:** R.S. 47:37  
R.S. 47:287.34  
R.S. 47:287.755  
**Origin:** Acts 1983, No. 667  
**Effective Date:** January 1, 1984

**Beneficiaries:** Educational institutions, students, teachers, and the state as a whole.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 24. Neighborhood assistance

A credit is allowed to businesses that provide neighborhood assistance, job training for individuals, community service, or crime prevention to upgrade impoverished areas. The Commissioner of Administration may allow a credit of up to 70 percent of the actual amount contributed to approved programs. The total amount of the tax credit granted for programs approved by the Commissioner may not exceed one percent of the total amount of state corporate income tax collected in the prior fiscal year. The credit for any corporation shall not exceed \$250,000. The purpose of this credit is to encourage assistance to impoverished areas.

**Legal Citations:** R.S. 47:35  
R.S. 47:287.34  
R.S. 47:287.753

**Origin:** Acts 1982, No. 653  
**Effective Date:** July 22, 1982

**Beneficiaries:** Residents of impoverished areas of the state.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

---

## 25. Employment of the previously unemployed

A credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit is \$750 for each qualified new job and employee and is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage creation of new jobs, which will provide job opportunities for the unemployed.

**Legal Citation:** R.S. 47:6004  
**Origin:** Acts 1989, No. 636  
**Effective Date:** Taxable periods beginning on or after July 1, 1990

**Beneficiaries:** Corporations that hire the previously unemployed in a newly created full-time job benefit from this credit. The state as a whole benefits because these individuals are now employed and productive.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 26. Alternative fuel usage

A credit is allowed for vehicle conversion to certain alternative-fuel usage or for the purchase of vehicles that use certain alternative fuels. The amount of the credit is 20 percent of the cost of qualified clean-burning motor vehicle fuel property. If the vehicle is purchased with the equipment installed by the manufacturer, the tax credit is the lesser of 20 percent of 10 percent of the cost of the motor vehicle or \$1,500. The purpose of this credit is to encourage the usage of alternative fuels, which will result in a cleaner environment.

**Legal Citation:** R.S. 47:287.757  
**Origin:** Acts 1991, No. 1060  
**Effective Date:** January 1, 1991

**Beneficiaries:** The general public benefits from this credit as the result of a cleaner environment.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

---

## 27. Bone-marrow donor expense

A credit is allowed for bone-marrow donor expenses incurred by employers. The credit is for 25 percent of the expenses paid or incurred during the tax year by an employer to provide a program for employees who are potential or actual bone-marrow donors. The purpose of this credit is to encourage bone-marrow donations.

**Legal Citation:** R.S. 47:287.758  
R.S. 47:297(I)

**Origin:** Acts 1992, No. 206

**Effective Date:** August 21, 1992

**Beneficiaries:** Individuals who need bone-marrow transplants.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 28. Employment of certain first-time drug offenders

A credit of \$200 per employee per year for a maximum of two years is allowed for employing certain first-time drug offenders. The offender must have successfully completed a court-ordered drug treatment rehabilitation program, be less than 25 years old at the time of initial employment, and have worked 180 full-time days. The purpose of this credit is to encourage employment of first-time drug offenders who complete a drug rehabilitation program.

**Legal Citations:** R.S. 47:287.34  
R.S. 47:287.752  
R.S. 47:297(K)

**Origin:** Acts 1994, No. 104

**Effective Date:** Taxable periods beginning on or after January 1, 1994

**Beneficiaries:** First-time drug offenders who are employed by businesses that receive the credit and the companies and individuals who employ them.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 29. Investment losses in certain film productions

This credit, which is only available to taxpayers domiciled in Louisiana, is for 50 to 67 percent of an investor's film production loss before July 1, 2002, or 10 to 15 percent of an investor's investment in a film production after July 1, 2002, depending on the level of investment.

A minimum investment in a "state-certified production" is required to qualify for the credit. The Louisiana Film and Video Commission and the Department of Economic Development must certify that the production is being produced by a motion picture production company domiciled and headquartered in the state and there is a distribution agreement with either a major theatrical exhibitor, television network, or cable television programmer. This certification is provided to the investors and the Department of Revenue.

This tax credit, which is available for tax periods beginning January 1, 1993, through December 31, 2006, is based on a percentage of the investor loss or the investment in the production as follows:

### January 1, 1993 through June 30, 2002:

- Investments \$2 million but less than \$10 million—50 percent of loss.
- Investments \$10 million but less than \$25 million—60 percent of loss.
- Investments \$25 million and more—67 percent of loss.

### July 1, 2002 through December 31, 2003:

- Investments \$300,000 but less than \$1 million—10 percent of investment.
- Investments \$1 million and more—15 percent of investment.

### On or after January 1, 2004

- Investments \$300,000 but less than \$8 million—10 percent of investment.
- Investments \$8 million and more—15 percent of investment

The purpose of this credit is to encourage film production in Louisiana

**Legal Citation:** R.S. 47:6007  
**Origin:** Acts 1992, No. 894;  
Amended Acts 2002,  
1<sup>st</sup> Ex. Sess., No. 6  
Amended Acts 2003,  
No. 1240  
Amended Acts 2004,  
1<sup>st</sup> Ex. Sess., No. 7

**Effective Date:** Taxable Periods  
beginning on or after  
January 1, 1993

**Beneficiaries:** Investors in state-certified motion picture productions

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

---

## 30. Donations to assist qualified playgrounds

A credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The credit shall be an amount equal to the lesser of \$1,000 or 1/2 of the value of the donation. The purpose of this credit is to encourage donations to qualified playgrounds.

**Legal Citation:** R.S. 47:6008  
**Origin:** Acts 1992, No. 898  
**Effective Date:** Tax periods beginning after December 31, 1992

**Beneficiaries:** The people living in economically depressed areas.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 31. Louisiana basic-skills training

Corporations are allowed a credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a twelfth-grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated work force.

**Legal Citation:** R.S. 47:6009  
**Origin:** Acts 1992, No. 1098  
**Effective Date:** July 1, 1993

**Beneficiaries:** Individuals benefit from this credit by enabling them to bring their reading, writing, and mathematical skills to at least a 12-grade level. A better educated employee will be an asset to employers and the state.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 32. Insurance company premium tax

A credit is allowed for any premium taxes paid to the Insurance Commissioner of the state of Louisiana. The purpose of this credit is to allow an offset for the premium taxes paid. An offset provided under R.S. 22:1068 and R.S. 22:1382 against the premium tax liability has reduced the impact of the premium tax credit.

**Legal Citation:** R.S. 47:227  
**Origin:** Acts 1934, Nos. 21 and 61  
**Effective Date:** 1934

**Beneficiaries:** Insurance companies that pay premium taxes.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 33. Certain refunds issued by utilities

Refunds made by utility companies, resulting from denial of rate increases, may be credited against gross income. If a deduction from gross income would result in a net loss, the utility company may elect to take an income tax credit subject to certain limitations. The purpose of this credit is to accurately reflect the utility company's gross income.

**Legal Citations:** R.S. 47:265  
R.S. 47:287.664  
**Origin:** Acts 1960, Nos. 1 and 210  
**Effective Date:** 1960

**Beneficiaries:** Utility companies making refunds under these circumstances.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The fiscal effect for this credit is combined with the other credits 21-45. However, the effects of this credit have been replaced by the provisions of the net operating loss statute. (See R.S. 47:287.86.) Therefore, as long as §287.86, is valid there should be no fiscal effect.

# Corporation Income Tax

---

## 34. Donations to public elementary or secondary schools

A credit is allowed for qualified donations made to public elementary or secondary schools. The credit allowed is for 40 percent of the appraised value of the donation and not to exceed the taxpayer's total tax liability for the year. "Qualified donation" means a donation of immovable property purchased or otherwise acquired by a corporation and donated to a public school immediately adjacent or contiguous to the property.

**Legal Citation:** R.S. 47:6013  
**Origin:** Acts 1998, No. 51  
**Effective date:** July 1, 1998

**Beneficiaries:** Corporations that make donations and public schools in the state.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 35. Low-income housing

A credit is allowed to providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Act 972 of the 1990 Legislative Session. The purpose of this credit is to encourage investment in low-income housing.

**Legal Citation:** R.S. 47:12  
**Origin:** Acts 1990, No. 1033  
**Effective Date:** Taxable periods beginning on or after July 1, 1990  
**Sunset date:** December 31, 1993

**Beneficiaries:** Corporations providing low-income housing and the tenants in the housing.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner, as taxpayers can carry over credits to succeeding years until used.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 36. Employment in a qualified motion picture production

A credit is allowed for qualified motion picture production companies for employment of Louisiana residents in the production of a qualified motion picture. The credit allowed is 10 percent of the total payroll for residents employed in the production if the total qualified payroll is \$300,000 or more during the taxable year or 20 percent if the total qualified payroll is \$1 million or more during the taxable year.

**Legal Citation:** R.S. 47:1125.1  
**Origin:** Acts 2002, 1<sup>st</sup> Ex.

Sess., No. 6

**Effective date:** July 1, 2002

**Sunset date:** June 30, 2006

**Beneficiaries:** Qualified production companies and Louisiana residents employed by such companies.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See Motion Picture Incentive in the Tax Exemption Contract Section, page 323.

## 37. Purchase of qualified recycling equipment

A credit is allowed for purchases of qualified recycling equipment made between September 1, 1991, and December 31, 2000. The amount of the tax credit is 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment. The net credit amount is limited to 50 percent of the income and franchise tax liability. The purpose of this credit is to encourage the purchase of qualifying equipment, which will result in a cleaner environment.

**Legal Citation:** R.S. 47:6005

**Origin:** Acts 1991, Nos. 359 and 1052

**Effective Date:** Taxable periods beginning on or after January 1, 1991

**Sunset date:** December 31, 2000  
However, unused credits may be carried forward until credit is exhausted or the equipment is sold.

**Beneficiaries:** The state's improved environment will benefit the general public.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.



# Corporation Income Tax

## 38. Alcohol and other substance abuse treatment programs for employees

A credit is allowed of five percent of the qualified treatment expenses for alcohol and substance abuse paid or incurred by an employer on behalf of his employees in connection with an alcohol and substance abuse program. No deduction is allowed in computing taxable income for expenses that are taken into account in determining the amount of such credit or for drug testing. The purpose of this credit is to promote a drug-free work environment, which should increase safety and production.

**Legal Citation:** R.S. 47:6010  
**Origin:** Acts 1994, No. 33  
**Effective Date:** Taxable years beginning on or after January 1, 1994

**Beneficiaries:** Individuals who take advantage of such company funded programs and the companies that provide the programs and receive the benefits of a drug-free work force.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 39. Donations of property to certain offices and agencies

A credit is allowed for 50 percent of the value of historical property donated to the Old State Capitol, the State Capitol Complex, and the State Archives. The amount of the credit in any year is limited to 25 percent of the donor's tax liability. Unused credits may be carried over to subsequent years. The maximum amount of credit that may be granted in the aggregate in any single year is \$70,000. The purpose of this credit is to encourage donations to certain state agencies property with historical value. This serves to preserve such property for future generations.

**Legal Citation:** R.S. 47:6011  
**Origin:** Acts 1996, No. 10  
**Effective Date:** August 1, 1996  
**Sunset Date:** June 30, 2000

However, unused credits may be carried forward until full credit has been used

**Beneficiaries:** Corporations that make donations.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 40. Donations of material, equipment, or instructors made to certain training providers

A credit is allowed for donations of materials, equipment, or instructors made to training providers vocational/technical schools, apprenticeship programs registered with the Louisiana Department of Labor, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

**Legal Citation:** R.S. 47:6012  
**Origin:** Acts 1998, No. 30.  
Amended by Acts  
2002, No. 11.

**Effective date:** June 24, 1998  
**Sunset date:** December 31, 2000

**Reestablished:** August 15, 2002 for taxable periods beginning after December 31, 2002.

**Beneficiaries:** Individuals who take the tax credit and the citizens of the state that benefit from better equipped training facilities.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 41. Atchafalaya Trace Heritage Area Development Zone Tax Exemption

The Board of Commerce and Industry, after receiving approval from the review board consisting of the secretaries of the Department of Revenue and Culture, Recreation and Tourism, chairmen of the Atchafalaya Trace Heritage Area Commission, House Committee on Ways and Means, and Senate Revenue and Fiscal Affairs Committee and the executive director of the Atchafalaya Trace Commission, with the approval of the governor, may enter into contracts with heritage-based cottage industry concerns located in the development zone to grant tax credits to promote economic development and the creation of new jobs.

The credits that may be granted are:

- a \$750 credit for the business, and
- a \$750 credit for each new development zone resident employee.

The tax credit contract is for five years. The development zone covers the 13 parishes of St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

**Legal Citation:** R.S. 25:1226.4  
**Origin:** Acts 2002, 1<sup>st</sup> Ex.  
Sess., No. 112

**Effective Date:** January 1, 2003  
**Sunset Date:** No new applications to receive tax exemptions or credits will be accepted on or after January 1, 2007

**Beneficiaries:** Heritage-based cottage industry located in the development zone

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 42. Credit for Debt Issuance Costs

An economic development corporation is allowed a credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

**Legal Citation:** R.S. 47:6017  
**Origin:** Acts 2002, No. 78  
**Effective Date:** June 25, 2002

**Beneficiaries:** Economic development corporations

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 43. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development district. The credit is 25 percent of the cost and expenses up to \$250,000 per structure.

This credit is effective for the period July 1, 2002, through December 31, 2007.

**Legal Citation:** R.S. 47:6019  
**Origin:** Acts 2002, No. 60  
Amended Acts 2004,  
1st Ex. Sess., No. 12

**Effective Date:** Effective for the period July 1, 2002 through December 31, 2007

**Sunset Date:** December 31, 2007, however, there is a five-year carryforward of unused credits.

**Beneficiaries:** Individuals or businesses rehabilitating a qualified historic structure

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 44. New Markets Credit

A tax credit is allowed for investments in qualified low-income community development entities (CDEs). The total tax credits that may be allowed for all taxpayers during any taxable year cannot exceed \$5 million. Before claiming the tax credit, investors must make application to the Department and the credits will be allocated on a first-come, first-served basis.

Investors are eligible for the tax credit if the Community Development Entity (CDE) has made qualified low-income community investments and no more than 25 percent of their investments in low-income communities are in the form of loans. Also, qualified low-income community investments cannot consist of investments secured by any state or federal governmental entity.

This credit is effective for tax years beginning on or after September 1, 2002 and is null and void on August 31, 2006.

Unused credits can be carried over to succeeding years until used.

**Legal Citation:** R.S. 47:6016  
**Origin:** Acts 2002, No. 66  
**Effective Date:** For tax years beginning on or after September 1, 2002  
**Sunset Date:** August 31, 2006

**Beneficiaries:** Private sector capital investors investing in certain low-income community investments.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 45. Research and Development Credit

The Department of Economic Development (DED) may approve a credit to qualifying taxpayers in an amount equal to eight percent of the state's apportioned share of the taxpayer's expenditures for increasing research activities, or 25 percent of the state's apportioned share of eligible expenditures if the taxpayer claims the alternative incremental tax credit pursuant to 26 U.S.C.A. §41. DED may also approve an additional one-time credit to taxpayers who receive Small Business Innovation Research Grants for eight percent of the award.

The credit is phased-in as follows:

- 25 percent of the credit is allowed for the period 1/1/2003 through 12/31/2003,
- 50 percent of the credit is allowed for the period 1/1/2004 through 12/31/2004,
- 75 percent of the credit is allowed for the period 1/1/2005 through 12/31/2005,
- 100 percent of the credit is allowed for the period beginning after 12/31/2005.

This credit is effective for income tax years beginning after 12/31/2002 and franchise tax years beginning after 12/31/2003.

**Legal Citation:** R.S. 47:6015  
**Origin:** Acts 2002, 1<sup>st</sup> Ex. Session, No. 9  
**Effective Date:** For income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.  
**Sunset Date:** December 31, 2006.

However, there is a ten-year carry forward of unused credits.

**Beneficiaries:** Qualifying Taxpayers increasing research activities in Louisiana

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Corporation Income Tax

## 46. Technology Commercialization Credit

This credit, which is administered by the Department of Economic Development, is 15 percent of the investment in machinery and equipment and all expenditures associated with obtaining the rights to use or the use of technology, including fees related to patents, copyrights, and licenses. To qualify for the credit, an individual or business must invest in the commercialization of Louisiana technology in Louisiana.

This credit is effective for income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Legal Citation:** R.S. 51:2354

**Origin:** Acts 2002 1<sup>st</sup> Ex. Sess., No. 8

**Effective Date:** Income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Sunset Date:** December 31, 2006, however, there is a 20-year carryforward of unused credit.

**Beneficiaries:** Qualifying individuals or businesses that invest in the commercialization of Louisiana technology

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## Exemption also required by the state constitution

### 47. Federal income tax deduction

A deduction is allowed for federal income taxes paid on income taxed by Louisiana. The purpose of this deduction is to reduce the corporate income tax burden.

**Legal Citations:** La. Const., art. VII, Part I, § 4(A)  
R.S. 47:55  
R.S. 47:241  
R.S. 47:287.85

**Origin:** 1974 Constitution and Acts 1974, No. 188

**Effective Date:** 1974

**Beneficiaries:** All corporate taxpayers that paid federal income tax.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$43,400,000            | \$44,701,000 |

# **Individual Income Tax Exemptions**

# Individual Income Tax Index of Exemptions

| Exemptions  | Legal Citations   | Page |
|---|---|------|
| <b>Exemptions and exclusions</b>  |   |      |
| 1. Annual retirement income exclusion   | R.S. 47:44.1(A)   | 129  |
| 2. Disability income exclusion  | R.S. 47:44.1(B)   | 129  |
| 3. State employees, teachers, etc., retirement benefits   | Various   | 130  |
| 4. Federal retirement benefits exclusion  | R.S. 47:44.2  | 131  |
| 5. Certain compensation paid to military personnel  | R.S. 47:293(6)(e)   | 132  |
| 6. Exclusions for certain income reported to shareholders of banks organized as S Corporations                | R.S. 47:297.3   | 132  |
| 7. Exemption for Estate and Trust   | R.S. 47:300.6(B)(2)(c)                                      | 133  |
| <b>Deductions</b>   |   |      |
| 8. Disabled individual home adaptation expense  | R.S. 47:77<br>R.S. 47:59.1                                  | 133  |
| 9. Dependent exemption/deduction  | R.S. 47:79<br>R.S. 47:294(B)                                | 134  |
| 10. Excess federal itemized deductions  | R.S. 47:293   | 134  |
| 11. Student tuition assistance  | R.S. 17:3095(A(1))<br>R.S. 17:3098<br>R.S. 47:293(6)(a)(vi) | 135  |
| 12. Personal exemption - standard deduction   | R.S. 47:294(A)  | 135  |
| <b>Credit</b>   |   |      |
| 13. Net income taxes paid to other states   | R.S. 47:33  | 136  |
| 14. Contribution of tangible property of a sophisticated and technological nature to educational institutions | R.S. 47:33<br>R.S. 47:287.755                               | 136  |
| 15. Certain disabilities  | R.S. 47:297.A   | 137  |
| 16. Special allowable credits   | R.S. 47:297.B   | 137  |
| 17. Education   | R.S. 47:297.D   | 138  |
| 18. Inventory tax/Ad valorem tax  | R.S. 47:6006<br>R.S. 47:6006.1                              | 138  |
| 19. Property taxes paid by certain telephone companies  | R.S. 47:6014  | 139  |
| <b>Other credits</b>  |   |      |
| 20. Credit for purchases from Prison Industry Enhancement contractors   | R.S. 47:6018  | 139  |
| 21. Low-income housing  | R.S. 47:12  | 140  |
| 22. Louisiana capital companies   | R.S. 51:1921-1931   | 140  |
| 23. Cash donations-Dedicated Research Investment Fund   | R.S. 51:2204  | 141  |
| 24. Employment of the previously unemployed   | R.S. 47:6004  | 141  |
| 25. Alternative-fuel usage  | R.S. 47:38  | 142  |
| 26. Small-town doctors  | R.S. 47:297(H)  | 142  |

# Individual Income Tax Index of Exemptions

| Exemptions  | Legal Citations  | Page |
|---|--|------|
| <b>Other credits <i>continued</i></b>   |  |      |
| 27. Investment losses in certain film productions   | R.S. 47:6007   | 143  |
| 28. Louisiana basic-skills training   | R.S. 47:6009   | 144  |
| 29. Gasoline and special fuels taxes  | R.S. 47:297(C)   | 144  |
| 30. Educational expenses incurred for a degree related to law enforcement                 | R.S. 47:297(J)   | 145  |
| 31. Employment of certain first-time drug offenders                                       | R.S. 47:287.34<br>R.S. 47:287.752<br>R.S. 47:297(K)                        | 145  |
| 32. Bone marrow donor expenses  | R.S. 47:297(I)   | 146  |
| 33. Purchase of bulletproof vest  | R.S. 47:297(L)   | 146  |
| 34. Donations to assist qualified playgrounds   | R.S. 6008  | 147  |
| 35. Employment-related expenses for maintaining household for certain disabled dependents | R.S. 47:297.2  | 147  |
| 36. Family responsibility   | R.S. 47:297(F)<br>R.S. 46:449  | 148  |
| 37. Employment in a qualified motion picture production                                   | R.S. 47:1123<br>R.S. 47:1125.1   | 148  |
| 38. Purchase of a qualified recycling equipment   | R.S. 47:6005   | 149  |
| 39. Alcohol and other substance abuse programs for employees                              | R.S. 47:6010   | 149  |
| 40. Donations of property to certain offices and agencies                                 | R.S. 47:6011   | 150  |
| 41. Donations of material, equipment, or instructors made to certain training providers   | R.S. 47:6012   | 150  |
| 42. Credit for rehabilitation of historic structures                                      | R.S. 47:6019   | 151  |
| 43. New markets credit  | R.S. 47:6016   | 151  |
| 44. Atchafalaya Trace heritage development zone tax exemption                             | R.S. 25:1226.4   | 152  |
| 45. Research and development credit   | R.S. 47:6015   | 152  |
| 46. Technology commercialization credit   | R.S. 51:2354   | 153  |
| 47. Credit for certain child care expenses  | R.S. 47:297.4  | 153  |
| 48. Credit for debt issuance costs  | R.S. 47:6017   | 154  |
| 49. Long-term insurance premiums credit   | R.S. 47:297(M)   | 154  |
| <b>Exemption prohibited from taxation by the state constitution</b>                       |  |      |
| 50. Federal income tax deduction  | La. Const., art. VII,<br>Part 1 § 4(A)<br>R.S. 47:293(5)<br>R.S. 47:293(6) | 155  |



# Individual Income Tax

## Introduction

Louisiana's individual income tax was first imposed in 1934. The tax is assessed on a resident individual's income derived from all sources and a nonresident individual's income derived from Louisiana sources. Resident individuals are allowed a credit for income tax paid to other states on income that is also taxed by Louisiana.

Like other states that impose a personal income tax, Louisiana closely follows the federal system utilizing the federal definition of income and deductions with certain modifications. Louisiana tax-table income is a modified federal adjusted gross income less federal income taxes paid.

The income tax base is partially diminished by a combined personal exemption/standard deduction of \$4,500 for single filers and married taxpayers filing separately or \$9,000 for married taxpayers filing jointly, head-of-household filers, and qualifying widowers. Additional \$1,000 deductions are given for each dependent and each taxpayer who is blind or 65 years of age or older.

Any resident, nonresident, or part-year resident required to file a tax return must do so by the fifteenth day of the fifth month after the close of their taxable year.

## Legal Citations

R.S. 47:21 through 47:285

R.S. 47:290 through 47:299

## Tax Base

The tax base is comprised of federal adjusted gross income less federal income tax with adjustments for other modifications to federal adjusted gross income.

The deduction for excess itemized deductions has been repealed and the income tax brackets have been revised for all taxable periods beginning after December 31, 2002 with the passing of the amendment of La. Const. art. VII, §4(A) and passing of La. Const. art. VII, §2.2.

## Tax Rate

Effective for taxable periods beginning after December 31, 2002, tax tables are used to determine tax liability using rates as follows:

Married couple filing joint return or qualifying widow:

2% on the first \$25,000

4% on the next \$25,000

6% on the taxable income above \$50,000

Single, Head of Household, or married filing separately:

2% on the first \$12,500

4% on the next \$12,500

6% on the taxable income above \$25,000

## Type of Tax Exemptions

Individual income tax exemptions are in the form of exemptions/exclusions, deductions, and credits. Exemptions/exclusions generally mean a specific item of income that is not included in taxable income. Deductions are generally defined as a reduction in net income to arrive at taxable income. Credits are generally defined as a reduction to the amount of tax due. All exemptions related to individual income tax are contained in this report.

The federal income tax deduction, although a statutory deduction, is also required by the state constitution. Repeal of this deduction requires a vote of the people. For this reason, this deduction has been separated from the other exemptions and appears at the end of this section.

# Individual Income Tax

---

## Significant Changes Fiscal Year 2003-2004

Acts 2004 1<sup>st</sup> Ex. Sess., No. 7 amended R.S. 47:6007, concerning the Louisiana motion picture investor tax credit as follows:

1. Removed the sunset date of the credit;
2. Limited the credit so that it will not exceed Louisiana expenditures of the production;
3. Specified that the credit can only be applied to taxes for the tax period in which the credit is earned or carried forward for 10 years;
4. Removed the limitation on the number of transfers of credit permitted in any year;
5. Provided for the Department of Revenue to impose a fee, by regulation, of up to \$200 per transferee for transfers to credits; and
6. Provided administrative procedures for certifying productions and issuing credit certificates.

Effective March 25, 2004.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 12 extended the sunset date for earning the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures provided by R.S. 47:6019. The credit may now be earned in taxable years ending prior to January 1, 2008.

# Individual Income Tax

## Exemptions/exclusions

### 1. Annual retirement income exclusion

Persons 65 years or older may exclude up to \$6,000 of annual retirement income from their taxable income. The purpose of this exclusion is to reduce the tax burden for persons 65 years or older.

**Legal Citation:** R.S. 47:44.1  
**Origin:** Acts 1981, No. 880  
**Effective Date:** Taxable periods beginning after December 31, 1980

**Beneficiaries:** Retirees, 65 years or older, with taxable retirement income.

**Administration:** The purpose of this exemption/exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$12,935,000            | \$13,323,000 |

### 2. Disability income exclusion

Beginning January 1, 2001, \$6,000 of annual disability income received by an individual, as provided in R.S. 23:1221(2), is exempt from income tax. An individual claiming an exemption under R.S. 47:79(A)(2), for blindness, loss of one or more limbs, mental retardation, or for deafness is not eligible for this exemption.

**Legal Citation:** R.S. 47:44.1(B)  
**Origin:** Act 2000, No. 34  
**Effective Date:** January 1, 2001

**Beneficiaries:** Individual receiving certain disability income

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect of the exclusion since no data existed at the time of this report.

# Individual Income Tax

### 3. State employees, teachers, and other retirement benefits exclusion

Individuals receiving benefits from certain retirement systems are allowed to exclude those benefits from their Louisiana tax-table income. Acts 68 and 69 of 1991, amended and reenacted R.S. 33:7203 and R.S. 40:427.2(E), relative to Municipal and State Police Employees Retirement Systems, to provide that deferred retirement option plan funds are exempt from state income tax. The purpose of this exclusion is to shelter certain retirement benefits from the income tax.

**Legal Citations:**

- R.S. 11:405 State Employees' Retirement System
- R.S. 11:570 Funded Judicial Retirement Plan
- R.S. 11:1378 Non-contributory Judicial Retirement Plan Beginning after Dec. 30, 1980
- R.S. 11:704 Teachers' Retirement System
- R.S. 11:704 Teachers' Retirement System of Orleans Parish
- R.S. 11:1003 Louisiana School Employees' Retirement System
- R.S. 11:1331 State Police Pension and Retirement System
- R.S. 11:1397 Pensions for Confederate Veterans and Widows of Confederate Veterans
- R.S. 11:1403 Assessors Retirement Fund
- R.S. 11:1526 Clerks' of Court Retirement and Relief Fund
- R.S. 11:1583 District Attorneys' Retirement System
- R.S. 11:1735 Municipal Employees' Retirement System
- R.S. 11:1735 City of Baton Rouge Retirement System
- R.S. 11:1735 Employees' Retirement System of East Baton Rouge Parish
- R.S. 11:1735 Employees' Retirement System of Shreveport
- R.S. 11:1905 Parochial Employees' Retirement System
- R.S. 11:1905 Employees' Retirement System of Jefferson Parish
- R.S. 11:3014 City of Alexandria Employees' Retirement System
- R.S. 11:3051 City of Bogalusa Employees' Retirement System
- R.S. 11:2033 Registrars of Voters

- Employees' Retirement System
- R.S. 11:2182 Sheriffs' Pension and Relief Fund
- R.S. 11:2228 Municipal Police Employees' Retirement System
- R.S. 11:2263 Firefighters Retirement System (See note at end of this list.)
- R. S. 11:3140 Firemen's Pension and Relief Fund for the Consolidated Fire Districts Bastrop
- R. S. 11: 3161 Firemen's Pension and Relief for Baton Rouge
- R. S. 11:3171 Firemen's Pension and Relief Fund for Bogalusa (Some retirees may still get a check from this fund. Active firemen have merged with the Firefighters' Retirement System.)
- R.S. 11:3389 Firefighters' Pension and Relief Fund of New Orleans
- R.S. 11:3513 Policemen's Pension and Relief Fund for City of Monroe
- R.S. 11:3566 Policemen's Pension and Relief Fund for Alexandria
- R.S. 11:3568 Policemen's Pension and Relief Fund for City of Bossier City
- R.S. 11:3608 Policemen's Pension and Relief Fund for City of Lafayette
- R.S. 11:3658 Policemen's Pension and Relief Fund for the Police Department of the City of New Orleans
- R.S. 11:2228 Policemen's Pension and Relief Fund for Lafayette
- R.S. 11:3691 Harbor Police Retirement System (Port of New Orleans)
- R.S. 11:2228 Policemen's Pension and Relief Fund of the City of Shreveport
- R.S. 11:3770 Bus Drivers' Pension and Relief Fund of the City of Monroe
- R.S. 11:3800 Electrical Workers' Pension and Relief Fund of the City of Monroe
- R.S. 11:3823 Employees' Retirement System of the Sewage and Water Board of the City of New Orleans

# Individual Income Tax

- R. S. 17:1613 LSU Retirement System
- R.S. 47:44.2 Railroad Retirement System Benefits
- R.S. 47:44.2 Social Security Retirement Benefits
- R.S. 47:52 Disability Pay to World War II Veterans
- U.S.C.A. 45:231(m) Railroad Retirement Supplemental

**Note:** The Firefighters' Retirement System was established effective January 1, 1980, by R.S. 11:2251 et seq. As of October 1999, all of the local firefighters' retirements systems have merged with this system except the systems for the cities of Baton Rouge and New Orleans. The following information is provided just in case it might be needed.

Firemen's Pension and Relief Fund of:

- R.S. 11:3118 Bogalusa
- R.S. 11:3205 Bossier City
- R.S. 11:3229 Houma
- R.S. 11:3258 Kenner
- R.S. 11:3294 Lafayette
- R.S. 11:3321 Lake Charles
- R.S. 11:3345 Monroe
- R.S. 11:3408 Ouachita
- R.S. 11:3440 Shreveport
- R.S. 11:3470 West Monroe

**Origin:** Various legislation since 1946

**Effective Date:** 1946 and subsequent years

**Beneficiaries:** Retirees of various public retirement systems and individuals receiving social security benefits or railroad retirement payments.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$82,770,000            | \$85,254,000 |

## 4. Federal retirement benefits exclusion

Federal retirement benefits received by federal retirees, both military and nonmilitary, may be excluded from Louisiana taxable income. The purpose of this exclusion is to shelter federal retirement benefits from the income tax.

**Legal Citation:** R.S. 47:44.2  
**Origin:** Acts 1989, No. 812  
**Effective Date:** 1988 and subsequent taxable periods

**Beneficiaries:** Individuals receiving federal retirement income, both military and non-military.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$21,282,000            | \$21,921,000 |

# Individual Income Tax

## 5. Certain compensation paid to military personnel

Compensation of \$30,000 or less paid to a member of the United States armed forces for services performed outside the state will be exempt from income tax. The exemption is for tax periods beginning after December 31, 2002 and ending before January 1, 2005. Such member must be on active duty and the duty must be continuous and uninterrupted for 120 days or more.

**Legal Citation:** R.S. 47:293(6)(e)  
**Origin:** Act 2000, No. 34  
**Effective Date:** January 1, 2001

**Beneficiaries:** Military personnel deriving income outside Louisiana.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,693,500             | \$2,774,000 |

## 6. Exclusion for certain income reported to shareholders of banks organized as S Corporations

An S Bank shareholder may exclude an amount equal to the S Bank shareholder's nontaxable income from Louisiana tax table income. S Bank non-taxable income is defined as the portion of the income reported by an S Bank on Form 1120S Schedule K-1, or equivalent document, which is attributable to the net earnings used to compute the S Bank's shares tax as provided in R.S. 47:1967.

**Legal Citation:** R.S. 47:297.3,  
R.S. 47:300.6  
(B)(2)(d), and  
R.S. 47:300.7  
(C)(2)(c)

**Origin:** Acts 2002, No. 30  
**Effective Date:** Tax periods beginning on or after January 1, 2003

**Beneficiaries:** Individuals, trusts, and estates that are S Bank Shareholders.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$884,000               | \$884,000 |

# Individual Income Tax

---

## 7. Exemption for Resident Estates and Trusts

Resident estates and trusts are allowed to exempt up to \$2,500 of their federal taxable income when calculating their Louisiana taxable income. The \$2,500 exemption includes any exemption allowed under IRC section 642(a).

**Legal Citation:** R.S. 47:300.6(B)(2)(c)  
**Origin:** Acts 2000, No. 40  
**Effective Date:** Taxable periods beginning after December 31, 2000.

**Beneficiaries:** Resident Estates and trusts subject to Louisiana income tax.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect of the exclusion since no data existed at the time of this report.

## Deductions

### 8. Disabled individual home adaptation expense

Individuals with a disability, as described by R.S. 51:2232(11), that is permanent in nature are allowed to deduct from gross income up to \$5,000 of expenses incurred to make necessary adaptations to their home. The disabled individual's gross family income must be \$50,000 or less to qualify for this deduction. The purpose of this deduction is to provide financial relief to individuals for expenses incurred modifying their homes to accommodate disabilities.

**Legal Citations:** R.S. 47:59.1  
**Origin:** Acts 1994, No. 11  
**Effective Date:** June 7, 1994

**Beneficiaries:** Individuals with disabilities who incur qualified home adaptation expenses.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to estimate the fiscal effect. There is no reporting requirement for the data.

# Individual Income Tax

## 9. Dependent exemption/deduction

A \$1,000 deduction from the lowest tax bracket is allowed for each dependent. The purpose of this deduction is to reduce the tax burden for taxpayers with dependents.

**Legal Citations:** R.S. 47:79,  
R.S. 47:294(B)

**Origin:** Acts 1934, No. 21  
Acts 1980, No. 316

**Effective Date:** January 1, 1935

**Beneficiaries:** All individual taxpayers who file a tax return and claim one or more dependents.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$27,931,000            | \$28,770,000 |

## 10. Excess federal itemized deductions

The excess federal itemized deduction has been repealed with the passing of the amendment of La. Const. art. VII, §4(a) and passing of La. Const. art. VII, §2.2 for taxable periods beginning after December 31, 2002 (Acts 2002, No. 51).

Prior to changes made to the Constitution of Louisiana, taxpayers were allowed to deduct a portion of the federal itemized deductions that were in excess of the federal standard deduction. The purpose of this deduction was to shelter a portion of a taxpayer's income from state income tax.

**Legal Citation:** R.S. 47:293

**Origin:** Acts 1980, No. 316;  
Acts 2000, No. 38  
Amended Acts 2002,  
No. 24; Amended Acts  
2002, No. 51

**Effective Date:** Repealed

**Beneficiaries:** Individual taxpayers who itemize their federal deductions.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** This deduction was repealed effective for taxable periods beginning after December 31, 2002.



# Individual Income Tax

## 11. Student Tuition Assistance

Relative to the Student Tuition Assistance and Revenue Trust Program, the amount an owner deposits into an education savings account shall be deducted from taxable income up to a maximum of \$2,400 per taxable year. An individual may designate on his income tax return that any part of his income tax refund be deposited into the fund. Any funds withdrawn from the account to pay expenses other than qualified higher education expense as defined in R.S. 17:3092(10) is included in taxable income. The law was amended in 2001 to allow for the difference between the total deposited, if less than the maximum and \$2,400 to be carried forward to subsequent years.

**Legal Citations:** R.S. 17:3095(A)(1), 17:3098, 47:120.62, and 47:293(6)(a)(vi)  
**Origin:** Acts 2000, No. 45  
 Acts 2001, No. 332  
**Effective Date:** July 1, 2000, for taxable periods after January 1, 2001

**Beneficiaries:** All individuals who deposit funds into a qualified education saving account.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$394,000               | \$405,000 |

## 12. Personal exemption/standard deduction

Taxpayers are allowed a deduction from tax table income. The combined personal exemption/standard deduction is \$4,500 for taxpayers filing single or separate returns and \$9,000 for taxpayers filing joint returns or as head of household and is deducted from the lowest tax bracket. The purpose of this deduction is to shelter a portion of a taxpayer's income from state income tax.

**Legal Citation:** R.S. 47:294(A)  
**Origin:** Acts 1934, No. 21  
**Effective Date:** 1934

**Beneficiaries:** All individual taxpayers who file a tax return.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |                |
|-------------------------|----------------|
| FYE 6-05                | FYE 6-06       |
| \$236,920,000*          | \$244,028,000* |

\* The fiscal effect assumes no restrictions on eliminating this deduction. Assuming that to reduce this deduction below the levels in effect January 1, 1974, would require a constitutional amendment, 58 percent of the fiscal effect should be considered constitutionally protected.

# Individual Income Tax

## Credits

### 13. Net income taxes paid to other states

A credit is allowed for taxes paid to other states. The purpose of this credit is to allow taxpayers to deduct the income tax paid to other states on income also taxed by Louisiana, so as not to subject the taxpayer to double taxation.

**Legal Citation:** R.S. 47:33  
**Origin:** Acts 1946, No. 203  
**Effective date:** 1946

**Beneficiaries:** Louisiana resident individuals who derive taxable income from other states.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$33,689,500            | \$34,700,000 |

### 14. Contribution of tangible personal property of a sophisticated and technological nature to educational institutions

A credit is allowed for contributions of tangible personal property of a sophisticated and technological nature to educational institutions. The credit allowed is 40 percent of the property's value, or, in the case of sales below cost, 40 percent of the difference between the price received and the property's value, subject to the limitations prescribed in the statute. The purpose of this credit is to allow a tax credit to corporations, persons, estates, and trusts that donate, sell below cost, or contribute properties of a sophisticated and technological nature to educational institutions in the state of Louisiana.

**Legal Citation:** R.S. 47:37  
R.S. 47:287.755  
**Origin:** Acts 1983, No. 667  
**Effective Date:** January 1, 1984

**Beneficiaries:** Educational institutions, students, teachers, the state as a whole, donors who make a contribution of equipment.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$642,000               | \$661,000 |

# Individual Income Tax

## 15. Certain disabilities

A credit of \$100 is allowed for taxpayers, spouses, or dependents who are blind, deaf, mentally incapacitated, or have lost the use of a limb. The purpose of this credit is to reduce the tax burden for persons with certain disabilities.

**Legal Citation:** R.S. 47:297(A)  
**Origin:** Acts 1980, No. 316  
**Effective Date:** Taxable periods beginning after December 31, 1979

**Beneficiaries:** Individual taxpayers with certain disabilities.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,682,000             | \$1,732,000 |

## 16. Special allowable credits

A credit is allowed for ten percent of the amount of certain federal income tax credits. Beginning in 1975, the use of federal tax as an entry into state tax tables gave taxpayers benefit of the following credits:

- credit for contributions to candidates for public office
- credit for the elderly
- credit for child and dependent care expenses
- investment credit
- foreign tax credit
- work incentive credit
- jobs credit
- residential energy credit

In 1980, the method was changed to use federal adjusted gross income to calculate the amount of tax due. Because the change eliminated federal tax credits, this provision was enacted. Beginning in 1986, the credit was limited to \$25. The purpose of this credit is to allow some of the federal credits to also be applied against the state tax liability.

**Legal Citation:** R.S. 47:297(B)  
**Origin:** Acts 1980, No. 316  
**Effective Date:** Taxable periods beginning after December 31, 1979

**Beneficiaries:** Individual taxpayers who are entitled to certain federal credits.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$245,000               | \$253,000 |

# Individual Income Tax

## 17. Education

A credit of \$25 is allowed for each qualified dependent child who was in school in kindergarten through twelfth grade at least part of the year. This credit enacted in 1980, was suspended beginning with the tax year 1986 through tax year 1995. The purpose of this credit is to assist taxpayers with education expenses. The credit was suspended by Act 38 of the 2000 legislative session for the taxable years beginning after December 31, 1999, and before January 1, 2002. Acts 2002, No. 25 suspended the credit for tax years beginning on or after January 1, 2000, and prior to January 1, 2006.

**Legal Citation:** R.S. 47:297(D)  
**Origin:** Acts 1980, No. 316;  
Acts 2000, No. 38;  
Acts 2002, No. 25

**Effective Date:** Taxable periods beginning after December 31, 1979. Suspended for taxable periods January 1, 2000 through December 31, 2006

**Beneficiaries:** Individual taxpayers with school age dependent children.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** This tax credit is suspended through tax periods ending before January 1, 2006.

## 18. Inventory tax/Ad valorem tax

A refundable tax credit is allowed for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers.

Act 59 of the 1994 Third Extraordinary Session added R.S. 47:6006.1 to provide for a refundable tax credit against income and corporation franchise taxes for ad valorem taxes paid on vessels in Outer Continental Shelf Lands Act Waters. Also, Act 28 of the 1994 Regular Session amended R.S. 47:6006 to provide that this credit is not allowed for ad valorem taxes that have been collected from the persons to whom the inventory has been sold. The purpose of this credit is to provide a tax offset for inventory taxes paid to local authorities.

**Legal Citation:** R.S. 47:6006  
R.S. 47:6006.1

**Origin:** Acts 1991, No. 153  
**Effective date:** July 1, 1992

**Beneficiaries:** All corporations paying ad valorem taxes on inventory benefit from this credit, which will help to promote economic development.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The estimated fiscal effect of the inventory tax credit is shown in the listing of exemptions for corporation income tax and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

# Individual Income Tax

---

## 19. Property taxes paid by certain telephone companies

A credit is allowed for 40 percent of the total ad valorem taxes paid to Louisiana political subdivisions by telephone companies on their public service properties.

**Statutory Citation:** R.S. 47:6014  
**Origin:** Acts 2000, No. 22  
**Effective Date:** Tax years after  
December 31, 2000

**Beneficiaries:** Telephone companies in an amount equal to 40 percent of ad valorem taxes paid to political subdivisions for public service properties.

**Administration:** The purpose of the credit is achieved in a fiscally effective manner.

**Estimated Effect:** The estimated fiscal effect of the property taxes paid by certain telephone companies is shown in the listing of exemptions for corporation income tax and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

## Other Credits

## 20. Credit for purchases from Prison Industry Enhancement Contractors

A tax credit is allowed for the state sales and use taxes paid on purchases of specialty apparel items from a Private Sector Prison Industry Enhancement (PIE) contractor.

PIE contractors use inmate labor to produce items for sale and then pay 30 percent of the salary paid to the inmates back to the state.

**Legal Citation:** R.S. 47:6018  
**Origin:** Acts 2002, No. 32  
**Effective Date:** Tax becoming due  
after December 31,  
2002

**Beneficiaries:** Private Sector Prison Industry Enhancement contractor.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Effect:** The estimated fiscal effect of the credit for purchases from prison industry enhancement contractors is shown in the listing of exemptions for corporation income tax and includes the total revenue loss for individual income tax and corporation income and franchise taxes.

# Individual Income Tax

## 21. Low-income housing

A credit is allowed for providers of certain low-income housing. The credit is computed in accordance with the provisions of Section 42 of the 1986 Internal Revenue Code as modified by Act 972 of the 1990 Legislative Session. The purpose of this credit is to ensure the availability of low-income housing.

**Legal Citation:** R.S. 47:12  
**Origin:** Acts 1990, No. 1033  
**Effective Date:** July 1, 1990

**Beneficiaries:** Individuals who invest in low-income housing and tenants of low-income housing.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to separately estimate the fiscal effect for credits 21-48. The Department's tax data combines these credits on the tax return. The following estimates reflect the combined revenue loss of these credits:

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$18,675,500            | \$19,236,000 |

## 22. Louisiana capital companies tax credit

A credit is allowed to those persons, either natural or artificial, who invest in a certified Louisiana capital company. The purpose of this credit is to encourage investments in Louisiana capital companies.

**Legal Citations:** R.S. 51:1921-1931  
**Origin:** Acts 1983, No. 642  
**Effective Date:** July 20, 1983

**Beneficiaries:** Small business and minority-owned businesses needing an infusion of capital.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

---

## 23. Cash donations to the Dedicated Research Investment Fund

A credit is allowed to persons or corporations who donate \$200,000 or more to the Dedicated Research Investment Fund. The purpose of this credit is to encourage donations to the Dedicated Research Investment Fund.

**Legal Citation:** R.S. 51:2204  
**Origin:** Acts 1987, No. 300  
**Effective Date:** July 5, 1987

**Beneficiaries:** Qualifying research institutions.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 24. Employment of the previously unemployed

A credit is allowed for employment of each previously unemployed person in a qualified newly created full-time job. The credit is \$750 for each qualified new job and employee and is allowed during the taxable period that the employee has completed one year of full-time service with the employer. The credit is in lieu of other job tax credits provided for in the law. The purpose of this credit is to encourage creation of new jobs, which will provide job opportunities for the unemployed.

**Legal Citation:** R.S. 47:6004  
**Origin:** Acts 1989, No. 636  
**Effective Date:** Taxable periods beginning on or after July 1, 1990

**Beneficiaries:** Corporations that hire the previously unemployed in a newly created full-time job and the state as a whole benefits because these individuals are now employed and productive.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

---

## 25. Alternative-fuel usage

A credit is allowed for converting vehicles to certain alternative fuel usage or for the purchase of vehicles that use certain alternative fuels. The amount of the credit is 20 percent of the cost of qualified clean-burning motor vehicle fuel property. If the vehicle is purchased with the property installed by the manufacturer, then the tax credit is the lesser of 20 percent or 10 percent of the cost of the motor vehicle or \$1,500. The purpose of this credit is to encourage the use of alternative fuels.

**Legal Citation:** R.S. 47:38  
**Origin:** Acts 1991, No. 1060  
**Effective Date:** January 1, 1991

**Beneficiaries:** The general public benefits from this credit as the result of a cleaner environment.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 26. Small-town doctors

A credit is allowed for qualified doctors affiliated with a small-town hospital, for the lesser of the tax due or \$5,000 per taxable year up to a maximum of five years. The purpose of this credit is to encourage doctors to locate in small towns.

**Legal Citation:** R.S. 47:297(H)  
**Origin:** Acts 1991, No. 1059  
**Effective Date:** January 1, 1991

**Beneficiaries:** Doctors who locate in small towns and the hospitals, residents, and patients.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.



# Individual Income Tax

## 27. Investment losses in certain film productions

This credit, which is only available to taxpayers domiciled in Louisiana, is for 50 to 67 percent of an investor's film production loss before July 1, 2002 or 10 to 15 percent of an investor's investment in a film production after July 1, 2002, depending on the level of investment.

A minimum investment in a "state-certified production" is required to qualify for the credit. The Louisiana Film and Video Commission and the Department of Economic Development must certify that the production is being produced by a motion picture production company domiciled and headquartered in the state and there is a distribution agreement with either a major theatrical exhibitor, television network, or cable television programmer. This certification is provided to the investors and the Department of Revenue.

This tax credit, is based on a percentage of the investor loss or the investment in the production as follows:

### January 1, 1993, through June 30, 2002:

- Investments \$2 million but less than \$10 million—50 percent of loss.
- Investments \$10 million but less than \$25 million—60 percent of loss.
- Investments \$25 million and more—67 percent of loss.

### July 1, 2002, through December 31, 2003:

- Investments \$300,000 but less than \$1 million—10 percent of investment.
- Investments \$1 million and more—15 percent of investment.

### On or after January 1, 2004

- Investments \$300,000 but less than \$8 million – 10 percent of investment.
- Investments \$8 million and more – 15 percent of investment

The purpose of this credit is to encourage film production in Louisiana

**Legal Citation:** R.S. 47:6007  
**Origin:** Acts 1992, No. 894  
Amended by Acts  
2002 1<sup>st</sup> Ex. Sess.,  
No. 6; Acts 2003,  
No. 1240;  
Acts 2004 1<sup>st</sup> Ex.  
Sess., No. 7

**Effective Date:** Taxable periods  
beginning on or after  
January 1, 1993

**Beneficiaries:** Investors in state-certified  
motion picture productions

**Administration:** The purpose of this credit  
is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

## 28. Louisiana basic-skills training

Corporations are allowed a credit of \$250 per qualified employee who participates in a basic-skills training program at an accredited school. The credit cannot exceed \$30,000 for any single business in a particular year. Basic-skills training means any employer-paid training for qualified employees that enhances the employees' reading, writing, or mathematical skills to at least a 12-grade level. The purpose of this credit is to encourage corporations to provide basic-skills training, which will result in a more educated work force.

**Legal Citation:** R.S. 47:6009  
**Origin:** Acts 1992, No. 1098  
**Effective Date:** July 1, 1993

**Beneficiaries:** Individuals benefit from this credit by enabling them to bring their reading, writing, and mathematical skills to at least a twelfth-grade level. A better educated employee will be an asset to employers and the state.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 29. Gasoline and special fuels taxes

A credit is allowed for gasoline and special fuels taxes paid for operating or propelling any commercial fishing boat, if a refund of the taxes has not been received pursuant to R.S. 47:802.2 and R.S. 47:1681. The purpose of this credit is to allow taxpayers additional time to obtain a refund of the taxes since under R.S. 47:802.2 and R.S. 47:1681 the refund application period is only six months.

**Legal Citation:** R.S. 47:297(C)  
**Origin:** Act 1993, No. 164  
**Effective Date:** For taxable years beginning after December 31, 1992

**Beneficiaries:** Licensed commercial fishermen.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible since most taxpayers receive the credit under R.S. 47:802.2 and R.S. 47:1681. See number 21.

# Individual Income Tax

## 30. Educational expenses incurred for degree related to law enforcement

A credit is allowed certain law enforcement officers and employees of the Department of Public Safety and Corrections for certain educational expenses incurred in pursuit of an undergraduate degree related to law enforcement. The amount of credit allowed in a tax year is equal to the lesser of the tax due, the amount of the qualifying educational expenses, or \$750.

**Legal Citation:** R.S. 47:297(J)  
**Origin:** Acts 1994, No. 23  
**Effective Date:** Taxable periods beginning on or after January 1, 1995

**Beneficiaries:** Employees and law enforcement officers pursuing such a degree.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 31. Employment of certain first-time drug offenders

A credit of \$200 per employee per year for a maximum of two years is allowed for employing certain first-time drug offenders. The offender must have successfully completed a court-ordered drug treatment rehabilitation program, be less than 25 years old at the time of initial employment, and have worked 180 full days. The purpose of this credit is to encourage employment to first-time drug offenders who complete a drug rehabilitation program.

**Legal Citations:** R.S. 47:287.34  
R.S. 47:287.752  
R.S. 47:297(K)

**Origin:** Acts 1994, No. 104

**Effective Date:** Taxable periods beginning on or after January 1, 1994

**Beneficiaries:** First-time drug offenders who are employed by businesses that receive the credit and the companies and individuals who employ them.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

---

## 32. Bone-marrow donor expenses

A credit is allowed for bone-marrow donor expenses incurred by an employer. The amount of the credit is 25 percent of certain expenses paid or incurred during the tax year by an employer to provide a program for employees who are potential or who actually become bone-marrow donors. The purpose of this credit is to encourage bone-marrow donation.

**Legal Citation:** R.S. 47:297(I)  
**Origin:** Acts 1992, No. 206  
**Effective Date:** August 21, 1992

**Beneficiaries:** Individuals who may need a bone-marrow transplant.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 33. Purchase of bulletproof vest

A credit for the purchase of bulletproof vest by qualified law enforcement officers and certain employees of the Department of Public Safety and Corrections is allowed. The credit allowed is for the purchase price of the vest or \$100, whichever is less. Only one credit is allowed for the five-year period beginning with the purchase of the vest.

**Legal Citation:** R.S. 47:297(L)  
**Origin:** Acts 1998, No. 20  
**Effective date:** Taxable periods beginning after December 31, 1997

**Beneficiaries:** Law enforcement officers and certain employees of the Department of Public Safety and Corrections benefit from this credit.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

---

## 34. Donations to assist qualified playgrounds

A credit is allowed for donations to assist qualified playgrounds in certain economically depressed areas. The credit shall be an amount equal to the lesser of \$1,000 or 1/2 of the value of the donation. The purpose of this credit is to encourage donations to qualified playgrounds.

**Legal Citation:** R.S. 47:6008  
**Origin:** Acts 1992, No. 898  
**Effective Date:** Tax periods beginning after December 31, 1992

**Beneficiaries:** The people living in economically depressed areas benefit from this credit by an improved quality of life.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 35. Employment-related expense for maintaining household for certain disabled dependents

A credit is allowed for persons maintaining a household that includes dependents who are physically or mentally disabled. The credit is equal to the applicable percentage of employment related expense allowable pursuant to Section 21 of the Internal Revenue Code. Unused credits are carried forward. The purpose of this credit is to provide some relief to taxpayers who incur such extraordinary expenses.

**Legal Citation:** R.S. 47:297.2  
**Origin:** Acts 1996, No. 27  
**Effective Date:** Taxable periods beginning after December 31, 1996

**Beneficiaries:** Individuals who qualify for credit benefit from this credit.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

## 36. Family responsibility

A credit is allowed for 33.33 percent of the amount a taxpayer contributed in a program of voluntary family responsibility developed and implemented by the Department of Health and Human Resources. The credit is limited to \$200 per year. The purpose of this credit is to encourage individuals to donate money to the Family Responsibility Program.

**Legal Citations:** R.S. 47:297(F)  
R.S. 46:449  
**Origin:** Acts 1983, No. 672  
**Effective Date:** Taxable periods  
beginning after  
December 31, 1982

**Beneficiaries:** Persons receiving intermediate or skilled nursing care in the state with insufficient income and resources to meet the costs of the care.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 37. Employment in a qualified motion picture production

A credit is allowed for qualified motion picture production companies for employment of Louisiana residents in the production of a qualified motion picture. The credit allowed is 10 percent of the total payroll for residents employed in the production if the total qualified payroll is \$300,000 or more during the taxable year or 20 percent if the total qualified payroll is \$1 million or more during the taxable year.

**Legal Citation:** R.S. 47:1125.1  
**Origin:** Acts 2002,  
1<sup>st</sup> Ex. Sess., No. 6  
**Effective date:** July 1, 2002  
**Sunset date:** June 30, 2006

**Beneficiaries:** Qualified production companies and Louisiana residents employed by such companies.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See Motion Picture Incentive, Tax Exemption Contract Section, page 323.

# Individual Income Tax

## 38. Purchase of qualified recycling equipment

A credit is allowed for the purchase of qualified recycling equipment. The purchase must be made between September 1, 1991, and December 31, 2000. The amount of the tax credit is computed at 20 percent of the cost of the equipment less other tax credits received for the purchase of the equipment. The net credit is limited to 50 percent of the income tax liability. The purpose of this credit is to encourage the purchase and use of certain recycling equipment.

**Legal Citation:** R.S. 47:6005

**Origin:** Acts 1991, Nos. 359 and 1052

**Effective Date:** Taxable periods beginning on or after January 1, 1991

**Sunset Date:** December 31, 2000  
However, unused credits may be carried forward until credit is exhausted or the equipment is sold.

**Beneficiaries:** The general public benefits from this credit as the result of a cleaner environment.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 39. Alcohol and other substance abuse programs for employees

A credit is allowed of five percent of the qualified treatment expenses for alcohol and substance abuse paid or incurred by an employer on behalf of his employees in connection with an alcohol and substance abuse program. No deduction is allowed in computing taxable income for expenses that are taken into account in determining the amount of such credit or for drug testing. The purpose of this credit is to promote a drug-free work environment, which should increase safety and productivity.

**Legal Citation:** R.S. 47:6010

**Origin:** Acts 1994, No. 33

**Effective Date:** Taxable years beginning on or after January 1, 1994

**Beneficiaries:** Individuals who take advantage of such company funded programs and the companies that provide the programs and receive the benefits of a drug-free work force.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

## 40. Donations of property to certain offices and agencies

A credit is allowed for 50 percent of the value of historical property donated to the Old State Capitol, the State Capitol Complex, and the State Archives. The amount of the credit in any year is limited to 50 percent of the donor's tax liability. Unused credits may be carried over to subsequent years. The maximum amount of credit that may be granted in the aggregate in any single year is \$70,000. The purpose of this credit is to encourage donations to certain state agencies property with historical value. This serves to preserve such property for future generations.

**Legal Citation:** R. S. 47:6011  
**Origin:** Acts 1996, No. 10  
**Effective Date:** August 1, 1996  
**Sunset Date:** June 30, 2000  
However, unused credits may be carried forward until the full credit has been used.

**Beneficiaries:** Individuals who make such donations.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 41. Donations of material, equipment, or instructors made to certain training providers

A credit is allowed for donations of materials, equipment, or instructors made to training providers vocational/technical schools, apprenticeship programs registered with the Louisiana Department of Labor, or community colleges within the state. The credit is for one-half the value of the materials, equipment, or services donated. The tax credit when combined with other tax credits cannot exceed 20 percent of the employer's tax liability for any taxable year.

**Legal Citation:** R.S. 47:6012  
**Origin:** Acts 1998, No. 30.  
Amended By Acts  
2002, No.11  
**Effective date:** June 24, 1998  
**Sunset date:** December 31, 2000

**Reestablished:** August 15, 2002 for taxable periods beginning after December 31, 2002.

**Beneficiaries:** Individuals who take the tax credit and the citizens of the state that benefit from better equipped training facilities.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.



# Individual Income Tax

## 42. Credit for Rehabilitation of Historic Structures

A tax credit is allowed for the eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development district. The credit is 25 percent of the cost and expenses up to \$250,000 per structure.

This credit is effective for the period July 1, 2002, through December 31, 2007.

**Legal Citation:** R.S. 47:6019  
**Origin:** Acts 2002, No. 60  
**Effective Date:** Effective for the period July 1, 2002 through December 31, 2007

**Sunset Date:** December 31, 2007; However, there is a five-year carryforward of unused credits.

**Beneficiaries:** Individuals or businesses rehabilitating a qualified historic structure.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 43. New Markets Credit

A tax credit is allowed for investments in qualified low-income community development entities (CDEs). The total tax credits that may be allowed for all taxpayers during any taxable year cannot exceed \$5 million. Before claiming the tax credit, investors must make application to the Department and the credits will be allocated on a first-come, first-served basis.

Investors are eligible for the tax credit if the Community Development Entity (CDE) has made qualified low-income community investments and no more than 25 percent of their investments in low-income communities are in the form of loans. Also, qualified low-income community investments cannot consist of investments secured by any state or federal governmental entity.

This credit is effective for tax years beginning on or after September 1, 2002 and is null and void on August 31, 2006.

Unused credits can be carried over to succeeding years until used.

**Legal Citation:** R.S. 47:6016  
**Origin:** Acts 2002, No. 66  
**Effective Date:** For tax years beginning on or after September 1, 2002

**Sunset Date:** August 31, 2006

**Beneficiaries:** Private sector capital investors investing in certain low-income community investments.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

## 44. Atchafalaya Trace Heritage Area Development Zone Tax Exemption

The Board of Commerce and Industry, after receiving approval from the review board consisting of the secretaries of the Department of Revenue and the Department of Culture, Recreation and Tourism, chairmen of the Atchafalaya Trace Heritage Area Commission, House Committee on Ways and Means, and Senate Revenue and Fiscal Affairs Committee and the executive director of the Atchafalaya Trace Commission, with the approval of the governor, may enter into contracts with heritage-based cottage industry concerns located in the development zone to grant tax credits to promote economic development and the creation of new jobs.

The credits that may be granted are:

- a \$750 credit for the business, and
- a \$750 credit for each new development zone resident employee.

The tax credit contract is for five years. The development zone covers the 13 parishes of St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

**Legal Citation:** R.S. 25:1226.4  
**Origin:** Acts 2002,  
1<sup>st</sup> Ex. Sess., No. 112  
**Effective Date:** January 1, 2003  
**Sunset Date:** No new applications to receive tax exemptions or credits will be accepted on or after January 1, 2007.

**Beneficiaries:** Heritage-based cottage industry located in the development zone.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 45. Research and Development Credit

The Department of Economic Development (DED) may approve a credit to qualifying taxpayers in an amount equal to eight percent of the state's apportioned share of the taxpayer's expenditures for increasing research activities, or 25 percent of the state's apportioned share of eligible expenditures if the taxpayer claims the alternative incremental tax credit pursuant to 26 U.S.C.A. §41. DED may also approve an additional one-time credit to taxpayers who receive Small Business Innovation Research Grants for eight percent of the award.

The credit is phased-in as follows:

- 25 percent of the credit is allowed for the period January 1, 2003, through December 31, 2003,
- 50 percent of the credit is allowed for the period January 1, 2004, through December 31, 2004,
- 75 percent of the credit is allowed for the period January 1, 2005, through December 31, 2005,
- 100 percent of the credit is allowed for the period beginning after December 31, 2005.

This credit is effective for income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Legal Citation:** R.S. 47:6015  
**Origin:** Acts 2002,  
1<sup>st</sup> Ex. Sess., No. 9  
**Effective Date:** For income tax years beginning after December 31, 2002 and franchise tax years beginning after December 31, 2003.

**Beneficiaries:** Qualifying Taxpayers increasing research activities in Louisiana

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

# Individual Income Tax

## 46. Technology Commercialization Credit

This credit, which is administered by the Department of Economic Development, is 15 percent of the investment in machinery and equipment and all expenditures associated with obtaining the rights to use or the use of technology, including fees related to patents, copyrights, and licenses. To qualify for the credit, an individual or business must invest in the commercialization of Louisiana technology in Louisiana.

This credit is effective for income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Legal Citation:** R.S. 51:2354  
**Origin:** Acts 2002,  
 1<sup>st</sup> Ex. Sess., No. 8

**Effective Date:** Income tax years beginning after December 31, 2002, and franchise tax years beginning after December 31, 2003.

**Sunset Date:** December 31, 2006, however, there is a 20-year carryforward of unused credit.

**Beneficiaries:** Qualifying individuals or businesses that invest in the commercialization of Louisiana technology.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 47. Credit for Certain Child Care Expenses

Taxpayers are allowed a credit for a percentage of the federal child and dependent care credit taken on a resident's federal income tax return. If a federal credit was not taken because of the alternative minimum tax, then no state credit is allowed because the Louisiana credit is based on the credits taken on the federal return.

The state child care tax credit is allowed as follows:

| Federal Adjusted Gross Income | Percent of Federal Credit |
|-------------------------------|---------------------------|
| \$25,000 or less              | 50%                       |
| \$25,001 to \$35,000          | 30%                       |
| \$35,001 to \$60,000          | 10%                       |
| Over \$60,000                 | Lesser of \$25 or 10%     |

**Legal Citation:** R.S. 47:297.4  
**Origin:** Acts 2002, No. 25  
**Effective Date:** Taxable periods beginning on or after January 1, 2003

**Beneficiaries:** Individual taxpayers who are claiming a child and dependent care credit on their federal income tax return.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$6,567,000             | \$6,764,000 |

# Individual Income Tax

## 48. Credit for Debt Issuance Costs

An economic development corporation is allowed a credit equal to the filing fee paid to the Louisiana Bond Commission for the preparation and issuance of bonds.

The credit shall be taken as a credit against the applicable tax or taxes in the taxable period in which the expenses were incurred, not to exceed the total tax liability for that taxable year.

**Legal Citation:** R.S. 47:6017  
**Origin:** Acts 2002, No. 78  
**Effective Date:** June 25, 2002

**Beneficiaries:** Economic development corporations

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 21.

## 49. Long-Term Care Insurance Premiums Credit

An individual who purchases a federally qualifying long-term care insurance policy is allowed a tax credit for 10 percent of the total amount of premiums paid annually. Taxpayers applying for the credit must complete a form prescribed by the department.

For the premiums to qualify for the credit, the long-term care insurance policy must:

- be approved by the commissioner of insurance for sale in Louisiana.
- comply with the requirements of Part VI of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950.
- qualify for the federal credit as a long-term care insurance contract as defined in Section 7702(B)(6) of the Internal Revenue Code of 1986.

**Legal Citation:** R.S. 47:297(M)  
**Origin:** Acts 2002, No. 54  
**Effective Date:** The credit becomes effective if and when the legislature enacts a special fund to finance the credit.

**Beneficiaries:** Individuals who purchase a federally qualifying long-term care insurance policy.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The legislature has not created the fund to finance the credit.

# Individual Income Tax

---

## Exemption also required by the state constitution

### 50. Federal income tax deduction

A deduction is allowed for federal income tax on income that Louisiana income tax is paid. The purpose of this deduction is to shelter from taxation the portion of a taxpayer's income that represents federal income taxes paid.

**Legal Citations:** La. Const., art. VII,  
Part I, § 4(A)  
R.S. 47:293(5),  
R.S. 47:293(6)

**Origin:** Constitution

**Effective Date:** 1974

**Beneficiaries:** All individual taxpayers who file a tax return and have paid federal income tax.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$442,625,000           | \$455,905,000 |

# **Inheritance Tax Exemptions**

# Inheritance Tax Index of Exemptions

| Exemptions  | Legal Citations    | Page |
|---|--------------------|------|
| <b>Exemptions</b>   |                    |      |
| 1. Direct descendants by blood or affinity  | R.S. 47:2402(1)    | 162  |
| 2. Surviving spouse   | R.S. 47:2402(1)(e) | 162  |
| 3. Collateral relations \$1,000 exemption   | R.S. 47:2402(2)    | 163  |
| 4. Strangers or nonrelated persons<br>\$500 exemption   | R.S. 47:2402(3)    | 163  |
| 5. Bequests to charitable, religious, or educational<br>institutions in Louisiana                               | R.S. 47:2402(4)    | 164  |
| 6. Bequests to the state, incorporated<br>municipalities, or political subdivisions<br>for exclusive public use | R.S. 47:2402(5)    | 164  |
| 7. Bequests to out-of-state charitable, religious,<br>or educational institutions                               | R.S. 47:2402(6)    | 165  |
| <b>Exclusions</b>   |                    |      |
| 8. Proceeds of life insurance   | R.S. 47:2402(C)    | 165  |
| 9. Qualified retirement or pension plans  | R.S. 47:2402(C)    | 166  |

# Inheritance Tax

---

## Introduction

Louisiana became the second state to adopt a death duty in 1828 when Act 95 was enacted imposing an inheritance tax. Acts 1921, No. 127, authorized by the 1921 Louisiana Constitution (now Article 7, Section 4, of the 1974 Constitution) provides for graduated, classified or progressive taxes on inheritances, legacies, and gifts made in contemplation of death subject to certain limits and exemptions. Exemptions are provided for under R.S. 47:2402 and exclusions are found under R.S. 47:2404(C).

The Department of Revenue assumed responsibility for the administration and collection of the tax on January 1, 1974. Prior to that time, inheritance taxes were administered and collected locally. In each parish, except Orleans, the Sheriff was designated as the ex-officio inheritance tax collector for the State and an attorney was appointed to assist him. In Orleans Parish, the Clerk of Court was the inheritance tax collector.

Acts 1982, No. 874 provided for an annual increase in the value of the inheritance, legacy, donation, or gift made in contemplation of death that would be exempt from taxation when made to direct descendants by blood or affinity, ascendants, or surviving spouse. By 1987, the value to be excluded from taxation for direct descendants by blood or affinity, ascendants or surviving spouse was \$25,000. Act 874 also provided that occurring during calendar year 1992 and thereafter, the total amount or value of the inheritance, legacy, donation or gift in contemplation of death to a surviving spouse was exempt from taxation.

Acts 1997, No. 818 provided for the phase out of the inheritance tax over seven years.

## Legal Citations

R.S. 47:2401 through 47:2425

## Tax Base

The tax base for Louisiana inheritance tax consists of all property of every nature and kind included or embraced in every inheritance, legacy, or donation or gift made in contemplation of death. With regard to residents, the tax base includes all immovable property located within Louisiana and all movable property, tangible or intangible, wherever situated. With regard to nonresidents, the tax base includes immovable property located within Louisiana and only tangible movable property domiciled in Louisiana.

## Tax Rates

The tax rates are graduated and progressive based upon the relationship of heirs and legatees to the decedent. The classifications of heirs and legatees and the respective tax rates are as follows:

### Classification of Heirs/Legatees

- Direct descendants by blood or affinity, ascendants, or surviving spouse—2 percent of the actual value of the first \$20,000 taxable, plus 3 percent of the actual value in excess of \$20,000
- Collaterals (including brothers or sisters by affinity and their descendants)—5 percent of the actual value on the first \$20,000 taxable, plus 7 percent of the actual value in excess of \$20,000
- Strangers or nonrelated persons—5 percent of the actual value of the first \$5,000 taxable, plus 10 percent of the actual value in excess of \$5,000



# Inheritance Tax

---

Effective July 1, 1998, Acts 1997, No. 818, provided for the tax rates to be reduced as follows:

1. for deaths occurring after June 30, 1998, and before July 1, 2001, the tax rates are reduced by 18 percent;
2. for deaths occurring after June 30, 2001, and before July 1, 2002, the tax rates are reduced by 40 percent;
3. for deaths occurring after June 30, 2002, and before July 1, 2003, the tax rates are reduced by 60 percent;
4. for deaths occurring after June 30, 2003, the tax rates are reduced by 80 percent; and,
5. for deaths occurring after June 30, 2004, no tax shall be levied when a judgment of possession is rendered or when a succession is judicially opened no later than the last day of the ninth month following the death of a decedent.

## Types of Tax Exemptions

The Louisiana inheritance tax law provides for tax exemptions under R.S. 47:2402 and exclusions under R.S. 47:2404(C). Exemptions are those amounts or values of an inheritance, legacy, donation, or gift made in contemplation of death that would be included in the tax base, but have been specifically exempted from the tax. Exclusions are items of property that have been excluded from the tax base.

## Significant Changes Fiscal Year 2003-2004

Acts 2004, No. 42 amended R.S. 6:312(A) and 765(B) and repealed R.S. 6:325(E) and 768(E) deleting the requirement that banks and saving and loan association that have been notified of the death of an account holder report payments from the account to the Department of Revenue and the requirement that the Department of Revenue approve the transfer of safety box contents after the state inheritance tax has been paid. Effective August 15, 2004.

Acts 2004, No. 884 amended Code of Civil Procedure Articles 2951(A)(1) and 2953 and R.S. 47:2401(B); enacted Code of Civil Procedure Article 2951(C) and R.S. 47:2426; and repealed Code of Civil Procedure Article 2953 as amended by Act No. 560 of the 1972 Regular Session. The requirements were removed in the Code of Civil Procedure for obtaining proof that inheritance tax had been paid in the case where a judgment of possession had been rendered or the succession was judicially opened no later than the last day of the ninth month following the death unless a federal estate tax return is required or, with respect to a revocable inter vivos trust, a trust declaration is filed with the Department of Revenue. The Act also provided at R.S. 47:2401(B) that inheritance tax does not apply with respect to a revocable inter vivos trust in which a succession has been judicially opened no later than the last day of the ninth month following the death of the decedent. Effective for deaths occurring after June 30, 2004.

# Inheritance Tax

## Exemptions

### 1. Direct descendants by blood or affinity, ascendants, or surviving spouses (prior to 1992) of decedent

This exemption allows descendants by blood or affinity, ascendants, or surviving spouses (for death's prior to 1992) of a decedent to inherit an initial amount tax exempt. Based upon the time of death, the exemption is as follows:

#### Deaths in Calendar Year

|                      |               |
|----------------------|---------------|
| 1983 and prior years | \$5,000 each  |
| 1984                 | \$10,000 each |
| 1985                 | \$15,000 each |
| 1986                 | \$20,000 each |
| 1987 and thereafter  | \$25,000 each |

The purpose of this exemption is to exempt the initial amount inherited.

**Legal Citation:** R.S. 47:2402(1)  
**Origin:** Acts 1982, No. 874  
**Effective Date:** January 1, 1984

**Beneficiaries:** Direct descendants by blood or affinity, ascendants, and surviving spouses of decedents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$680,000               | \$136,000 |

### 2. Surviving spouse

This exemption allows the surviving spouse of a decedent who dies in 1992 or thereafter to inherit an unlimited amount tax free. Although the exemption was passed in 1987, it did not become effective until 1992. The purpose of this exemption is to provide a total exemption for the property inherited by the surviving spouse of the deceased.

**Legal Citation:** R.S. 47:2402(1)(e)  
**Origin:** Acts 1987, No. 236  
**Effective Date:** January 1, 1992

**Beneficiaries:** Surviving spouses of decedents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$181,200               | \$36,200 |

# Inheritance Tax

**3. \$1,000 exemption for collateral relations (including brothers or sisters by affinity and their descendants)**

This exemption allows collateral relations (i.e. brothers or sisters) of a descendant (including brothers-in-law or sisters-in-law and their descendants) to inherit up to \$1,000 tax free. The purpose of this exemption is to exempt the first \$1,000 inherited by collateral relations.

**Legal Citation:** R.S. 47:2402(2)  
**Origin:** Acts 1921, Ex. Sess., No. 127  
**Effective Date:** November 19, 1921

**Beneficiaries:** Collateral relations of decedents.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$106,000               | \$21,200 |

**4. Strangers or nonrelated persons; \$500 exemption**

This exemption allows persons and certain entities not related to a decedent to inherit up to \$500 tax free. The purpose of this exemption is to exempt the first \$500 inherited by strangers or nonrelated persons.

**Legal Citation:** R.S. 47:2402(3)  
**Origin:** Acts 1921, Ex. Sess., No. 127  
**Effective Date:** November 19, 1921

**Beneficiaries:** Any nonrelated legatees of a decedent.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$17,000                | \$3,400  |

# Inheritance Tax

**5. Bequests to charitable, religious, or educational institutions in Louisiana**

This exemption allows legacies and donations to charitable, religious, and educational institutions located in Louisiana to be exempt from inheritance tax. The purpose of this exemption is to exempt all bequests to charitable, religious, or educational institutions located in Louisiana.

**Legal Citation:** R.S. 47:2402(4)  
**Origin:** Acts 1921, Ex. Sess., No. 127  
**Effective Date:** November 19, 1921

**Beneficiaries:** Any charitable, religious, or educational institutions that are legatees of a decedent.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$180,000               | \$36,000 |

**6. Bequests to the state, incorporated municipalities, or political subdivisions for exclusive public use**

This exemption allows legacies and donations to the state of Louisiana, incorporated municipalities, or political subdivisions to be exempt from tax. The purpose of this exemption is to exempt all bequests, for exclusive public use, to the state of Louisiana, incorporated municipalities, or any political subdivision thereof.

**Legal Citation:** R.S. 47:2402(5)  
**Origin:** Acts 1972, No. 543  
**Effective Date:** July 12, 1972

**Beneficiaries:** The state of Louisiana, any incorporated municipality, or other political subdivision named as a legatee of a decedent.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$48,000                | \$9,000  |

# Inheritance Tax

## 7. Bequests to out-of-state charitable, religious, or educational institutions

This exemption allows charitable, religious, or educational institutions located in other states or territories of the United States to receive unlimited legacies and donations tax free provided reciprocity exists between the state of Louisiana and the other state or territory. The purpose of this exemption is to exempt all bequests to qualifying institutions located outside of Louisiana if the state or territory where the institution is located has a reciprocal provision applicable to Louisiana bequests.

**Legal Citation:** R.S. 47:2402(6)  
**Origin:** Acts 1974, No. 190  
**Effective Date:** July 12, 1974

**Beneficiaries:** Any charitable, religious, or educational institution located in other states or territories of the United States named as legatees of a decedent.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$11,760                | \$2,350  |

## Exclusions

### 8. Proceeds of life insurance paid to named beneficiaries

This exclusion allows the proceeds of life insurance payable to a named beneficiary, other than the estate of a decedent, to be excluded from the tax base. The purpose of the exclusion is to exempt the total proceeds of life insurance policies made payable to a named beneficiary.

**Legal Citation:** R.S. 47:2404(C)  
**Origin:** Acts 1968, No. 352  
**Effective Date:** July 18, 1968

**Beneficiaries:** Persons, other than the estate, receiving the proceeds of life insurance.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$1,317,600             | \$263,500 |

# Inheritance Tax

---

## 9. Qualified retirement or pension plans

This exclusion allows the proceeds of a retirement or pension plan payable to a named beneficiary, other than the estate of the decedent, to be excluded from the tax base, provided the plan is qualified under Sections 401 or 408 of the Internal Revenue Code. The purpose of the exclusion is to exempt bona fide pension plans.

**Legal Citation:** R.S. 47:2404(C)  
**Origin:** Acts 1968, No. 352  
Amended by Acts  
1992, No. 171  
**Effective Date:** July 18, 1968  
Amended June 8,  
1992

**Beneficiaries:** Persons, other than the estate, receiving the proceeds of a qualified retirement or pension plan.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** No data; no reporting requirement.

# **Liquors-Alcoholic Beverage Tax Exemptions**

# Liquors-Alcoholic Beverage Tax Index of Exemptions

| Exemptions  | Legal Citations | Page |
|---|-----------------|------|
| <b>Beer tax discount</b>                                      |                 |      |
| 1. Discount of 2 percent                                      | R.S. 26:345     | 171  |
| <b>Beer, liquor and wine tax refund/credit</b>                |                 |      |
| 2. Products returned to manufacturer or destroyed by a dealer | R.S. 26:347     | 172  |
| <b>Liquor and wine tax exemptions</b>                         |                 |      |
| 3. Antiseptic, scientific, religious, and chemical uses       | R.S. 26:421     | 172  |
| 4. Free samples of native wine                                | R.S. 26:341(5)  | 173  |
| <b>Liquor and wine tax discount</b>                           |                 |      |
| 5. Discount of 3.33 percent                                   | R.S. 26:354(D)  | 173  |
| <b>Federally imposed exemptions</b>                           |                 |      |
| <b>Beer tax exemptions</b>                                    |                 |      |
| 6. Interstate shipments                                       | R.S. 26:366(B)  | 174  |
| 7. Sales to federal government and its agencies               | R.S. 26:422     | 174  |
| 8. Sales to ships engaged in interstate or foreign commerce   | R.S. 26:366(B)  | 175  |
| <b>Liquor and wine tax exemptions</b>                         |                 |      |
| 9. Interstate shipments of alcoholic beverages                | R.S. 26:366(A)  | 175  |
| 10. Foreign consul and foreign commerce                       | R.S. 26:366     | 176  |
| 11. Sales to the federal government and its agencies          | R.S. 26:422     | 176  |



# Liquors-Alcoholic Beverage Taxes

## Introduction

The alcoholic beverage tax law encompasses taxation on two categories of alcoholic beverages: (a) beverages of low-alcoholic content that are defined as alcoholic beverages containing not more than six percent alcohol by volume, and (b) beverages of high-alcoholic content that are defined as alcoholic beverages containing more than six percent alcohol by volume. Act 2 of the Extraordinary Session of 1933 first imposed an alcoholic beverage tax of \$1 per 31-gallon barrel on beer, porter, ale, fruit juices and wine. Act 15 of the 1934 Regular Session imposed a tax on liquor at 50¢ per wine gallon; sparkling wines at 50¢ per wine gallon; still wines not more than 14 percent by volume at 5¢ per wine gallon; still wines between 14 percent and 24 percent by volume at 10¢ per wine gallon; still wines over 24% by volume at 50¢ per wine gallon; and beer at \$1.50 per 31-gallon barrel. Tax stamps were used to indicate that the appropriate taxes had been paid. A discount of five percent of the face value of the stamps purchased in lots of \$100 or more was allowed to dealers.

The tax rates of beverages of alcoholic content have changed numerous times since 1934 as shown:

### Beer:

1934 \$ 1.50 per 31-gallon barrel  
1948 \$10.00 per 31-gallon barrel

### Liquor:

1934 \$ .50 per wine gallon  
1935 \$ .60 per wine gallon  
1938 \$1.00 per wine gallon  
1940 \$1.50 per wine gallon  
1956 \$1.68 per wine gallon  
1970 \$2.50 per wine gallon  
1978 \$ .66 per liter

### Sparkling Wines and Still Wines over 24% by volume:

1934 \$ .50 per wine gallon  
1935 \$ .60 per wine gallon  
1938 \$1.00 per wine gallon  
1940 \$1.50 per wine gallon  
1956 \$1.58 per wine gallon  
1978 \$ .42 per liter

### Still Wines not over 14% by volume

1934 \$ .05 per wine gallon  
1940 \$ .15 per wine gallon  
1942 \$ .10 per wine gallon  
1956 \$ .11 per wine gallon  
1978 \$ .03 per liter

### Still Wines between 14% and 24% by volume

1934 \$ .10 per wine gallon  
1940 \$ .30 per wine gallon  
1942 \$ .20 per wine gallon  
1956 \$ .21 per wine gallon  
1978 \$ .06 per liter

The provisions related to the use of tax stamps for alcoholic beverages and the purchase discount were repealed in 1964 and were replaced by a six percent discount for timely filing and remitting the taxes on beverages of high alcohol content. This discount was reduced to three and one-third percent in 1972 and a two percent discount was enacted for beverages of low alcohol content. Acts 1978, No. 441 changed the measurement of liquor and wines from gallons to liters for tax purposes. The rates effectively remained unchanged as the per-gallon rates convert to the per-liter rates.

Act 736 of the 1990 Regular Legislative Session enacted the Louisiana Native Wine Law. Rates for the native wines were set the same as rates for other wines.

The alcoholic beverages taxes are collected from the first handlers in Louisiana, usually bonded wholesale dealers. The bond required of manufacturers or wholesalers of alcoholic beverages is a minimum of \$10,000 for each type of permit held. The bond for manufacturers or wholesalers of native wines is \$5,000.

During the 1998 Regular Legislative Session, Act 71 established provisions by which sparkling and still wines could be sold and shipped directly to consumers in Louisiana by a manufacturer or retailer of such beverage domiciled outside of Louisiana. Included in the statutory requirements were the stipulations that in order for the wine to be shipped into Louisiana, the applicable taxes must be paid in full, the consumer to whom the wine is being shipped must be twenty-one years of age or older, and that the wine was purchased for the consumer's personal consumption.

# Liquors-Alcoholic Beverage Taxes

## Legal Citations

R.S. 26:341 through 26:423

## Tax Base

Quantity of beverage handled

## Tax Rate

1. Liquors: 66¢ per liter
2. Sparkling wines: 42¢ per liter
3. Still wines:
  - a. Alcohol content not over 14% – 3¢ per liter
  - b. Alcohol content 14% to 24% – 6¢ per liter
  - c. Alcohol content over 24% – 42¢ per liter
4. Native wines:
  - a. Sparkling Wines – 42¢ per liter
  - b. Alcohol content not over 14% – 3¢ per liter
  - c. Alcohol content 14 to 24% – 6¢ per liter
  - d. Alcohol content over 24% – 42¢ per liter
5. Beer, malt beverages: \$10 per barrel

## Types of Tax Exemptions

For alcoholic beverage tax purposes, tax exemptions are exemptions, refund/credits, and discounts. Exemptions are items that were included in the tax base, but have been specifically exempted. Refund/credits are items that taxes were paid on initially, but the taxpayer has a right to request a refund or a credit. Discounts are a proportionate deduction from the gross amount reported. The tax exemptions for beer have been separated from those for liquor and wine.

There are several statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

## Significant Changes

### Fiscal Year 2003-2004

There were no significant changes to the alcoholic beverage tax during the past year.

## Beer tax discount

### 1. Discount of two percent

A discount of two percent of the tax due is allowed for accurately reporting and timely remitting the taxes due. The purpose of this discount is to compensate the dealer for expenses incurred in accounting for the tax.

**Legal Citation:** R.S. 26:345  
**Origin:** Acts 1972, No. 537;  
Amended by Acts  
2002, No. 14

**Effective Date:** July 26, 1972;  
July 1, 2002

**Beneficiaries:** Registered wholesalers who accurately and timely remit the tax reports.

**Administration:** The purpose of the discount is achieved in a fiscally effective manner.

### Estimated Fiscal Effect

| FYE 6-05  | FYE 6-06  |
|-----------|-----------|
| \$455,000 | \$460,000 |

# Liquors-Alcoholic Beverage Taxes

## Beer, liquor and wine tax refund/credit

### 2. Products returned to manufacturer or destroyed by a dealer

A tax refund or credit is allowed for alcoholic beverages that are returned to a manufacturer or destroyed by the dealer either damaged or unfit for sale. The purpose of this provision is to give dealers credit for taxes paid on products returned as unsaleable.

**Legal Citation:** R.S. 26:347  
**Origin:** Acts 1934, No. 15;  
Amended by Acts  
2002, No. 14  
**Effective Date:** August 1, 1934;  
Amended July 1,  
2002

**Beneficiaries:** Licensed dealers of alcoholic beverages of low and high alcohol content.

**Administration:** The purpose of the refund/credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible; less than \$10,000.

## Liquor and wine tax exemptions

### 3. Antiseptic, scientific, religious, and chemical uses

Liquor and wine that is not for consumption as an alcoholic beverage is exempt from the tax. The purpose of this exemption is to allow the tax-free sales of alcoholic products used in antiseptic preparations, chemical products, scientific products, and for religious purposes.

**Legal Citation:** R.S. 26:421  
**Origin:** Acts 1934, No. 15  
**Effective Date:** August 1, 1934

**Beneficiaries:** Religious organizations, pharmaceutical or chemical companies, and consumers of end products.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no reporting requirement.

# Liquors-Alcoholic Beverage Taxes

## 4. Free samples of native wine

This provision allows native wines dispensed as complimentary samples to be free of taxation. The free samples must be dispensed in quantities of not more than six ounces in the tasting room of a native winery to qualify for the exemption. The purpose of this exemption is to allow complimentary samples to be dispensed free of tax.

**Legal Citation:** R.S. 26:341(5)  
**Origin:** Acts 1990, No. 736  
**Effective Date:** September 7, 1990

**Beneficiaries:** Native wineries with the proper permits benefit from this exemption. Currently only one winery is in production.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no reporting requirement at present.

## Liquor and wine tax discount

### 5. Discount of 3.33 percent

A dealer is allowed a discount of 3.33 percent of the tax due for accurately reporting and timely filing their excise taxes return together with the full tax amounts due to the Department. The purpose of this discount is to encourage compliance.

**Legal Citation:** R.S. 26:354(D)  
**Origin:** Acts 1972, No. 537  
**Effective Date:** July 26, 1972

**Beneficiaries:** Licensed wholesalers who accurately and timely remit the tax reports.

**Administration:** The purpose of the discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$590,000               | \$590,000 |

# Liquors-Alcoholic Beverage Taxes

## Federally imposed exemptions

### Beer tax exemptions

#### 6. Interstate shipments

Beer that is exported beyond the borders of Louisiana is not subject to excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:366(B)  
**Origin:** Acts 1933, Ex. Sess., No. 2  
**Effective Date:** April 13, 1933

**Beneficiaries:** Dealers who export products in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$50,000                | \$50,000 |

#### 7. Sales to federal government and its agencies

Sales of alcoholic beverages to the U.S. Government or any of its agencies may be exempt from the excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:422  
**Origin:** Acts 1933, Ex. Sess., No. 2  
**Effective Date:** April 13, 1933

**Beneficiaries:** The U.S. Government and its agencies.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$130,000               | \$130,000 |

# Liquors-Alcoholic Beverage Taxes

## 8. Sales to ships engaged in interstate or foreign commerce

Sales of alcoholic beverages to ships whose destination is beyond the borders of the state are exempt from excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:366(B)  
**Origin:** Acts 1933, Ex. Sess., No. 2  
**Effective Date:** April 13, 1933

**Beneficiaries:** Dealers who sell for export in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$30,000                | \$30,000 |

## Liquor and wine tax exemptions

### 9. Interstate shipments of alcoholic beverages

Alcoholic beverages exported beyond the border of Louisiana are not subject to any alcoholic beverage excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:366(A)  
**Origin:** Acts 1934, No. 15  
**Effective Date:** August 1, 1934

**Beneficiaries:** Licensed dealers who export products in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$5,400,000             | \$5,400,000 |

# Liquors-Alcoholic Beverage Taxes

## 10. Foreign consul and foreign commerce

All sales of alcoholic beverages to a foreign consulate or country are exempt from alcoholic beverage excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:366  
**Origin:** Acts 1934, No. 15  
**Effective Date:** August 1, 1934

**Beneficiaries:** Foreign nations and their consulates.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible; less than \$10,000.

## 11. Sales to the federal government and its agencies

Sales of alcoholic beverages to the U.S. Government or any of its agencies are not subject to the excise taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 26:422  
**Origin:** Acts 1934, No. 15  
**Effective Date:** August 1, 1934

**Beneficiaries:** The U.S. Government and its agencies.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$125,000               | \$125,000 |

# **Natural Resources Severance Tax Exemptions**



# Natural Resources - Severance Tax Index of Exemptions

| Exemptions   | Legal Citations                                 | Page |
|--|---|------|
| <b>Natural gas exclusions</b>  |   |      |
| 1. Injection   | R.S. 47:633(9)(e)(i)                            | 183  |
| 2. Produced outside the state of Louisiana                                   | R.S. 47:633(9)(e)(ii)                           | 183  |
| 3. Flared or vented  | R.S. 47:633(9)(e)(iii)<br>R.S. 47:633(9)(e)(vi) | 184  |
| 4. Consumed in field operations  | R.S. 47:633(9)(e)(iv)                           | 184  |
| 5. Consumed in the production of natural resources in the state of Louisiana | R.S. 47:633(9)(e)(v)                            | 185  |
| 6. Used in the manufacture of carbon black                                   | R.S. 47:633(9)(e)(vii)                          | 185  |
| <b>Natural gas suspensions</b>   |   |      |
| 7. Horizon wells   | R.S. 47:633(7)(c)(iii)                          | 186  |
| 8. Inactive wells  | R.S. 47:633(7)(c)(iv)                           | 186  |
| 9. Deep wells  | R.S. 47:633(9)(d)(v)                            | 187  |
| 10. New discovery wells  | R.S. 47:648.1 et seq.                           | 187  |
| <b>Natural gas special rates</b>   |   |      |
| 11. Incapable oil-well gas   | R.S. 47:633(9)(b)                               | 188  |
| 12. Incapable gas-well gas   | R.S. 47:633(9)(b)                               | 188  |
| 13. Contract gas at less than 52¢ per MCF - Repealed effective June 7, 2002  | R.S. 47:633.1(C)                                | 189  |
| <b>Oil deduction</b>   |   |      |
| 14. Trucking, barging, and pipeline fees                                     | R.S. 47:633(7)(a)                               | 189  |
| <b>Oil suspensions</b>   |   |      |
| 15. Horizontal wells   | R.S. 47:633(7)(c)(iii)                          | 190  |
| 16. Inactive wells   | R.S. 47:633(7)(c)(iv)                           | 190  |
| 17. Deep wells   | R.S. 47:633(9)(d)(v)                            | 191  |
| 18. New discovery wells  | R.S. 47:648.1 et seq.                           | 191  |
| 19. Horizontal wells   | R.S. 47:633.4                                   | 192  |
| <b>Oil special rates</b>   |   |      |
| 20. Incapable oil  | R.S. 47:633(7)(b)                               | 192  |
| 21. Stripper oil   | R.S. 47:633(7)(c)(i)                            | 193  |
| 22. Stripper oil - value less than \$20 per barrel                           | R.S. 47:633(7)(c)(i)(bb)                        | 193  |
| 23. Salvage oil  | R.S. 47:648.21                                  | 194  |
| 24. Horizontal mining and drilling projects                                  | R.S. 47:633(7)(c)(ii)(aa)                       | 194  |
| <b>Oil and Gas Tax Incentive</b>   |   |      |
| 25. Produced water injection incentive                                       | R.S. 47:633.5(C)                                | 195  |
| <b>Mineral exemption</b>   |   |      |
| 26. Owned and severed by political subdivisions                              | R.S. 47:632(B)                                  | 195  |

# Natural Resources - Severance Tax

## Introduction

A severance tax is levied upon all natural resources severed from the soil or water, including all forms of timber, including pulp woods, and turpentine and other forest products; minerals such as oil, gas, natural gasoline, distillate, condensate, casinghead gasoline, sulphur, salt, coal, lignite, and ores; also marble, stone, gravel, sand, shells, and other natural deposits; and the salt content in brine.

Oil and gas collections account for almost 96 percent of all severance tax collections. Because of the significant revenues generated and the fact that only one minor exemption affects the other natural resources, the focus of this section is centered on the oil and gas taxes.

The first tax, based on the severance of oil and gas, was imposed in 1910. This tax was levied as an occupational license tax at a rate of 1/5¢ per 10,000 cubic feet or 10 mcf for gas, and 2/5¢ per barrel of oil.

Act 140 of 1922 carried into effect a 1921 constitutional authority for a severance tax. There have been many changes in the tax rates since 1910, including fluctuations from a volumetric to a percentage-of-value based tax. The changes are listed below in chronological order.

|      |   |
|------|---|
| 1910 | Oil 2/5¢ per barrel; gas 1/5¢ per 10 MCF                              |
| 1912 | Oil and gas; 0.5% of gross value less royalty interest                |
| 1920 | Oil and gas; 2% of gross value  |
| 1922 | Oil and gas; 3% of gross market value                                 |
| 1928 | Oil 4-11¢ per barrel depending on gravity; gas 1/5¢ per MCF           |
| 1936 | Gas 3/10¢ per MCF   |
| 1940 | Oil 6-11¢ per barrel depending on gravity; condensate 11¢ per barrel  |
| 1948 | Oil 18-26¢ per barrel depending on gravity; condensate 20¢ per barrel |
| 1958 | Gas 2.3¢ per MCF  |
| 1972 | Gas 3.3¢ per MCF  |

|      |   |
|------|---|
| 1974 | Oil and condensate 12.5% of value; gas 7¢ per MCF |
| 7/90 | Gas 10¢ per MCF, indexed annually                 |
| 7/91 | Gas 9¢ per MCF                                    |
| 7/92 | Gas 7¢ per MCF                                    |
| 7/93 | Gas 7.5¢ per MCF                                  |
| 7/94 | Gas 8.7¢ per MCF                                  |
| 7/95 | Gas 7¢ per MCF                                    |
| 7/96 | Gas 7.7¢ per MCF                                  |
| 7/97 | Gas 10.1¢ per MCF                                 |
| 7/98 | Gas 9.3¢ per MCF                                  |
| 7/99 | Gas 7.8¢ per MCF                                  |
| 7/00 | Gas 9.7¢ per MCF                                  |
| 7/01 | Gas 19.9¢ per MCF                                 |
| 7/02 | Gas 12.2¢ per MCF                                 |
| 7/03 | Gas 17.1¢ per MCF                                 |
| 7/04 | Gas 20.8¢ per MCF                                 |

## Tax Base

The tax is imposed upon severance of the oil and gas from the soil or water and is paid by the natural resource owners. The state of Louisiana has over 30,000 producing oil and gas wells.

## Tax Rate

The capable tax rate for oil and condensate is 12.5 percent of value and accounts for over 98 percent of the oil and condensate tax collections. There is also an incapable rate and a stripper rate for low-producing oil wells. The capable rate for gas, presently 12.2¢ per MCF, is responsible for over 99% of total gas tax collections. There are also reduced tax rates for low-pressure oil-well gas and incapable gas-well gas. The current severance tax rates are:

**Type .....Rate**

### Oil severance tax

|                      |                 |
|----------------------|-----------------|
| Capable rate.....    | 12.5% of value  |
| R.S. 47:633(7)(a)    |                 |
| Incapable rate ..... | 6.25% of value  |
| R.S. 47:633(7)(b)    |                 |
| Stripper rate .....  | 3.125% of value |
| R.S. 47:633(7)(c)(i) |                 |

# Natural Resources - Severance Tax

---

**Condensate  
severance tax** ..... 12.5% of value  
R.S. 47:633(8)

**Gas severance tax**  
Capable rate .....20.8¢ per MCF  
R.S. 47:633(9)(a)  
R.S. 47:633(9)(d)(i)  
Low pressure oil-well  
gas rate .....3¢ per MCF  
R.S. 47:633(9)(b)  
Incapable gas-well  
gas rate.....1.3¢ per MCF  
R.S. 47:633(9)(c)

## Types of Tax Exemptions

Severance tax exemptions for oil, gas, and minerals are in the form of exclusions, exemptions, special rates, deductions, and suspensions. Exclusions are by statute and refer to specific categories of natural gas upon which the tax shall not accrue. Exemptions and suspensions are also statutorily mandated and exempt or suspend the tax on oil or gas severed from wells that meet certain criteria. Special rates reduce the tax on natural resources severed from wells that qualify under specified criteria. Deductions are defined as a credit against or a reduction to the taxable base.

## Significant Changes Fiscal Year 2003-2004

The gas severance rate increased from 17.1¢ to 20.8¢ per MCF on July 1, 2004, as a result of Act 387 of 1990. This Act set in place an indexing mechanism to annually adjust the gas severance tax rate.

# Natural Resources - Severance Tax

## Natural gas exclusions

### 1. Injection

An exclusion is allowed for the injection of gas into producing reservoirs. The gas injected maintains reservoir pressure and enhances the recovery of hydrocarbons. This gas will eventually be reproduced and sold, and at that time the tax will be paid. This is really more of a deferred payment than an exclusion. The purpose of this exclusion is to promote secondary recovery and repressurization programs.

**Legal Citation:** R.S. 47:633(9)(e)(i)  
**Origin:** Acts 1940, No. 145  
**Effective Date:** 1940

**Beneficiaries:** Anyone in industry undertaking a repressurization or secondary recovery project.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$280,000               | \$280,000 |

### 2. Produced outside the state of Louisiana

An exclusion is allowed for gas produced outside the state and transported into Louisiana to be injected. The purpose of this exclusion is to clarify that natural gas severed outside the state is not taxable.

**Legal Citation:** R.S. 47:633(9)(e)(ii)  
**Origin:** Acts 1960, No. 2  
**Effective Date:** 1960

**Beneficiaries:** The volume of gas imported is too small to benefit anyone. The only activity is around the three-mile offshore boundary separating state and federal leases.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$105,000               | \$110,000 |

# Natural Resources - Severance Tax

### 3. Flared or vented

An exclusion is allowed for gas flared or vented to the atmosphere. Gas is normally vented or flared when testing, waiting on sales line, or when produced in noncommercial quantities. The purpose of this exclusion is to provide financial relief to producers of natural and casinghead gas.

**Legal Citations:** R.S. 47:633(9)(e)(iii)  
R.S. 47:633(9)(e)(vi)

**Origin:** Acts 1935, No. 24

**Effective Date:** 1935

**Beneficiaries:** All of industry.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,500,000             | \$1,600,000 |

### 4. Consumed in field operations

An exclusion is allowed for gas used or consumed for fuel in maintaining the operation of a field. This includes gas used for heating, separating, producing, dehydrating, compressing, and pumping oil and gas in the field where produced provided that the gas is not otherwise sold. The purpose of this exclusion is to provide financial assistance to qualifying producers.

**Legal Citation:** R.S. 47:633(9)(e)(iv)

**Origin:** Acts 1958, No. 2

**Effective Date:** 1958

**Beneficiaries:** All of industry.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$7,600,000             | \$8,000,000 |

## Natural Resources - Severance Tax

### 5. Consumed in the production of natural resources in the state of Louisiana

An exclusion is allowed for gas consumed in the production of natural resources, other than oil and gas, in the state of Louisiana. The purpose of this exclusion is to provide financial assistance to qualifying producers.

**Legal Citation:** R.S. 47:633(9)(e)(v)

**Origin:** Acts 1974, No. 5

**Effective Date:** January 1, 1974

**Beneficiaries:** This exemption benefits those producers who use natural gas in the production of natural resources, other than oil or gas.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$70,000                | \$70,000 |

### 6. Used in the manufacture of carbon black

An exclusion is allowed for gas consumed in the manufacture of carbon black in plants. The producer and seller of the gas are allowed an exclusion from the severance tax that in turn lowers the sales price. The purpose of this exclusion is to provide financial assistance to carbon-black manufacturers.

**Legal Citation:** R.S. 47:633(9)(e)(vii)

**Origin:** Acts 1958, Ex. Sess., No. 2

**Effective Date:** 1958

**Beneficiaries:** Carbon-black companies operating in Louisiana.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$290,000               | \$300,000 |

# Natural Resources - Severance Tax

## Natural gas suspensions

### 7. Horizontal wells

Any well drilled or recompleted horizontally from which production commences after July 31, 1994, shall have all severance tax suspended for 24 months or until payout of the well is achieved, whichever comes first. Payout of well cost shall be the cost of completing the well to the start of production. The purpose of this tax suspension is to encourage the drilling of horizontal wells.

**Legal Citation:** R.S. 47:633(7)(c)(iii)  
**Origin:** Acts 1994, No. 2  
**Effective Date:** August 1, 1994

**Beneficiaries:** Any producer who successfully completes or recompletes a well horizontally.

**Administration:** The Department of Natural Resources determines the well cost payout and the Department of Revenue administers the tax suspension.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,300,000             | \$1,000,000 |

### 8. Inactive wells

Gas wells returned to service after being inactive for two or more years or having 30 days or less production for the past two years were allowed a severance tax exemption for five years. The June 30, 1996, deadline for applying for inactive status was extended to June 30, 1998, by Acts 1996, No. 16, and to June 30, 2000, by Acts 1998, No. 7. Acts 2002, No. 74 amended R.S. 47:633(7)(c)(iv) to reactivate the exemption effective for production beginning July 1, 2002, and ending June 30, 2006, and change the exemption period from five to two years.

**Legal Citation:** R.S. 47:633(7)(c)(iv)  
**Origin:** Acts 1994, No. 2  
**Effective Date:** August 1, 1994

**Beneficiaries:** Gas producers with older mature fields containing inactive wells.

**Administration:** The Department of Natural Resources certifies the well and the Department of Revenue administers the tax suspension.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$3,000,000             | \$3,000,000 |

# Natural Resources - Severance Tax

## 9. Deep wells

The severance tax on gas wells drilled to a true vertical depth of more than 15,000 feet is suspended for a period of 24 months or until payout of the well cost, whichever occurs first. Production must start after July 31, 1994. The purpose of this tax suspension is to encourage gas operators to invest in the drilling of deep wells.

**Legal Citation:** R.S. 47:633(9)(d)(v)

**Origin:** Acts 1994, No. 2

**Effective Date:** August 1, 1994

**Beneficiaries:** Gas producers that successfully drill to a depth greater than 15,000 feet.

**Administration:** The purpose of the suspension is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$11,300,000            | \$11,000,000 |

## 10. New discovery wells

The severance tax on production from certified new natural gas discovery wells is suspended for a period of 24 months from the date of completion or until payout of the cost is recovered, whichever occurs first. The wells must be spudded after September 30, 1994, and completed before September 30, 1998. Act 7 of the 1998 Regular Legislative Session extended the completion deadline until September 30, 2000. The purpose of this tax suspension was to encourage exploration for new gas wells.

**Legal Citation:** R.S. 47:648.1 et seq.

**Origin:** Acts 1994, No. 2

**Effective Date:** October 1, 1994

**Beneficiaries:** Natural gas producers with new discovery wells.

**Administration:** The Department of Natural Resources certifies these wells and the Department of Revenue administers the program.

**Estimated Fiscal Effect:** Since the new discovery well completion deadline was September 30, 2000, and the suspension was for 24 months from the date of completion, no additional revenue losses are expected.



# Natural Resources - Severance Tax

## Natural gas special rates

### 11. Incapable oil-well gas

Gas produced from an oil well that has been determined by the Secretary to have 50 pounds or less of wellhead pressure per square inch or producing by artificial methods, gas lift, or pumping, is eligible for a special reduced tax rate of 3¢ per MCF. The purpose of this special rate is to encourage continued production from low-pressure oil wells.

**Legal Citation:** R.S. 47:633(9)(b)  
**Origin:** Acts 1958, Ex. Sess., No. 2

**Effective Date:** 1958

**Beneficiaries:** The intent of the reduced rate is to encourage small independent operators to continue production on low-producing wells. Major oil companies also benefit from this special reduced rate.

**Administration:** The purpose of this special rate is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,300,000             | \$1,300,000 |

### 12. Incapable gas-well gas

Gas produced from gas wells that are determined by the Secretary to be incapable of producing an average of 250,000 cubic feet of gas per day is eligible for a special reduced tax rate of 1.3¢ per MCF. The purpose of this special rate is to encourage the continued production from low-producing gas wells.

**Legal Citation:** R.S. 47:633(9)(c)  
**Origin:** Acts 1958, Ex. Sess., No. 2  
**Effective Date:** 1958

**Beneficiaries:** The intent of the reduced rate is to encourage small independent operators to continue production on low-producing wells. Major oil companies also benefit from this special reduced rate.

**Administration:** The purpose of this special rate is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$17,000,000            | \$17,500,000 |

# Natural Resources - Severance Tax

## 13. Contract gas at less than 52¢ per MCF

Gas sold under a contract in existence prior to July 1, 1970, and sold at a rate of less than 52¢ per MCF was eligible for a special reduced tax rate of 7¢ per MCF provided that a copy of the contract is filed with the Secretary no later than 30 days after July 1, 1990. This reduced rate had not been claimed since June 1993, which indicates that there are no remaining qualifying contracts. Acts 2002, No. 12 repealed R.S. 47:633.1 effective June 7, 2002.

**Legal Citation:** R.S. 47:633.1(C)  
**Origin:** Acts 1990, No. 387  
**Effective Date:** July 1, 1990  
**Repealed:** Acts 2002, No. 12  
**Effective:** June 7, 2002

**Beneficiaries:** Natural gas producers with qualifying contracts benefitted from this special rate in years when the tax rate exceeded 7¢.

**Administration:** The purpose of the special reduced rate was achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0.

## Oil deduction

### 14. Trucking, barging, and pipeline fees

Oil and condensate are taxable at the higher of 12.5 percent of the gross receipts less charges for trucking, barging, and pipeline fees or the posted field price. The Department's regulation, LAC 61:1.2903, allows producers transporting through their own facilities a 25¢ per barrel deduction; those with third-party transportation may deduct 25¢ per barrel or the actual amount charged. The purpose of the regulation is to allow a standard 25¢ per barrel deduction for all producers.

**Legal Citation:** R.S. 47:633(7)(a)  
**Origin:** Acts 1973, Ex. Sess., No. 6

**Effective Date:** January 1, 1974

**Beneficiaries:** All of industry.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,500,000             | \$2,500,000 |

# Natural Resources - Severance Tax

## Oil suspensions

### 15. Horizontal wells

Any well drilled or recompleted horizontally from which production begins after July 31, 1994, will have all severance tax suspended for 24 months or until payout of the well is achieved, whichever occurs first. Payout of well cost is the cost of completing the well to the start of production. The purpose of this tax suspension is to encourage drilling horizontal wells.

**Legal Citation:** R.S. 47:633(7)(c)(iii)  
**Origin:** Acts 1994, No. 2  
**Effective Date:** August 1, 1994

**Beneficiaries:** Any producer who successfully completes or recompletes a well horizontally.

**Administration:** The Department of Natural Resources determines the well cost payout and the Department of Revenue administers the tax suspension.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$7,300,000             | \$8,400,000 |

### 16. Inactive wells

Oil wells returned to service after being inactive for two or more years or having 30 days or less production for the past two years were allowed a severance tax exemption for five years. The June 30, 1996, deadline for applying for inactive status was extended to June 30, 1998, by Acts 1996, No. 16, and to June 30, 2000, by Acts 1998, No. 7. Acts 2002, No. 74 amended R.S. 47:633(7)(c)(iv) to reactivate the exemption effective for production beginning July 1, 2002, and ending June 30, 2006, and change the exemption period from five to two years.

**Legal Citation:** R.S. 47:633(7)(c)(iv)  
**Origin:** Acts 1994, No. 2  
**Effective Date:** August 1, 1994

**Beneficiaries:** Oil producers with older mature fields containing many inactive wells.

**Administration:** The potential for a large number of participants, plus the combination of the Department of Natural Resources certifying and the Department of Revenue administering could present problems.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$8,300,000             | \$9,500,000 |

# Natural Resources - Severance Tax

## 17. Deep wells

The severance tax on oil wells drilled to a true vertical depth of more than 15,000 feet is suspended for a period of 24 months or until payout of the well cost, whichever occurs first. Production must start after July 31, 1994. The purpose of this tax suspension is to encourage oil operators to invest in the drilling of deep wells.

**Legal Citation:** R.S. 47:633(9)(d)(v)

**Origin:** Acts 1994, No. 2

**Effective Date:** August 1, 1994

**Beneficiaries:** Oil producers that successfully drill to a depth greater than 15,000 feet.

**Administration:** This incentive will be easy to administer as there should be a limited number of oil wells successfully completed at a depth of more than 15,000 feet.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$4,000,000             | \$4,700,000 |

## 18. New discovery wells

The severance tax on production from certified new oil discovery wells is suspended for a period of 24 months from the date of completion or until payout of the cost is recovered, whichever occurs first. The wells must be spudded after September 30, 1994, and completed before September 30, 1998. Act 7 of the 1998 Regular Legislative Session extended the completion date until September 30, 2000. The purpose of this tax suspension was to encourage exploration for new oil wells.

**Legal Citation:** R.S. 47:648.1 et seq.

**Origin:** Acts 1994, No. 2

**Effective Date:** October 1, 1994

**Beneficiaries:** Oil producers with new discovery wells.

**Administration:** The Department of Natural Resources certifies these wells and the Department of Revenue administers the program.

**Estimated Fiscal Effect:** Since the new discovery well completion deadline was September 30, 2000, and the suspension was for 24 months from the date of completion, no additional revenue losses are expected.

# Natural Resources - Severance Tax

## 19. Tertiary recovery

This suspension, enacted in 1983, provides that no severance tax is due on crude oil produced from a qualified tertiary project approved by the Department of Natural Resources until the project has reached pay-out. The purpose of this suspension is to provide financial assistance to producers undertaking large-scale carbon dioxide injection projects.

**Legal Citation:** R.S. 47:633.4  
**Origin:** Acts 1983, Ex. Sess., No. 643  
**Effective Date:** July 20, 1983

**Beneficiaries:** Producers undertaking large-scale carbon dioxide injection projects were the intended beneficiaries of this suspension; however, the collapse of oil prices postponed these projects.

**Administration:** To date, with only three projects approved, there have been no problems.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$50,000                | \$50,000 |

## Oil special rates

### 20. Incapable oil

An oil well incapable of producing an average of more than 25 barrels of oil per producing day, and producing at least 50 percent salt water, and having no capable well on the lease is eligible for a special reduced tax rate of 6.25 percent of value. Act 43 of the 1998 regular Legislative Session changed the responsibility for certifying incapable wells from the Department of Natural Resources to the Department of Revenue effective June 24, 1998. The purpose of this special rate is to encourage the continued production from low-volume wells.

**Legal Citation:** R.S. 47:633(7)(b)  
**Origin:** Acts 1948, No. 10  
**Effective Date:** 1948

**Beneficiaries:** Oil producers in Louisiana with wells producing in the 10-25 barrel per day range.

**Administration:** This special reduced rate program is becoming more efficient to administer, monitor, and enforce.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$5,700,000             | \$6,500,000 |

# Natural Resources - Severance Tax

## 21. Stripper oil

An oil well incapable of producing an average of more than ten barrels of oil per producing day for the entire taxable month is eligible for a special reduced tax rate of 3.125 percent of value. Act 43 of the 1998 Regular Legislative Session changed the responsibility for certifying stripper wells from the Department of Natural Resources to the Department of Revenue effective June 24, 1998. The purpose of this special rate is to encourage the continued production from stripper oil wells.

**Legal Citation:** R.S. 47:633(7)(c)(i)(aa)  
**Origin:** Acts 1973, Ex.Sess.,No.5  
**Effective Date:** January 1, 1974

**Beneficiaries:** Oil producers in Louisiana with low-producing oil wells.

**Administration:** The purpose of the special reduced rate is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$16,300,000            | \$18,650,000 |

## 22. Stripper oil - value less than \$20 per barrel

An oil well certified as a stripper well (incapable of producing an average of more than ten barrels of oil per producing day) is exempt from severance tax in any month in which the average posted price for a 30-day period is less than \$20 per barrel. Act 43 of the 1998 Regular Legislative Session amended the law to provide that the same value used as a basis to impose the severance tax under R.S. 47:633(7)(a) be used to determine the exemption for certified stripper production. The purpose of this exemption is to encourage producers to continue the operation of low-producing oil wells. However, stripper wells already qualify for a reduced tax rate of 3.125 percent of value.

**Legal Citation:** R.S. 47:633(c)(i)(bb)  
**Origin:** Acts 1994, No. 2  
**Effective Date:** June 1, 1994

**Beneficiaries:** Producers with oil wells certified as a stripper well.

**Administration:** The purpose of the special reduced rate is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$0                     | \$0      |

## Natural Resources - Severance Tax

### 23. Salvage oil

A special reduced rate of 3.125 percent of value applies to salvage oil reclaimed by class-one reclamation facilities that are permitted by the Office of Conservation. The purpose of this special rate is to provide financial assistance to class-one salvage oil operators.

**Legal Citation:** R.S. 47:648.21  
**Origin:** Acts 1986, No. 673  
**Effective Date:** July 1, 1986

**Beneficiaries:** Class-one salvage oil operators benefit from this special reduced rate. There is a prohibition against any person or affiliate of a person actually engaged in severing of oil, gas, or other natural resources from participating in this reduced rate program.

**Administration:** The purpose of the special reduced rate is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$60,000                | \$60,000 |

### 24. Horizontal mining and drilling projects

The working-interest owners of horizontal-mining and drilling projects approved by the Office of Conservation are taxed at the special reduced rate of 3.125 percent of value until the cumulative value of hydrocarbon production from the project equals 2.33 times the private investment invested by the working-interest owners. The purpose of this special rate is to promote innovation in horizontal-mining and drilling technologies.

**Legal Citation:** R.S. 47:633(7)(c)(ii)  
 (aa) and (cc)  
**Origin:** Acts 1990, No. 551  
**Effective Date:** August 1, 1990

**Beneficiaries:** Companies who undertake horizontal-mining and drilling projects benefit from this special rate. One project was planned, but never got off the ground and there are none planned for the near future.

**Administration:** There has been no activity; however, the language of recouping 2.33 times the private investment is unclear and could be difficult to administer.

**Estimated Fiscal Effect:** \$0; no activity is anticipated for FY 2004-05.

# Natural Resources - Severance Tax

## Oil and gas incentive

### 25. Produced water injection incentive

A 20 percent severance tax reduction is allowed on oil and gas produced from wells in which produced water is injected into the reservoir to increase recovery. This incentive was enacted to reduce produced water discharge by providing a severance tax saving for producers that inject produced waters into an oil or gas reservoir to increase recovery or oil or gas. Originally the incentive required that the injected water be from the same reservoir or field. Act 67 of the 1998 Regular Legislative Session removed this restriction effective July 1, 1998.

**Legal Citation:** R.S. 47:633.5(C)  
**Origin:** Acts 1991, No. 625  
**Effective Date:** July 17, 1991

**Beneficiaries:** Oil and gas producers that inject produced waters into an oil or gas reservoir to increase the recovery or oil or gas will benefit from this incentive.

**Administration:** There should be no problems administering this incentive.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$23,000                | \$27,000 |

## Mineral exemption

### 26. Owned and severed by political subdivisions

This exemption, enacted in 1988, applies to any political subdivision of the state that owns and severs minerals for its own use. The purpose of this exemption is to provide financial assistance to police jurors severing gravel for their own use.

**Legal Citation:** R.S. 47:632(B)  
**Origin:** Acts 1988, No. 594  
**Effective Date:** 1988

**Beneficiaries:** The political subdivisions that own and sever minerals for their own use.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; no activity is anticipated in the future since the tax on gravel has been repealed.



# **Petroleum Products Tax Exemptions**

# Petroleum Products Taxes

## Index of Exemptions

| Exemptions  | Legal Citations                  | Page |
|---|----------------------------------|------|
| <b>Gasoline tax exemptions</b>  |                                  |      |
| 1. Casinghead gasoline  | R.S. 47:713                      | 202  |
| 2. Aviation gasoline  | R.S. 47:716.1                    | 202  |
| <b>Gasoline tax refunds</b>   |                                  |      |
| 3. School-bus drivers   | R.S. 47:715.1                    | 203  |
| 4. Farmers, fishermen, and aircraft                                   | R.S. 47:1681                     | 203  |
| <b>Gasoline tax discounts</b>   |                                  |      |
| 5. Discount of 3 percent for a gasoline jobber                        | R.S. 47:719(A)                   | 204  |
| 6. Discount of 3 percent for a gasoline dealer                        | R.S. 47:719(B)                   | 204  |
| <b>Special fuels tax refunds</b>                                      |                                  |      |
| 7. School-bus drivers   | R.S. 47:715.1                    | 205  |
| 8. Special fuels used in licensed vehicles<br>by commercial fishermen | R.S. 47:802.2                    | 205  |
| <b>Special fuels tax discount</b>                                     |                                  |      |
| 9. School-bus drivers   | R.S. 47:808(D)                   | 206  |
| <b>Inspection fee on petroleum products</b>                           |                                  |      |
| 10. Undyed special fuels used for nontaxable purposes                 | R.S. 3:4684                      | 206  |
| 11. Undyed special fuels used by commercial fishermen                 | R.S. 3:4684                      | 207  |
| <b>Federally imposed exemptions</b>                                   |                                  |      |
| 12. Gasoline sales to federal government and its agencies             | R.S. 47:715                      | 207  |
| 13. Interstate gasoline shipments/exorts                              | R.S. 47:717<br>U.S. Constitution | 208  |

# Petroleum Products Taxes

## Introduction

A tax on gasoline and motor fuels was first levied in the 1921 Louisiana Constitution at the rate of 1¢ per gallon. Special fuels were first taxed at the rate of 7¢ per gallon under a *Use Fuel Tax* as levied by Act 244 of 1940. This act also required fuel permits. Various amendments through the years set the rates as follows:

|      |   |
|------|---|
| 1921 | Gasoline tax first levied at 1¢ per gallon      |
| 1924 | Gasoline at 2¢ per gallon                       |
| 1928 | Gasoline at 4¢ per gallon                       |
| 1930 | Gasoline at 5¢ per gallon                       |
| 1936 | Gasoline at 7¢ per gallon                       |
| 1940 | Special fuels tax first levied at 7¢ per gallon |
| 1948 | Gasoline and special fuels at 9¢ per gallon     |
| 1952 | Gasoline and special fuels at 7¢ per gallon     |
| 1968 | Gasoline and special fuels at 8¢ per gallon     |
| 1984 | Gasoline and special fuels at 16¢ per gallon    |
| 1990 | Gasoline and special fuels at 20¢ per gallon    |

Act 16 of the First Extraordinary Session of 1989 increased the total tax on gasoline, motor fuels, and special fuels to the current 20¢ per gallon, not by increasing the 16¢ per gallon rate imposed by R.S. 47:711 and R.S. 47:802, but by levying an additional 4¢ under a new part titled *Transportation Infrastructure Model for Economic Development* (TIMED). The money generated by this levy, which was effective January 1, 1990, was specifically dedicated. By the same legislation, the Transportation Trust Fund was created wherein the 16¢ per gallon tax collections would eventually be deposited.

The gasoline tax is collectible from the dealers who first handle, sell, distribute, use, consume, etc., the gasoline and motor fuel in Louisiana. The term *dealer* includes those who produce, refine, manufacture, blend, or import the fuel. The tax is collectible from jobbers under certain conditions. Both deal-

ers and jobbers are required to be bonded.

The special fuel tax is imposed on all special fuels used in vehicles licensed or required to be licensed for highway use except liquefied petroleum gas or compressed natural gas. The tax is collected or paid by suppliers or any interstate user on special fuels imported into this state and by bulk users when fuel purchased tax-free is removed from storage and consumed in the operation of motor vehicles in the state. Owners or operators of motor vehicles that use liquefied petroleum gas or compressed natural gas pay an annual flat rate or tax based on usage depending on weight of the vehicle. Suppliers are required to be bonded.

Acts 1978, No. 330 enacted, at R.S. 51:792, a fee of 1/32 of 1¢ per gallon on all gasoline, kerosene or motor fuel distributed, sold or offered or exposed for sale or use or consumption in the state of Louisiana or used or consumed in the state. The fee, to be paid by the first person handling the fuel, was to defray the expenses connected with the inspection, testing and analyzing of petroleum products in this state. Acts 2003, No. 139 repealed the fee in Title 51 and enacted the fee in Title 3. This Act increased the fee to 4/32 of 1¢ per gallon and made it applicable to all petroleum products except liquefied petroleum products and natural gas.

## Legal Citations

Gasoline/Motor Fuels:

R.S. 47:711 through 47:727

R.S. 47:771 through 47:788

R.S. 47:820.1

Special Fuels:

R.S. 47:801 through 47:815

R.S. 47:820.1

Fee for Inspection:

R.S. 3:4684

# Petroleum Products Taxes

---

## Tax Base

Gasoline and motor fuel sold, used, or consumed in the state of Louisiana for domestic consumption; all special fuels sold, used, or consumed in Louisiana for the operation of motor vehicles that are licensed or required to be licensed for highway use.

## Fee Base

All petroleum products distributed, sold, or offered or exposed for sale or use or consumption in the state of Louisiana except liquefied petroleum gas and natural gas.

## Tax Rate

Gasoline: 20¢ per gallon  
Special Fuels: 20¢ per gallon  
Fee for Inspection: 4/32 of 1¢ per gallon  
LGP or CNG:  
Vehicle weight 10,000 pounds or less –  
16¢ per gallon of fuel used not to exceed \$150 annual flat rate  
Vehicle weight over 10,000 pounds –  
16¢ per gallon of fuel used but not less than \$150 annual flat rate

## Types of Tax Exemptions

Petroleum products tax exemptions are in the form of exemptions, refunds, and discounts. Exemptions are items that were included in the tax base, but have been specifically exempted statutorily. Refunds are a restitution of taxes paid. Discounts are a proportionate deduction from the amounts reported.

There are two statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

## Significant Changes

### Fiscal Year 2003-2004

Acts 2004, No. 884 amended R.S. 3:4602 and 4684 to provide that petroleum product inspection fee does not apply to exports, liquefied petroleum gas, natural gas, or bulk sales or transfers as defined; that the fee will be collected by the position holder from the party ordering the withdrawal of product from the terminal rack; that the first importer will pay the fee on product imported into the state other than by bulk sale or transfer; removed the exemption from the fee on special fuels eligible for fuel tax refunds under R.S. 47:802.1; and added an exemption from the fee for special fuel sold for use in or distributed to seagoing vessels as defined. Effective May 21, 2004.

# Petroleum Products Taxes

## Gasoline tax exemptions

### 1. Casinghead gasoline

Casinghead and absorption gasoline, when sold to be blended or compounded with other less volatile liquids in the manufacture of commercial gasoline or motor fuel, is exempt from gasoline tax. The purpose of this exemption is to encourage the blending of casinghead and absorption gasoline with other less volatile liquids in the production of gasoline or motor fuels.

**Legal Citation:** R.S. 47:713  
**Origin:** Acts 1928, Ex. Sess., No. 6  
**Effective Date:** January 4, 1929

**Beneficiaries:** At present, no casinghead or absorption gasoline is being sold for blending or compounding with a less volatile liquid in the manufacturing of commercial gasoline as a motor fuel.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0.

### 2. Aviation gasoline

Fuel manufactured specifically for use by aircraft, and meeting the definition as set forth in specification Number D910 of the American Society for Testing and Materials, is exempt from the tax. The purpose of this provision is to allow the sale of gasoline for aviation use to be exempt from the gasoline tax.

**Legal Citation:** R.S. 47:716.1  
**Origin:** Acts 1980, No. 559  
**Effective Date:** September 12, 1980

**Beneficiaries:** Owners/operators of aviation gasoline powered aircraft.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,300,000             | \$1,300,000 |

# Petroleum Products Taxes

## Gasoline tax refunds

### 3. School-bus drivers

Contract drivers of all privately-owned school buses transporting Louisiana students, whether such students are in private or public schools, are eligible for a refund of one-half of the gasoline taxes paid. The purpose of this refund is to financially assist contract drivers of privately-owned school buses.

**Legal Citation:** R.S. 47:715.1  
**Origin:** Acts 1984, No. 927  
**Effective Date:** September 3, 1984

**Beneficiaries:** Contract drivers of privately-owned school buses.

**Administration:** The purpose of the refund is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$140,000               | \$140,000 |

### 4. Farmers, fishermen, and aircraft

Excise tax paid on gasoline used as a motor fuel by farmers, fishermen, and aircraft operators are refunded when the fuel is used in certain areas of their business. Examples include:

| <u>Business</u> | <u>Purpose</u>                           |
|-----------------|--|
| Farmers         | turning the soil                         |
| Fishermen       | propelling boats                         |
| Fishermen       | powering vehicles<br>used in business    |
| Aircraft        | using automotive<br>gasoline in aircraft |

The purpose of this refund is to allow gasoline for certain uses to be free of tax and to financially assist the commercial fishermen.

**Legal Citation:** R.S. 47:1681  
**Origin:** Acts 1950, No. 371  
**Effective Date:** September 1, 1950

**Beneficiaries:** Farmers, fishermen, and operators of gasoline-powered aircraft.

**Administration:** The purpose of the refund is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$115,000               | \$115,000 |

# Petroleum Products Taxes

## Gasoline tax discounts

### 5. Discount of three percent for a gasoline jobber

A discount of three percent of the first 4¢ of the total tax per gallon purchased by a jobber for domestic consumption is allowed as a deduction from the taxable gallonage. The purpose of this discount is to compensate the dealers for product losses incurred when handling motor fuels.

**Legal Citation:** R.S. 47:719(A)  
**Origin:** Acts 1975, No. 503  
**Effective Date:** September 12, 1975

**Beneficiaries:** Bonded gasoline jobbers.

**Administration:** The purpose of the discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$700,000               | \$700,000 |

### 6. Discount of three percent for a gasoline dealer

A discount of three percent of the first 1¢ of the total tax per gallons sold, used, or consumed by a dealer for domestic consumption is deducted from the taxable gallonage. The purpose of this discount is to compensate the dealers for product losses incurred when handling motor fuels.

**Legal Citation:** R.S. 47:719(B)  
**Origin:** Acts 1928, Ex. Sess., No. 6  
**Effective Date:** January 4, 1929

**Beneficiaries:** Bonded gasoline dealers.

**Administration:** The purpose of the discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$700,000               | \$700,000 |

# Petroleum Products Taxes

## Special fuels tax refunds

### 7. School-bus drivers

Contract drivers of all privately-owned school buses transporting Louisiana students, whether such students are in private or public schools, are eligible for a refund of one-half of the special fuels tax. The purpose of this refund is to financially assist contract drivers of privately-owned school buses.

**Legal Citation:** R.S. 47:715.1  
**Origin:** Acts 1984, No. 927  
**Effective Date:** September 3, 1984

**Beneficiaries:** Contract drivers of privately-owned school buses.

**Administration:** The purpose of the refund is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$180,000               | \$180,000 |

### 8. Special fuels used in licensed vehicles by commercial fishermen

Licensed commercial fishermen are eligible for a refund of the special fuels tax paid on the fuel used operating licensed motor vehicles when performing commercial fishing-related business. The purpose of this refund is to allow special fuels used by fishermen to be free of tax and to financially assist the commercial fishermen.

**Legal Citation:** R.S. 47:802.2  
**Origin:** Acts 1982, No. 820  
**Effective Date:** January 1, 1983

**Beneficiaries:** Licensed commercial fishermen.

**Administration:** The purpose of the refund is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible; less than \$10,000.



# Petroleum Products Taxes

## Special fuels tax discount

### 9. Discount of three percent

A three percent discount of the net taxable gallons reported is allowed for collecting and remitting the tax and as an allowance for evaporation. The purpose of this discount is to compensate the suppliers for expenses incurred in collecting and remitting the taxes and for product losses incurred due to evaporation.

**Legal Citation:** R.S. 47:808(D)  
**Origin:** Acts 1954, No. 166  
**Effective Date:** July 30, 1954

**Beneficiaries:** Licensed special fuels suppliers.

**Administration:** The purpose of the discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$4,000,000             | \$4,000,000 |

## Inspection fee on petroleum products

### 10. Undyed special fuels used for nontaxable purposes

The inspection fee does not apply to taxed undyed special fuel that is purchased and used for other than highway purposes that is subject to a tax refund in accordance with R.S. 47:802.1.

**Legal Citation:** R.S. 3:4684  
**Origin:** Acts 2003, No. 139  
**Effective Date:** September 1, 2003

**Beneficiaries:** Purchasers of undyed special fuel that is used for other than highway purposes when dyed special fuel is not available.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to anticipate the fiscal effect.

# Petroleum Products Taxes

## 11. Undyed special fuels used by commercial fisherman

The inspection fee does not apply to taxed undyed special fuel that is purchased and used in vehicles utilized by licensed commercial fishermen in the administration of the business associated with commercial fishing that is subject to a tax refund in accordance with R.S. 47:802.2.

**Legal Citation:** R.S. 3:4684  
**Origin:** Acts 2003, No. 139  
**Effective Date:** September 1, 2003

**Beneficiaries:** Licensed commercial fishermen.

**Administration:** The purpose of this credit is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to anticipate the fiscal effect.

## Federally imposed exemptions

### 12. Gasoline sales to federal government and its agencies

Gasoline delivered to the U.S. Government in quantities of 6,000 gallons or more is exempt from the gasoline taxes. Also, gasoline sold to the U.S. Government for the purpose of propelling an aircraft or boat is exempt. The purpose of this provision is to provide an exemption for bulk sales and for fuel used for specific government purposes.

**Legal Citation:** R.S. 47:715  
**Origin:** Acts 1944, No. 131  
**Effective Date:** July 6, 1944

**Beneficiaries:** The U.S. Government.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,000,000             | \$2,000,000 |

# Petroleum Products Taxes

---

## 13. Interstate gasoline shipments/ exports

Gasoline exported beyond the borders of Louisiana is not subject to the excise tax. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citations:** R.S. 47:717  
U.S. Constitution

**Origin:** Acts 1928, Ex. Sess.,  
No. 6

**Effective Date:** January 4, 1929

**Beneficiaries:** Dealers who export products in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |                 |
|-------------------------|-----------------|
| FYE 6-05                | FYE 6-06        |
| \$1,925,000,000         | \$1,925,000,000 |

# **Public Utilities and Carriers Tax Exemptions**

# Public Utilities and Carriers Taxes

## Index of Exemptions

| Exemptions                                   | Legal Citations    | Page |
|--|--------------------|------|
| <b>Inspection and supervision fee</b>        |                    |      |
| 1. Ten-mile zone exclusion                   | R.S. 45:1177(A)(4) | 213  |
| 2. Power cost exclusion                      | R.S. 45:1177(A)(4) | 213  |
| 3. Commercial mobile service exclusion       | R.S. 45:1177(E)    | 214  |
| <b>Transportation and communications tax</b> |                    |      |
| 1. Seven-mile zone exclusion                 | R.S. 47:1003(11)   | 215  |

# Public Utilities and Carriers Taxes

## Inspection and Supervision Fee

---

### Introduction

The inspection and supervision fee was first imposed by Act 108 passed during the Extraordinary Session of 1921. This act established that each common carrier and public utility doing business in Louisiana and subject to the control and jurisdiction of the Public Service Commission would pay an annual fee for the inspection, control, and supervision of the business, service, and rates of such common carrier and public utility. The fee was set on a graduated scale, with a minimum annual fee established of \$10 not to exceed a maximum of \$500, to be due at the end of December. Changes to the fee and rate schedules occurred in 1928, 1935, 1962, 1970, and again in 1972 when a minimum annual fee of \$35 was established and the maximum amount eliminated.

The year 1985 brought forth two pieces of legislation. Act 182 changed the due date from December 31 to April 1; while Act 561 implemented a supplemental fee of 20 percent of the inspection and supervision fee payment on each gas, electric, and telephone public utility. Act 700 of 1986 changed the reporting period from annually to quarterly, adjusted the rates, and established the minimum amount to be paid at not less than \$12.50 quarterly, \$50 annually.

As a result of Section 601 of the Federal Aviation Administration Act of 1994, Act 301 of 1995 was enacted removing certain motor carriers from the jurisdiction of the Louisiana Public Service Commission thus eliminating these carriers from the imposition of the Inspection and Supervision Fee.

### Legal Citations

R.S. 45:1177 through 45:1179

### Tax Base

Gross receipts from Louisiana intrastate business from each common and contract carrier and public utility.

### Tax Rate

- \$3.18 per \$1,000 for the first \$100,000 or less of such gross receipts;
- \$2.68 per \$1,000 of such gross receipts in excess of \$100,000 and not more than \$250,000;
- \$2.18 per \$1,000 of such gross receipts in excess of \$250,000 and not more than \$500,000;
- \$1.68 per \$1,000 of such gross receipts in excess of \$500,000 and not more than \$750,000;
- \$1.43 per \$1,000 of such gross receipts in excess of \$750,000 and not more than \$1,000,000;
- \$1.18 per \$1,000 of such gross receipts in excess of \$1,000,000 and not more than \$2,000,000;
- \$.93 per \$1,000 of such gross receipts in excess of \$2,000,000 and not more than \$5,000,000;
- \$.68 per \$1,000 of such gross receipts in excess of \$5,000,000 and not more than \$10,000,000;
- \$.58 per \$1,000 of such gross receipts in excess of \$10,000,000 and not more than \$25,000,000;
- \$.48 per \$1,000 of such gross receipts in excess of \$25,000,000 and not more than \$100,000,000;
- \$.38 per \$1,000 of such gross receipts in excess of \$100,000,000.

In no case shall the fee be less than \$50 annually.

### Types of Tax Exemptions

For the purpose of the fee, the tax exemptions are in the form of exclusions. Exclusions are items specifically not included in the tax base.

### Significant Changes

#### Fiscal Year 2003-2004

There were no significant changes to the inspection and supervision fee laws during the past year.

# Public Utilities and Carriers Taxes Inspection and Supervision Fee

## Exclusions

### 1. Ten-mile zone exclusion

Certain common carriers operating sightseeing passenger vehicles are allowed to exclude a ten-mile zone from the computation of their gross receipts. The common carrier must operate the vehicles within the limits and not more than ten miles from one incorporated municipality under a municipal certificate of public convenience and necessity. The purpose of this exclusion is to shelter the ten-mile zone from taxation.

**Legal Citation:** R.S. 45:1177(A)(4)  
**Origin:** Acts 1980, No. 626  
**Effective Date:** September 12, 1980

**Beneficiaries:** Carriers conducting business operations as provided.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no reporting requirement.

### 2. Power cost exclusion

A deduction from gross receipts is allowed for the cost paid for the purchase of wholesale power for resale by electric cooperatives, organized pursuant to R.S. 12:401 et seq. The purpose of this exclusion is to eliminate the double taxation of power; first when it is purchased for resale and second when it is sold.

**Legal Citation:** R.S. 45:1177(A)(5)  
**Origin:** Acts 1990, No. 39  
**Effective Date:** September 7, 1990

**Beneficiaries:** Electric cooperatives and their customers.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$150,000               | \$150,000 |

# Public Utilities and Carriers Taxes Inspection and Supervision Fee

---

### 3. Commercial mobile service exclusion

That portion of telephone public utilities receipts attributable to commercial mobile services are to be excluded when determining the amount of supplemental fee due per R.S. 45:1177(D) that is in addition to the inspection fees. The purpose of this exclusion is to remove certain receipts from charges not under the regulation of the Public Service Commission from the base for computing the supplemental fee only.

**Legal Citation:** R.S. 45:1177(E)  
**Origin:** Acts 1997, No. 710  
**Effective Date:** July 1, 1997

**Beneficiaries:** Any person or entity owning, operating, managing, or otherwise providing commercial mobile services.

**Administration:** The purpose of the exclusion is to be achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$75,000                | \$75,000 |



# Public Utilities and Carriers Taxes

## Transportation and Communication Utilities Tax

### Introduction

A tax on transportation and communication utilities was first imposed by Act 13 of the 1934 Regular Legislative Session. The tax was levied on every person owning or operating, or owning and operating, any public utility, as defined, in this state. **Public utilities** has been defined to include railroads and railways, sleeping cars, motor bus lines, motor freight lines, express companies, boat or packet lines, and pipe lines. The basic law has remained relatively unchanged over the years with the majority of changes occurring to the definitions of the various utilities and what constitutes **gross receipts** for the respective utilities.

Acts 1991, No. 388 repealed the transportation and communication tax as it applied to telephone companies and at the same time the telephone companies' services became subject to sales and use tax.

### Legal Citations

R.S. 47:1001 through 47:1010

### Tax Base

Gross receipts, as defined, from the utility's intrastate business.

### Tax Rate

Two percent of gross receipts as defined.

### Types of Tax Exemptions

The only tax exemption provided for is an exclusion. An exclusion is an item specifically not included in the tax base.

### Significant Changes

#### Fiscal Year 2003-2004

There were no significant changes to the transportation and communications utilities tax laws during the past year.

### Exclusion

#### 1. Seven-mile zone exclusion

Gross receipts from the transportation of passengers, freight, or property that originates and is delivered to points within the corporate limits of the same city or town or within a seven-mile zone adjacent to such city or town and within two contiguous parishes each with a population of 400,000 or more and a seven-mile adjacent zone, are not subject to the excise tax. The purpose of this exclusion is to shelter the seven-mile zone from taxation.

**Legal Citation:** R.S. 47:1003(11)  
**Origin:** Acts 1965, No. 34  
**Effective Date:** June 28, 1965  
Amended October 1, 1991

**Beneficiaries:** Public utilities that transport within the specified radii.

**Administration:** The purpose of the exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$450,000               | \$450,000 |

# **Sales Tax Exemptions**

# Sales Tax Index of Exemptions

| Exemptions  | Legal Citations   | Page |
|---|---|------|
| <b>Exclusions</b>   |   |      |
| 1. Purchases by pari-mutuels racetracks   | R.S. 4:168  | 230  |
| 2. Purchases by off-track wagering facilities   | R.S. 4:227  | 230  |
| 3. Purchases, services and rentals for construction of sewerage or waste water treatment facilities                 | R.S. 33.4169(D)   | 231  |
| 4. Isolated or occasional sales of tangible personal property   | R.S. 47:301(1)<br>R.S. 47:301(10)(c)  | 231  |
| 5. Installation charges on tangible personal property   | R.S. 47:301(3)(a)   | 232  |
| 6. Installation of board roads to oil-field operators   | R.S. 47:301(3)(c)   | 232  |
| 7. Manufacturers rebates on new motor vehicles  | R.S. 47:301(3)(e)<br>R.S. 47:301(13)(b)   | 233  |
| 8. Manufacturers rebates paid directly to a dealer  | R.S. 47:301(3)(g)<br>R.S. 47:301(13)(e)   | 233  |
| 9. Leases or rentals of railroad rolling stock and leases or rentals by railway companies and railroad corporations | R.S. 47:301(4)(k)   | 234  |
| 10. Purchases of manufacturing machinery and equipment  | R.S. 47:301(3)(i),<br>(13)(k) and (28)<br>R.S. 47:337.10(l)<br>R.S. 47:301(i)(i),<br>(13)(k)(i) and (28)(a) | 234  |
| 11. Room rentals at religious camp and retreat facilities   | R.S. 47:301(6)(b)   | 235  |
| 12. Rentals or leases of certain oil-field property to be re-leased or re-rented                                    | R.S. 47:301(7)(b)   | 235  |
| 13. Certain transactions involving the construction or overhaul of U.S. Navy vessels                                | R.S. 47:301(7)(c)<br>R.S. 47:301(14)(h)   | 236  |
| 14. Rental or purchase of airplanes or airplane equipment and parts by Louisiana domiciled commuter airlines        | R.S. 47:301(7)(d)<br>R.S. 47:301(10)(k)   | 236  |
| 15. Purchases and leases by free hospitals  | R.S. 47:301(7)(e)<br>R.S. 47:301(10)(p)<br>R.S. 47:301(7)(c)  | 237  |
| 16. Certain educational materials and equipment used for classroom instruction                                      | R.S. 47:301(7)(f)<br>R.S. 47:301(10)(q)<br>R.S. 47:301(18)(e)   | 237  |
| 17. Sales and rentals to Boys State of La., Inc. and Girls State of La., Inc.                                       | R.S. 47:301(7)(g)<br>R.S. 47:301(10)(r)<br>R.S. 47:301(18)(f)   | 238  |
| 18. Vehicle rentals for rent to warranty customers  | R.S. 47:301(7)(h)   | 238  |
| 19. Purchases by regionally accredited independent educational institutions   | R.S. 47:301(8)(b)   | 239  |
| 20. Purchases by state and local governments  | R.S. 47:301(8)(c)   | 239  |
| 21. Purchases of certain bibles, songbooks, or literature   | R.S. 47:301(8)(d)   | 240  |

# Sales Tax Index of Exemptions

| Exemptions  | Legal Citations  | Page |
|---|--|------|
| <b>Exclusions <i>continued</i></b>  |  |      |
| 22. Purchases by the Society of the Little Sisters of the Poor  | R.S. 47:301(8)(e)  | 240  |
| 23. Purchases of tangible personal property for lease or rental   | R.S. 7:301(10)(a)(iii)<br>R.S. 7:301(18)(a)(iii)               | 241  |
| 24. Purchases of new research equipment by a biotechnology company  | R.S. 47:301(10)(a)(v)  | 241  |
| 25. Purchases by a motion picture production company  | R.S. 7:301(10)(a)(vi)  | 242  |
| 26. Sales through coin-operated vending machines  | R.S. 47:301(10)(b)   | 242  |
| 27. Natural gas used in the production of iron  | R.S. 47:301(10)(c)(i)  | 243  |
| 28. Electricity for chlor-alkali manufacturing process  | R.S. 47:301(10)(c)(ii)   | 243  |
| 29. Sales of human-tissue transplants   | R.S. 47:301(10)(d)   | 244  |
| 30. Sales of raw agricultural products  | R.S. 47:301(10)(e)   | 244  |
| 31. Sale to the United States Government and its agencies   | R.S. 47:301(10)(g)   | 245  |
| 32. Sales of food items by youth organizations  | R.S. 47:301(10)(h)   | 245  |
| 33. Purchases of school buses by independent operators  | R.S. 47:301(10)(i)   | 246  |
| 34. Tangible personal property sold to food banks   | R.S. 47:301(10)(j)   | 246  |
| 35. Pollution control devices and systems   | R.S. 47:301(10)(l)   | 247  |
| 36. Certain aircraft assembled in Louisiana with a capacity of 50 people or more  | R.S. 47:301(10)(m)   | 247  |
| 37. Pelletized paper waste used in a permitted boiler   | R.S. 47:301(10)(n)   | 248  |
| 38. Purchases of equipment by bonafide volunteer and public fire department   | R.S. 47:301(10)(o)   | 248  |
| 39. Sales of telephone directories by advertising companies   | R.S. 47:301(10)(t)   | 249  |
| 40. Sales of cellular telephones and electronic accessories   | R.S. 47:301(10)(v)<br>R.S. 47:301(13)(g)<br>R.S. 47:301(18)(i) | 249  |
| 41. Purchases of Fuel or Gas by Residential Consumers   | R.S. 47:301(10)(x)   | 250  |
| 42. Articles traded in on tangible personal property  | R.S. 47:301(13)(a)   | 250  |
| 43. First \$50,000 of new farm equipment used in poultry production   | R.S. 47:301(10)(c)   | 251  |
| 44. Admissions to athletic or entertainment events by educational institutions and memberships dues of certain nonprofit, civic organizations | R.S. 47:301(10)(b)(i)  | 251  |
| 45. Admissions to museums   | R.S. 47:301(10)(b)(i)(ii)                                      | 252  |
| 46. Admissions to places of amusement at religious camp or retreat facilities   | R.S. 47:301(10)(b)(iv)   | 252  |

# Sales Tax Index of Exemptions

| Exemptions  | Legal Citations  | Page |
|---|--|------|
| <b>Exclusions <i>continued</i></b>  |  |      |
| 47. Repair services performed in Louisiana when the repaired property is exported | R.S. 47:301(14)(g)(i)                                      | 253  |
| 48. Interstate telecommunication services purchased by defined call centers       | R.S. 47:301(14)(i)(ii)(a)                                  | 253  |
| 49. Telecommunication services through coin-operated telephone calls              | R.S. 47:301(14)(i)(iii)(aa)                                | 254  |
| 50. Telecommunication services through interstate telephone calls                 | R.S. 47:301(14)(i)(iii)(cc)                                | 254  |
| 51. Miscellaneous telecommunication services                                      | R.S. 47:301(14)(i)(iii)(bb)<br>R.S. 47:301(14)(i)(iii)(dd) | 255  |
| 52. Coin bullion with a value of \$1,000 or more                                  | R.S. 47:301(16)(b)(ii)                                     | 255  |
| 53. Certain geophysical survey information and data analyses                      | R.S. 47:301(16)(b)(iii)                                    | 256  |
| 54. Work products of certain professionals  | R.S. 47:301(16)(e)   | 256  |
| 55. Pharmaceuticals administered to livestock for agricultural purposes           | R.S. 47:301(16)(f)   | 257  |
| 56. Used manufactured homes and 54 percent of cost of new manufactured homes      | R.S. 47:301(16)(g)   | 257  |
| 57. Purchases of certain custom computer software                                 | R.S. 47:301(16)(h)<br>R.S. 47:301(22)<br>R.S. 47:301(23)   | 258  |
| 58. Certain digital television and digital radio conversion equipment             | R.S. 47:301(16)(i)   | 258  |
| 59. Materials used directly in the collection of blood                            | R.S. 47:301(16)(j)   | 259  |
| 60. Apheresis kits and leuko reduction filters                                    | R.S. 47:301(16)(k)   | 259  |
| 61. Other constructions permanently attached to the ground                        | R.S. 47:301(16)(l)   | 260  |
| 62. Donations to certain schools and food banks from resale inventory             | R.S. 47:301(18)(a)(i)                                      | 260  |
| 63. Use tax on residue or byproducts consumed by producer                         | R.S. 47:301(18)(d)(ii)                                     | 261  |
| 64. Advertising services  | R.S. 47:302(D)   | 261  |
| 65. Purchases by nonprofit electric cooperatives                                  | R.S. 12:425  | 262  |
| 66. Purchases by a public trust   | R.S. 38:2212.4   | 262  |
| 67. Sales by state-owned domed stadiums   | R.S. 39:467  | 263  |
| 68. Sales by certain publicly-owned facilities                                    | R.S. 39:468  | 263  |
| 69. Sales of farm products direct from the farm                                   | R.S. 47:305(A)(1)  | 264  |
| 70. Racehorses claimed at races in Louisiana                                      | R.S. 47:305(A)(2)  | 264  |

# Sales Tax Index of Exemptions

| Exemptions   | Legal Citations                               | Page |
|--|---|------|
| <b>Exclusions <i>continued</i></b>   |   |      |
| 71. Feed and feed additives for animals  | R.S. 47:305(A)(4)                             | 265  |
| 72. Materials used in the production or harvesting of crawfish   | R.S. 47:305(A)(5)                             | 265  |
| 73. Materials used in the production or harvesting of catfish  | R.S. 47:305(A)(6)                             | 266  |
| 74. Farm products produced and used by the farmers   | R.S. 47:305(B)                                | 266  |
| 75. Sales of gasoline  | R.S. 47:305(D)(1)(a)                          | 267  |
| 76. Sales of steam   | R.S. 47:305(D)(1)(b)                          | 267  |
| 77. Sales of water   | R.S. 47:305(D)(1)(c)                          | 268  |
| 78. Sales of electric power or energy  | R.S. 47:305(D)(1)(d)                          | 268  |
| 79. Sales of newspapers  | R.S. 47:305(D)(1)(e)                          | 269  |
| 80. Sales of fertilizers and containers to farmers   | R.S. 47:305(D)(1)(f)                          | 269  |
| 81. Sales of natural gas   | R.S. 47:305(D)(1)(g)                          | 270  |
| 82. Materials and energy sources used for boiler fuel  | R.S. 47:305(D)(1)(h)                          | 270  |
| 83. Trucks, automobiles, and new aircraft removed from inventory for use as demonstrators                                    | R.S. 47:305(D)(1)(i)                          | 271  |
| 84. Drugs prescribed by physicians or dentists   | R.S. 47:305(D)(1)(j)                          | 271  |
| 85. Orthotic and prosthetic devices, wheelchairs and wheelchair lifts, and patient aids prescribed by physicians             | R.S. 47:305(D)(1)(k)<br>R.S. 47:305(D)(1)(m)  | 272  |
| 86. Orthotic and prosthetic devices, wheelchairs and wheelchair lifts, and patient aids prescribed by licensed chiropractors | R.S. 47:305(D)(1)(k)<br>R.S. 47:305(D)(1)(m)  | 272  |
| 87. Ostomy, colostomy, and ileostomy devices and equipment   | R.S. 47:305(D)(1)(l)                          | 273  |
| 88. Sales of food by certain institutions  | R.S. 47:305(D)(1)(n)-(r)<br>R.S. 47:305(D)(2) | 273  |
| 89. Patient medical devices used in the treatment of a disease prescribed by a physician                                     | R.S. 47:305(D)(1)(s)                          | 274  |
| 90. Dental orthotic and prosthetic devices, prostheses, and restorative materials  | R.S. 47:305(D)(1)(t)                          | 274  |
| 91. Adaptive driving equipment and motor vehicle modification  | R.S. 47:305(D)(1)(u)                          | 275  |
| 92. Fees paid by radio and television broadcasters for the rights to broadcast film, video, and tapes                        | R.S. 47:305(F)                                | 275  |

# Sales Tax Index of Exemptions

| Exemptions  | Legal Citations   | Page |
|---|-------------------|------|
| <b>Exclusions <i>continued</i></b>  |                   |      |
| 93. Kidney dialysis equipment and supply purchase or rentals  | R.S. 47:305(G)    | 276  |
| 94. Repairs and materials used on drilling rigs and equipment   | R.S. 47:305(I)    | 276  |
| 95. Sales of 50-ton vessels and new component parts and sales of certain materials and services to vessels operating in interstate commerce | R.S. 47:305.1     | 277  |
| 96. Sales of insulin for personal use   | R.S. 47:305.2     | 277  |
| 97. Sales of seeds for planting crops   | R.S. 47:305.3     | 278  |
| 98. Sales of admission tickets by Little Theater organizations  | R.S. 47:305.6     | 278  |
| 99. Tickets to musical performances by nonprofit musical organizations  | R.S. 47:305.7     | 279  |
| 100. Sales of pesticides for agricultural purposes  | R.S. 47:305.8     | 279  |
| 101. Rentals of motion-picture film to commercial theaters  | R.S. 47:305.9     | 280  |
| 102. Property purchased for exclusive use outside the state   | R.S. 47:305.10    | 280  |
| 103. Additional tax levy on contracts entered into prior to and within 90 days of tax levy  | R.S. 47:305.11    | 281  |
| 104. Admissions to entertainment by domestic nonprofit charitable, educational, and religious organizations                                 | R.S. 47:305.13    | 281  |
| 105. Sales of tangible personal property at or admissions to events sponsored by certain nonprofit groups                                   | R.S. 47:305.14    | 282  |
| 106. Sales by thrift shops on military installations  | R.S. 47:305.14    | 282  |
| 107. Sales of newspapers by religious organizations   | R.S. 47:305.14    | 283  |
| 108. Sales to nonprofit literacy organizations  | R.S. 37:305.14    | 283  |
| 109. Sales or purchases by blind persons operating small businesses   | R.S. 47:305.15(A) | 284  |
| 110. Purchases by certain organizations that promote training for the blind   | R.S. 47:305.15(B) | 284  |
| 111. Cable television installation and repair services  | R.S. 47:305.16    | 285  |
| 112. Receipts from coin-operated washing and drying machines in commercial laundromats  | R.S. 47:305.17    | 285  |
| 113. Outside gate admissions and parking fees at fairs, festivals, and expositions sponsored by nonprofit organizations                     | R.S. 47:305.18    | 286  |
| 114. Lease or rental of certain vessels in mineral production   | R.S. 47:305.19    | 286  |

# Sales Tax Index of Exemptions

| Exemptions   | Legal Citations  | Page |
|--|--|------|
| <b>Exclusions <i>continued</i></b>   |  |      |
| 115. Purchases of supplies, fuels, and repair services for boats used by commercial fishermen                                | R.S. 47:305.20   | 287  |
| 116. Certain seafood-processing facilities   | R.S. 47:305.20   | 287  |
| 117. Certain equipment when removed from resale inventory  | R.S. 47:305.22   | 288  |
| 118. First \$50,000 of the sales price of certain rubber-tired farm equipment and attachments                                | R.S. 47:305.25   | 288  |
| 119. New vehicles furnished by a dealer for driver-education programs  | R.S. 47:305.26   | 289  |
| 120. Sales of gasohol  | R.S. 47:305.28   | 289  |
| 121. Construction materials and operating supplies for certain nonprofit retirement centers                                  | R.S. 47:305.33   | 290  |
| 122. Sales of motor vehicles to be leased or rented by qualified lessors   | R.S. 47:305.36   | 290  |
| 123. Sales of certain fuels used for farm purposes   | R.S. 47:305.37   | 291  |
| 124. Sales or purchases by certain sheltered workshops   | R.S. 47:305.38   | 291  |
| 125. Purchases of certain fuels for private residential consumption  | R.S. 47:305.39   | 292  |
| 126. Specialty Mardi Gras items purchased by certain organizations   | R.S. 47:305.40   | 292  |
| 127. Purchases and sales by Ducks Unlimited and Bass Life  | R.S. 47:305.41   | 293  |
| 128. Tickets to dance, drama, or performing arts presentations by certain nonprofit organizations                            | R.S. 47:305.42   | 293  |
| 129. Purchases by and sales by certain nonprofit organizations dedicated to the conservation of fish and migratory waterfowl | R.S. 47:305.43   | 294  |
| 130. Raw materials used in the printing process  | R.S. 47:305.44   | 294  |
| 131. Piggyback trailers or containers and rolling stock  | R.S. 47:305.45   | 295  |
| 132. Pharmaceutical samples distributed in Louisiana   | R.S. 47:305.47   | 295  |
| 133. Catalogs distributed in Louisiana   | R.S. 47:305.49   | 296  |
| 134. Certain trucks and trailers used 80% in interstate commerce   | R.S. 47:305.50(A)                                      | 296  |
| 135. Certain contract carrier buses used 80% in interstate commerce  | R.S. 47:305.50(A)(1)(a)(ii)<br>R.S. 47:305.50(A)(1)(b) | 297  |



# Sales Tax Index of Exemptions

| Exemptions  | Legal Citations  | Page |
|---|--|------|
| <b>Exclusions <i>continued</i></b>  |  |      |
| 136. Rail rolling stock manufactured in Louisiana used in interstate commerce                                 | R.S. 47:305.50(B)  | 297  |
| 137. Utilities used by steelworks and blast furnaces  | R.S. 47:305.51   | 298  |
| 138. Antique airplanes held by private collectors and not used for commercial purposes                        | R.S. 47:6001   | 298  |
| <b>Alternate-reporting methods</b>  |  |      |
| 139. Certain interchangeable components; optional method to determine   | R.S. 47:301(3)(d)  | 299  |
| 140. Helicopters leased for use in the extraction, production, or exploration for oil, gas, or other minerals | R.S. 47:302.1  | 299  |
| 141. Cash-basis sales tax reporting and remitting for health and fitness club membership contracts            | R.S. 47:303(F)   | 300  |
| 142. Cash-basis reporting procedure for rental and lease transactions   | R.S. 47:306(A)(2)  | 300  |
| 143. Collection form interstate and foreign transportation dealers  | R.S. 47:306.1  | 301  |
| <b>Statutorily prescribed methods of taxation</b>   |  |      |
| 144. Extended time to register mobile homes   | R.S. 32:707(A)   | 301  |
| 145. "Cost price" of refinery gas   | R.S. 47:301(3)(f)<br>R.S. 47:301(13)(d)(iii)                             | 302  |
| 146. Sales price of refinery gas and other byproducts   | R.S. 47:301(13)(d)   | 302  |
| <b>Credits</b>  |  |      |
| 147. Vendor's compensation  | R.S. 47:306(A)(3)(a)   | 303  |
| 148. Credit for costs to reprogram cash registers   | Acts 1990, No. 386,<br>Section 4   | 303  |
| <b>Refunds</b>  |  |      |
| 149. Sales tax remitted on bad debts from credit sales  | R.S. 47:315  | 304  |
| 150. State sales tax paid on property destroyed in a natural disaster   | R.S. 47:315.1  | 304  |
| 151. Materials used in the construction, restoration, or renovation of housing in designated areas            | R.S. 47:315.2<br>R.S. 40:582.1-582.7<br>R.S. 47:1515.1<br>R.S. 33:2718.3 | 305  |

# Sales Tax Index of Exemptions

| Exemptions   | Legal Citations            | Page |
|--|----------------------------|------|
| <b>Refunds <i>continued</i></b>  |                            |      |
| 152. Purchases and leases of durable medical equipment paid by or under provisions of Medicare | R.S. 47:315.3              | 305  |
| 153. Refunds of sales tax to motion-picture production companies                               | R.S. 47:1124               | 306  |
| 154. Louisiana Tax Free Shopping Program   | R.S. 51:1301               | 306  |
| <b>State exemptions with prohibitions on taxation*</b>   |                            |      |
| 155. Sales of gasoline and gasohol   | La. Const. art. VII, § 27  | 307  |
| 156. Purchases made with food stamps and WIC vouchers  | R.S. 47:305.46             | 307  |
| 157. Credit for sales and use taxes paid to other states on property imported into Louisiana   | R.S. 47:303(A)             | 308  |
| 158. Credit for use tax paid on automobiles imported by certain members of the armed services  | R.S. 47:303(A)             | 308  |
| 159. Use of vehicles in La by active military personnel  | R.S. 47:305.48             | 309  |
| 160. Sales of food for preparation and consumption in the home                                 | La. Const. art. VII, § 2.2 | 309  |
| 161. Sales of electric power or energy to the consumer for residential use                     | La. Const. art. VII, § 2.2 | 310  |
| 162. Sales of natural gas to the consumer for residential use                                  | La. Const. art. VII, § 2.2 | 310  |
| 163. Sales of water to the consumer for residential use  | La. Const. art. VII, § 2.2 | 311  |

\*Taxation is prohibited by the state constitution, federal laws, or existing reciprocal agreements.

# Sales Tax

## Introduction

Louisiana sales tax was first imposed in 1936. The original sales tax was enacted as a two percent *luxury sales tax*. It was replaced by a one percent general sales tax that was in effect between 1938 and 1940. In 1942, a one percent *war emergency tax* was enacted and set to run for a two-year period. The first permanent sales tax was enacted in 1944 at a rate of one percent (R.S. 47:302); increased to two percent in 1948 (R.S. 47:302); increased to three percent in 1970 (R.S. 47:321); and increased to a four percent rate in 1984 (R.S. 47:331).

The general sales tax rate was four percent until June 30, 1988. In 1988, the legislature created the Louisiana Recovery District and authorized the District to issue bonds to be secured through the imposition of a sales tax. The one percent general sales tax imposed under R.S. 47:321 was repealed and was replaced by the one percent Recovery District tax. Due to bonding requirements, the taxes levied by the Recovery District are not affected by tax law changes subsequent to 1988. This combination of a three percent general sales tax, along with a one percent Recovery District tax remained in effect from July 1, 1988 to September 30, 1990.

In 1990, the legislature created the Louisiana Tourism Promotion District and granted it the authority to levy a tax. On October 1, 1990, the Tourism Promotion District levied a .03 percent sales tax, and on the same date the general sales tax rate imposed under R.S. 47:331 was reduced to .97 percent totalling the same overall tax rate of one percent. The tax base is the same for the Tourism Promotion District and general sales tax. On September 30, 1996, the bonds of the Recovery District were retired and the Recovery District ceased to exist. The levy of the Recovery District was replaced with a one percent general sales tax levy under R.S. 47:321.

For the purposes of this report, the term **general sales tax** is used to reference the four percent tax imposed by both the state and the Tourism Promotion District.

Exclusions and exemptions from the sales tax have existed since the first tax levy and new exclusions and exemptions have been enacted over the years. The exemptions were effective against the total sales tax base until 1986. During the 1986 Regular Legislative Session, House Concurrent Resolution 55 was enacted, which suspended the sales tax exemptions imposed under R.S. 47:331 for the period of July 1, 1986 through June 30, 1987. As a result of the suspension, traditionally exempt items were subject to a one percent sales tax. The legislature continued the one percent suspension until July 31, 1989. Effective August 1, 1989, the suspension rate was changed to three percent through December 31, 1989; two percent from January 1, 1990 through July 9, 1990; and three percent from July 10, 1990 through June 30, 1997. From July 1, 1993 to September 30, 1996, exemptions from the one percent sales tax levied by the Louisiana Recovery District were also suspended, resulting in a four percent suspension rate.

In order to extend tax relief, the Louisiana Legislature began enacting exclusions from the tax under the definitions in R.S. 47:301, rather than the exemptions under R.S. 47:305. Some of the new exclusions replaced existing exemptions that were taxable under the suspension of exemptions. This action resulted in two statutes affecting the same subject. In 1998, duplicative exemptions were repealed leaving only the exclusion as the statutory authority. The bonds of the Recovery District were retired as of September 30, 1996, and the District ceased to exist. The levy of the District was replaced with a one percent general sales tax levy and the four percent suspension continued until June 30, 1997.

# Sales Tax

From July 1, 1997 to June 30, 2000, the suspension rate is three percent. From July 1, 2000 to June 30, 2009 the suspension rate is four percent, except for sales of non-residential electricity, water utility service, natural gas, and steam, which is subject to a suspended tax rate of 3.8 percent.

The sales tax currently collected by the Department of Revenue is as follows:

| Type                | Rate   | Source      |
|---------------------|--------|-------------|
| General Sales Tax   | 2.00 % | R.S. 47:302 |
|                     | 1.00 % | R.S. 47:321 |
|                     | .97 %  | R.S. 47:331 |
| Tourism Prom. Dist. | .03 %  | Ordinance   |
| Total               | 4.00 % |             |

## Legal Citations

R.S. 47:301 - 47:333  
R.S. 4:168  
R.S. 4:227  
R.S. 12:425  
R.S. 33:2718.3  
R.S. 33:4169  
R.S. 38:2212.3  
R.S. 39:367 - 39:368  
R.S. 40:582.1 - 40:582.7  
R.S. 47:1121  
R.S. 47:1515.1  
R.S. 47:6001  
R.S. 51:1301

## Tax Base

The tax base consists of retail sales of tangible personal property, rental of movable property, and selected services. The tax base also includes use tax due on the cost of tangible personal property imported into this state or purchased within this state without the proper payment of sales tax.

## Types of Tax Exemptions

Louisiana sales tax exemptions are in the form of exclusions, exemptions, alternate reporting methods, credits, and refunds. Exclusions are items that have been excluded from the tax base by definition. Exemptions are items that were included in the tax base, but have been specifically exempted. Alternate reporting methods allow taxpayers to report and remit taxes in a manner different from the normally required procedure. Statutorily prescribed methods of taxation are items that have statutory methods to calculate the tax. Credits are situations when the taxpayer can deduct the credit amount from the tax due and pay only the net tax due. Refunds are the result of taxes paid initially, but for which the taxpayer may be reimbursed. All tax exemptions that are the result of Louisiana tax statutes are included in this report.

There are several statutory tax exemptions that are also prohibited from taxation by the state constitution, federal laws, or existing reciprocal agreements. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

## Fiscal Impact

The fiscal impact shown in this budget reflects all current statutory language and is not broken down by the various levies. It reflects the suspension of most exemptions at the rate of four percent.

Legislation to continue the suspension of most of the state sales tax exemptions through June 30, 2009, was enacted during the 2004 1<sup>st</sup> Extraordinary Session by Act 4.

# Sales Tax

## Significant Changes Fiscal Year 2003-2004

Acts 2004 1<sup>st</sup> Ex. Sess., No. 1 enacted R.S. 47:301(3)(i), (13)(k), and (28) and 337.10(l) and amends R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a), to provide phased-in exclusions from the state sales, use, lease, and rental tax for machinery and equipment used by eligible manufacturers in plant facilities predominantly and directly in the actual manufacturing for agricultural purposes or in the actual manufacturing of tangible personal property that is for sale to another. The exclusions provided are from the definition of "cost price" for use tax purposes under R.S. 47:301(3), "sales price" for sales tax purposes under R.S. 47:301(13), and "gross proceeds" (from lease or rental), "monthly lease or rental price paid" and "monthly lease or rental price contracted or agreed to be paid" as used in R.S. 47:302(B), 321(B), and 331(B) imposing the tax on lease and rental transactions. The legislation authorizes political subdivisions of the state to provide these exclusions from local sales, use, lease, and rental taxes, but does not require that they do so. Phase-in of exclusions began July 1, 2004.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 4 continued the suspension of most state sales tax exemptions through June 30, 2009, except for certain enumerated exemptions. The rate of sales tax to be collected on most suspended exemptions will be four percent. However, the rate of tax on sales of nonresidential electricity, water utility service, natural gas, and steam will be the same 3.8 percent rate that has been in effect since July 1, 2003.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 6 amended R.S. 47:301(16)(l) to provide that the term "tangible personal property" shall not include "other constructions" permanently attached to the ground. Formerly, this exclusion from the definition of "tangible personal property" applied only to the sales and use taxes levied by political subdivisions of the state, as enacted by the Legislature in Act 61 of the 2003 Regular Legislative Session.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 8 enacted R.S. 47:301(10)(x) to provide an exclusion from the terms "retail sale" or "sale at retail" on purchases by consumers of any fuel or gas, including but not limited to butane and propane, for residential use by the consumer.

Acts 2004 1<sup>st</sup> Ex. Sess., No. 10 removed the expiration date of the state and local sales tax exemptions provided by R.S. 47:305.50 for certain trucks, trailers, and contract carrier buses operating in interstate commerce. The exemptions, which were to have expired on June 30, 2004, will now apply indefinitely.

# Sales Tax

## Exclusions

### 1. Purchases by pari-mutuel horse racetracks

This exclusion allows racetracks licensed by the Racing Commission to make purchases of tangible personal property, services, and leases and rentals without the payment of sales or use tax. The State imposes certain license fees, commissions, and taxes on racetracks and horse racing. The purpose of this exclusion is to remove the liability for sales tax in lieu of the special taxes imposed on licensed racetracks.

**Legal Citation:** R.S. 4:168  
**Origin:** Acts 1968, No. 554  
**Effective Date:** July 19, 1968

**Beneficiaries:** Horse-racing tracks licensed by the Louisiana State Racing Commission.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

### 2. Purchases by off-track wagering facilities

This exclusion allows off-track wagering facilities licensed by the Racing Commission to make purchases of tangible personal property, services, leases, and rentals without the payment of sales or use tax. The State imposes certain license fees, commissions, and taxes on the racetracks and horse racing. The purpose of this exclusion is to remove the liability for sales tax in lieu of the special taxes imposed on the licensed off-track wagering facilities and to extend the exclusion enjoyed by pari-mutuel racetracks to these off-track facilities.

**Legal Citation:** R.S. 4:227  
**Origin:** Acts 1990, No. 1013  
**Effective Date:** July 26, 1990

**Beneficiaries:** Off-track wagering facilities licensed by the Louisiana State Racing Commission.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

### 3. Purchases, services, and rentals by private company working for local authority on construction or operation of sewerage or wastewater treatment facilities

The provision allows a private company with a contract to construct or operate a sewerage or wastewater treatment facility for a local governmental authority to be entitled to the same exclusions and exemptions as the governmental authority. The governmental entity has an exclusion for the purchase of tangible personal property and services and the rental/lease of tangible personal property under R.S. 47:301(8)(c). The purpose of this exclusion is to provide financial assistance to local governments through lower contract cost.

**Legal Citation:** R.S. 33:4169(D)  
**Origin:** Acts 1982, No. 795  
**Effective Date:** September 10, 1982

**Related Exclusion:** R.S. 47:301(8)(c)

**Beneficiaries:** Private companies and local governments.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner but it is not used extensively.

**Estimated Fiscal Impact:** Unable to anticipate, no data.

### 4. Isolated or occasional sales of tangible personal property

This exclusion allows isolated or occasional sales, other than motor vehicles, that are not sold as a part of regular business activity to be tax free. This exclusion can be claimed by both businesses and individuals. The purpose of this exclusion is to allow tax-free sales between individuals who are not in the retail business and by businesses on sales outside their normal course of business.

**Legal Citations:** R.S. 47:301(1),  
R.S. 47:301(10)(c)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** The beneficiaries of this exclusion are individuals not in the business of selling and the consumers who purchase occasional-sale items. Businesses also utilize this exclusion when they sell items outside their normal business activity (example: the sale of a cash register by a department store).

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

---

## 5. Installation charges on tangible personal property

This exclusion allows separately stated installation charges associated with the sale of tangible personal property to be tax free. The purpose of this exclusion is to eliminate the tax on installation charges.

**Legal Citation:** R.S. 47:301(3)(a)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** The beneficiaries of this exclusion are individuals and businesses who purchase equipment for which an installation charge is made.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## 6. Installation of board roads to oil-field operators

This exclusion allows installers of board roads, when dealing with oil-field operators, to separately itemize the installation charges associated with the board road and to exclude these charges from the sales tax. The purpose of this exclusion is to eliminate the tax on installation charges paid by oil-field contractors.

**Legal Citation:** R.S. 47:301(3)(c)  
**Origin:** Acts 1983, No. 446  
**Effective Date:** July 3, 1983

**Beneficiaries:** Oil-field contractors.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.



# Sales Tax

## 7. Manufacturers rebates on new motor vehicles

This exclusion allows the taxable amount of a new vehicle to be reduced by the amount of a manufacturer's rebate allocated directly to the consumer. The purpose of this exclusion is to relieve the new-car buyer of the tax on the rebate, which represent reductions in the sales price.

**Legal Citations:** R.S. 47:301(3)(e)  
R.S. 47:301(13)(b)  
**Origin:** Acts 1991, No. 350  
**Effective Date:** September 6, 1991

**Beneficiaries:** The general public purchasing new motor vehicles where manufacturers' discounts or rebates are transferred directly to the consumer.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$18,900,000            | \$19,278,000 |

**Note:** Prior year estimates were revised based on data obtained from the office of motor vehicles.

## 8. Manufacturers rebates paid directly to a dealer

This exclusion allows any payments made directly between the manufacturer and a third- party dealer (not the manufacturer's customer) for the manufacturer's product for the specific purpose of reducing the sales price and which actually reduce the price as stated to the consumer for the tangible personal property to be free of sales tax. The actual sales price to be paid directly by the consumer will be subject to sales tax. Manufacturers coupons used by the consumer as part payment of the "sales price" at the time of purchase and redeemed by the dealer will remain taxable. This exclusion excludes this payment from the definition of "cost price" and "sales price." The purpose of this exclusion is to clearly identify the taxable sales price being paid for tangible personal property by the consumer at the time the property is purchased.

**Legal Citations:** R.S. 47:301(3)(g)  
R.S. 47:301(13)(e)  
**Origin:** Acts 1996, No. 33  
**Effective Date:** July 2, 1996

**Beneficiaries:** Dealers in cigarettes and their consumers of cigarettes.

**Administration:** It is not known if the purpose of this exemption is being achieved in a fiscally effective manner. This exclusion is only known to apply to payments made by cigarette manufacturers who make payments directly to the cigarette retailer. Other industries may have similar transactions.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,442,900             | \$2,491,750 |

# Sales Tax

## 9. Leases or rentals of railroad rolling stock and leases or rentals by railway companies and railroad corporations

This exclusion removes lessors/rentors of railroad rolling stock from the requirement to charge the lease/rental tax to their lessees. This exclusion still requires lessees/rentees, with the exception of railway companies or railroad corporations, to self-assess the lease/rental tax and remit the tax directly to the state. The purposes of this exclusion are to relieve the lessors/rentors of railroad rolling stock from the burden of collecting the rental tax on rolling stock and to provide relief to railway companies and railroad corporations from the lease/rental tax.

**Legal Citation:** R.S. 47:301(4)(k)  
**Origin:** Acts 1990, No. 444  
**Effective Date:** September 7, 1990

**Beneficiaries:** Louisiana lessors/rentors of rail rolling stock and railway companies.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate, no data.

## 10. Purchases of manufacturing machinery and equipment

The exclusions, phased in over seven years, allow manufacturing machinery and equipment to be purchased free from the state sales, use, lease, and rental tax by eligible manufacturers. The term “manufacturer” is defined as a person whose principal activity is manufacturing, and who is assigned by the Louisiana Department of Labor a North American Industry Classification code within the agricultural, forestry, fishing, and hunting Sector 11 or manufacturing Sectors 31-33, as they existed in 2002. To qualify for the exclusion, the machinery and equipment must be used by the manufacturer in a plant facility and be used predominantly and directly in the actual manufacturing process.

Effective July 1, 2004, five percent of the price of eligible manufacturing machinery and equipment will be excluded from the state sales tax, increasing to 19 percent effective July 1, 2005 then 35 percent effective July 1, 2006.

**Legal Citation:** R.S. 47:301(3)(i), (13)(k) and (28)  
R.S. 47:337.10(l)  
R.S. 47:301(i)(i), (13)(k)(i) and (28)(a)  
**Origin:** Acts 2004, 1<sup>st</sup> Ex. Sess., No. 1  
**Effective Date:** July 1, 2004

**Beneficiaries:** Manufacturers that have a NAICS Sector code of 31-33 or Sector 11.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$5,000,000             | \$20,000,000 |

# Sales Tax

## 11. Room rentals at camp and retreat facilities for religious purposes

This provision excludes from the tax certain room rentals at camp and retreat facilities owned and operated for religious purposes by nonprofit religious organizations. The qualifying room rentals must be associated with the attendance of an organized religious event held at the facility. Room rentals to persons merely purchasing lodging at the facility do not qualify for the exclusion. The purpose of this exclusion is to identify the appropriate tax due at traditional religious camp retreats.

Religious camp retreats have similar exclusion for places of amusement under R.S. 47:301(14)(b)(iv).

**Legal Citation:** R.S. 47:301(6)(b)  
**Origin:** Acts 1998, No. 40  
**Effective Date:** August 15, 1998

**Related Exclusion:** R.S. 47:301(14)(b)(iv)

**Beneficiaries:** Traditional religious camp retreats.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000)

## 12. Rentals or leases of certain oil-field property to be re-leased or re-rented

This exclusion allows oil-field equipment rental dealers to rent/lease certain oil-field equipment from other dealers for re-rent or re-lease, without paying a tax on the rental for re-rent or lease for re-lease. The tax is collected on the rental to the final consumer. The purpose of this exclusion is to relieve dealers from having to maintain a large inventory of rental equipment.

**Legal Citation:** R.S. 47:301(7)(b)  
**Origin:** Acts 1966, No. 124  
**Effective Date:** July 27, 1966

**Beneficiaries:** Oil-field equipment rental dealers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$929,000               | \$947,580 |

# Sales Tax

**13. Certain transactions involving the construction or overhaul of U.S. Navy vessels**

This exclusion allows all rentals/leases and sales of services involved in the construction or overhaul of U.S. Navy vessels to be free of sales tax and applies to contractors involved with the construction or overhaul of the vessel. The purpose of this exclusion is to make Louisiana shipyards competitive with other states.

**Legal Citations:** R.S. 47:301(7)(c)  
R.S. 301(14)(h)  
**Origin:** Acts 1989, No. 833  
**Effective Date:** September 3, 1989

**Beneficiaries:** Shipyards and providers of repair services to U.S. Navy vessels.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$579,350               | \$590,940 |

**14. Rental or purchase of airplanes or airplane equipment and parts by Louisiana domiciled commuter airlines**

This exclusion allows Louisiana domiciled commuter airlines to rent/lease or purchase airplanes or airplane equipment free of general sales tax. This exclusion was enacted after the exemption authorized under R.S. 47:305.21 was suspended. This exemption became taxable as a result of various resolutions and acts of the Louisiana Legislature that suspended either in whole or in part most of the traditionally exempt items from the state sales tax. Exclusions from the tax have been and are currently protected from the suspension and therefore not taxable. In 1998, the duplicative exemption, R.S. 47:305.21, was repealed leaving the exclusion as the only statutory authority. The purpose of this exclusion is to remove the tax due on Louisiana domiciled commuter airlines.

**Legal Citations:** R.S. 47:301(7)(d)  
R.S. 47:301(10)(k)  
**Origin:** Acts 1991, No. 772  
**Effective Date:** July 1, 1991

**Beneficiaries:** Any Louisiana based commuter airline.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate.

# Sales Tax

## 15. Purchases, leases, and sales of services by free hospitals

This exclusion allows hospitals that provide free care to all patients to purchase, lease, or rent tangible personal property, or receive sales of services without paying sales tax. The original Act did not allow for the exclusion of sales of services. Act 43 of the 1996 Regular Session added the exclusion for sales of services effective July 2, 1996. The purpose of this exclusion is to provide financial relief to hospitals providing free services.

**Legal Citations:** R.S. 47:301(7)(e)  
R.S. 47:301(10)(p)  
R.S. 47:301(18)(c)

**Origin:** Acts 1994, No. 6  
Amended by Acts  
1996, No. 43

**Effective Date:** July 1, 1994

**Beneficiaries:** Hospitals that provide free care to all patients.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$48,000                | \$48,500 |

## 16. Certain educational materials and equipment used for classroom instruction

This exclusion allows approved parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code to rent/lease or purchase specific materials and equipment for classroom instruction free of sales tax. The materials and equipment are limited to books, workbooks, computers, computer software, films, videos, and audio tapes. These items must be used for classroom instruction only. This statute also excludes the sales of tangible personal property by the approved school from the sales tax, when the proceeds of such sales are used solely and exclusively to support the school. This exclusion for sales does not allow tax-free sales to students or their families by promoters or regular dealers through the use of the school name or facilities. The purpose of this exclusion is to allow financial relief to qualifying schools for classroom materials and equipment and to assist in fund-raising.

**Legal Citations:** R.S. 47:301(7)(f)  
R.S. 47:301(10)(q)  
R.S. 47:301(18)(e)

**Origin:** Acts 1996, No. 15  
Amended Acts 1998,  
No. 47, Amended by  
Acts 2000, No.33,  
Amended by Acts  
2003, No.141

**Effective Date:** July 1, 1997

**Sunset Date:** July 1, 2005

**Beneficiaries:** Qualifying parochial and private elementary and secondary schools.

**Administration:** It is not known if the purpose of this exemption is being achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$590,600               | Not In Effect |

# Sales Tax

## 17. Sales and rentals to Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc.

This exclusion allows Boys State of Louisiana, Inc., and Girls State of Louisiana, Inc., to purchase and lease or rent tangible personal property without the payment of sales tax when the property is used by their educational and public service programs for youth. The purpose of this exclusion is to provide financial relief to these two organizations.

**Legal Citations:** R.S. 47:301(7)(g)  
R.S. 47:301(10)(r)  
R.S. 47:301(18)(f)  
**Origin:** Acts 1996, No. 20  
**Effective Date:** July 1, 1996

**Beneficiaries:** Boys State of Louisiana, Inc., and Girls State of Louisiana, Inc.

**Administration:** It is not known if the purpose of this exemption is being achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

## 18. Vehicle rentals for re-rent to warranty customers

This provision allows licensed motor vehicle dealers to lease or rent motor vehicles without the payment of the tax when such vehicles will be provided at no charge to their customers under the terms of the warranty agreement associated with the purchase of a motor vehicle. The provision also extends to work associated with an applicable warranty that has lapsed and the rental is provided at no charge. The purpose of this exclusion is to provide financial assistance to motor vehicle dealers.

**Legal Citation:** R.S. 47:301(7)(h)  
**Origin:** Acts 1998, No. 49  
**Effective Date:** August 1, 1998

**Beneficiaries:** Motor vehicle dealers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$110,150               | \$112,350 |

# Sales Tax

## 19. Purchases by regionally accredited independent educational institutions

This exclusion allows qualifying educational institutions to purchase or rent/lease tangible personal property or receive services without the payment of general sales tax. The exclusion does not extend to sales made by the institutions. The purpose of this exclusion is to provide financial assistance to qualifying institutions.

**Legal Citation:** R.S. 47:301(8)(b)  
**Origin:** Acts 1990, No. 1064  
**Effective Date:** July 1, 1990

**Beneficiaries:** Independent educational institutions.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$197,350               | \$201,300 |

## 20. Purchases by state and local governments

This exclusion allows all boards, agencies, or commissions of the state of Louisiana or any local authority within Louisiana to purchase or rent/lease tangible personal property, or receive services without being subject to general sales tax by excluding Louisiana state and local governments from the definition of *person*. This exclusion was enacted after the exemptions authorized under R.S. 47:305.27, 305.29, 305.34, and 305.35 became subject to the tax. These exemptions became taxable as a result of various resolutions and acts of the Louisiana Legislature that suspended either in whole or in part most of the traditionally exempt items from the state sales tax. Exclusions from the tax have been and are currently protected from the suspension and therefore not taxable. In 1998, these duplicative exemptions were repealed leaving the exclusion as the only statutory authority. The purpose of this exclusion is to remove governmental authorities from taxation.

**Legal Citation:** R.S. 47:301(8)(c)  
**Origin:** Acts 1991, No. 1029  
**Effective Date:** September 1, 1991

**Beneficiaries:** All Louisiana state and local governmental authorities.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$163,192,500           | \$166,456,400 |

**Note:** This amount includes the total revenue loss for purchases by state and local government and sales to the U.S. Government. (see number 31, sales tax section)

# Sales Tax

**21. Purchases of certain bibles, song-books, or literature by certain churches or synagogues for religious instructional classes**

This exclusion removes “churches” and “synagogues” granted exemption by the United States Internal Revenue Service under Section 501(c)(3) of the United States Internal Revenue Code from the definition of “dealer” when they purchase bibles, song-books, or literature used for religious instruction classes. The purpose of this exclusion is to allow financial relief to qualifying churches and synagogues.

**Legal Citation:** R.S. 47:301(8)(d)  
**Origin:** Acts 1996, No. 28  
**Effective Date:** July 1, 1996

**Beneficiaries:** Qualifying churches and synagogues.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$612,000               | \$624,500 |

**22. Purchases by the Society of the Little Sisters of the Poor**

This provision excludes the Society of the Little Sisters of the Poor from the definition of “person”. This allows the Society to purchase tangible personal property and services and rent/lease tangible personal property without paying general sales tax. This exclusion is limited to the Society as a whole and does not extend to individual members. This exclusion does not apply to sales made by the Society. The purpose of this exclusion is to provide financial assistance to the Society of the Little Sisters of the Poor.

**Legal Citation:** R.S. 47:301(8)(e)  
**Origin:** Acts 1998, No. 40  
**Effective Date:** August 15, 1998

**Beneficiaries:** Society of the Little Sisters of the Poor.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$25,000                | \$25,000 |



# Sales Tax

## 23. Purchases of tangible personal property for lease or rental

This exclusion allows rental companies to purchase tangible personal property without paying the general sales tax if the property is to be used solely as rental property. The exclusion's effective dates varied based on the type of property being purchased. The purpose of this exclusion is to give dealers financial relief and to make them more competitive with dealers in neighboring states that exempt the same transactions.

**Legal Citations:** R.S. 47:301(10)(a)(iii)  
R.S. 47:301(18)(a)(iii)  
**Origin:** Acts 1990, No. 140  
and No. 1030  
**Effective Date:** July 1, 1990  
**Duplicate Provision:** R.S. 47:305.36 (limited to motor vehicles, trailers, and semi-trailers)

**Beneficiaries:** Louisiana rental dealers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,088,000             | \$2,129,500 |

## 24. Purchases of new research equipment by a biotechnology company

This exclusion allows biotechnology companies to purchase new research equipment without the payment of general sales tax. Biotechnology companies are defined by the Act as qualified commercial biotechnology research companies identified by the North American Industry Classification System by code numbers 541710, 325412, 325414, 334516, or 339112. The purpose of this exclusion is to provide financial assistance to biotechnology start-up companies.

**Legal Citation:** R.S. 47:301(10)(a)(v)  
**Origin:** Acts 2002,  
1<sup>st</sup> Ex. Sess., No. 3  
**Effective Date:** July 1, 2002  
**Sunset Date:** June 30, 2006

**Beneficiaries:** Qualified biotechnology companies purchasing new research equipment.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,326,000             | \$1,350,000 |

# Sales Tax

## 25. Purchases by a motion picture production company

This exclusion allows motion picture production companies that have been granted relief under the Motion Picture Incentive Act to purchase items in connection with the filming or production of a motion picture free from the general sales tax. Applicants seeking relief under the Motion Picture Incentive Act must intend to expend in the aggregate \$250,000 or more within any consecutive 12-month period in connection with the filming or production of one or more motion pictures in the state of Louisiana. "Motion Picture" has been defined as a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot.

**Legal Citation:** R.S. 47:301(10)(a)(vi)

**Origin:** Acts 2002,  
1st Ex. Sess., No. 5

**Effective Date:** July 1, 2002

**Sunset Date:** December 31, 2006

**Beneficiaries:** Motion picture production companies.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,560,600             | \$1,592,000 |

## 26. Sales through coin-operated vending machines

This exclusion allows sales of tangible personal property through vending machines to be free of sales tax. This exclusion defines the sale to the dealer for resale in a vending machine to be a *retail sale*. The vending machine company is subject to tax on the purchase price of the property. No additional sales tax is due on the subsequent sale through the vending machine. The purpose of this exclusion is to define the taxable point of sale and to simplify the collection and reporting of the tax.

**Legal Citation:** R.S. 47:301(10)(b)

**Origin:** Acts 1978, No. 756

**Effective Date:** September 8, 1978

**Beneficiaries:** Dealers who sell their product through vending machines.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$3,274,000             | \$3,300,000 |

# Sales Tax

## 27. Natural gas used in the production of iron

This exclusion allows purchases of natural gas free of tax when the natural gas is used to manufacture iron using the “direct reduced iron process.” The exclusion considers the natural gas to be a material for further processing into an article of tangible personal property. The purpose of this exclusion is to provide a company or an industry an incentive to locate in Louisiana.

**Legal Citation:** R.S. 47:301(10)(c)(i)  
**Origin:** Acts 1995, No. 284  
**Effective Date:** July 1, 1995

**Beneficiaries:** Iron manufacturers using the “direct reduced iron process.”

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effective:** Unable to anticipate; no data.

## 28. Electricity for chlor-alkali manufacturing process

This exclusion allows purchases of electricity free of tax when the electricity is used in the chlor-alkali manufacturing process. The chlor-alkali manufacturers are responsible for reporting the amount of electricity used to the utility company. The purpose of this exclusion is to remove chlor-alkali manufacturers from taxation on their purchases of electricity.

**Legal Citation:** R.S. 47:301(10)(c)(ii)  
**Origin:** Acts 1987, No. 199  
**Effective Date:** July 1, 1987

**Beneficiaries:** Chlor-alkali manufacturers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$6,231,000             | \$6,350,000 |

# Sales Tax

---

## 29. Sales of human-tissue transplants

This exclusion allows the tax-free sale of human tissue that is to be transplanted from one individual into another recipient individual. Human-tissue transplants are defined to include all human organs, bones, skin, cornea, blood, or blood product. The purpose of this exclusion is to allow human tissue used in transplants to be excluded from sales tax.

**Legal Citation:** R.S. 47:301(10)(d)  
**Origin:** Acts 1987, No. 435  
**Effective Date:** July 9, 1987

**Beneficiaries:** Transplant recipients.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

## 30. Sales of raw agricultural commodities

This exclusion allows the sale of raw agricultural products sold for further production of crops or animals for market to be free of general sales tax. This exclusion includes feed, seed, and fertilizer. Raw agricultural products are exempt as a resale item under R.S. 47:301(10)(e). The sales tax is collected on the sale of the finished product. This exclusion relieves the farmers from paying advance sales tax. The purpose of this exclusion is to clarify that raw agricultural commodities are not subject to sales tax.

**Legal Citation:** R.S. 47:301(10)(e)  
**Origin:** Acts 1988, No. 307  
**Effective Date:** July 7, 1988

**Duplicate Provision:** R.S. 47:305(A)(3)

**Beneficiaries:** Producers of crops and livestock.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; raw-material exclusion.

# Sales Tax

## 31. Sales to the United States Government and its agencies

This exclusion allows sales made directly to the government of the United States or its agencies to be excluded from tax. The Constitution of the United States forbids the same taxation. This exclusion also applies to those companies with an agency status, where title to the tangible personal property purchased transfers immediately to the government. The purpose of this exclusion is to meet the requirements of the Constitution of the United States.

**Legal Citation:** R.S. 47:301(10)(g)  
**Origin:** Acts 1989, No. 833  
**Effective Date:** September 3, 1989

**Beneficiaries:** The beneficiaries of this exclusion are the United States Government and their agents.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 20, sales tax section.

## 32. Sales of food items by youth organizations

This exclusion allows youth organizations chartered by Congress, such as the Boy Scouts and Girl Scouts, to sell food free of general sales tax. The purpose of this exclusion was to remove these sales from taxation.

**Legal Citation:** R.S. 47:301(10)(h)  
**Origin:** Acts 1989  
2<sup>nd</sup> Ex. Sess., No. 10  
**Effective Date:** September 8, 1989

**Duplicate Provision:** R.S. 47:305.14

**Beneficiaries:** Qualifying youth groups.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$163,000               | \$166,000 |

# Sales Tax

## 33. Purchases of school buses by independent operators

This exclusion allows independent school bus operators to purchase school buses that are either new or less than five years old, if the buses are used exclusively in the public school system, free of general sales tax. The purpose of this exclusion is to give relief to the independent operators who must purchase their own school buses.

**Legal Citation:** R.S. 47:301(10)(i)  
**Origin:** Acts 1990, No. 724  
**Effective Date:** July 1, 1990

**Beneficiaries:** Independent operators who purchase their own school buses.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$379,500               | \$387,000 |

## 34. Tangible personal property sold to food banks

This exclusion allows food banks, as defined under R.S. 9:2799, to purchase any tangible personal property, including food, free of general sales tax. The original act passed in 1990 only included food. In 1992, all other purchases of tangible personal property were added. The purpose of this exclusion is to give qualifying food banks greater purchasing power.

**Legal Citation:** R.S. 47:301(10)(j)  
**Origin:** Acts 1990, No. 817;  
Amended Acts 1992,  
No. 514

**Effective Date:** September 7, 1990

**Beneficiaries:** Qualifying food banks.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

# Sales Tax

## 35. Pollution-control devices and systems

This exclusion allows industry to purchase pollution-control equipment free of general sales tax. The purpose of this exclusion is to encourage companies to purchase and install necessary equipment to cut industrial air, noise, groundwater, and other pollution.

**Legal Citation:** R.S. 47:301(10)(l)  
**Origin:** Acts 1991, No. 1019  
**Effective Date:** September 6, 1991

**Beneficiaries:** Industrial facilities that purchase pollution-control equipment.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$589,950               | \$601,750 |

## 36. Certain aircraft assembled in Louisiana with a capacity of 50 people or more

This exclusion allows aircraft manufactured or assembled in Louisiana with a capacity of 50 people or more to be sold free of general sales tax. The purpose of this exclusion is to encourage aircraft companies to locate an assembly plant or manufacturing facility within this state.

**Legal Citation:** R.S. 47:301(10)(m)  
**Origin:** Acts 1992, No. 226  
**Effective Date:** August 21, 1992

**Beneficiaries:** The beneficiaries of this exclusion are aircraft manufacturing companies located in Louisiana. The state benefits by the increased economic activity.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data

## Sales Tax

### 37. Pelletized paper waste used in a permitted boiler

This exclusion allows purchases of pelletized paper waste for the exclusive use as combustible fuel by an electric utility or in an industrial manufacturing, processing, compounding, reuse, or production process, including the generation of electricity or process steam to be made free of the general sales tax. The purpose of this exclusion is to encourage the use of pelletized paper waste in boilers.

**Legal Citation:** R.S. 47:301(10)(n)  
**Origin:** Acts 1992, No. 926  
**Effective Date:** July 1, 1993

**Beneficiaries:** Industries that convert boiler equipment to use pelletized paper waste as fuel.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

### 38. Purchases of equipment by bona fide volunteer and public fire departments

The original provision allowed bona fide volunteer fire departments to purchase equipment used in fire fighting without the payment of general sales tax. In 1998, Act 37 added public fire departments to the provision. Public fire departments are currently excluded from taxation under the governmental exclusion on all purchases, including non fire-fighting equipment. In addition, many fire departments named "volunteer" are actually fire protection districts and excluded from taxation under the governmental exclusions. This exclusion was enacted after the exemption authorized under R.S. 47:305.12 became taxable as a result of various resolutions and acts of the Louisiana Legislature that suspended either in whole or in part most of the traditionally exempt items from the state sales tax. Exclusions from the tax have been and are currently protected from the suspension and therefore not taxable. In 1998, the duplicative exemption, R.S. 47:305.12, was repealed.

**Legal Citation:** R.S. 47:301(10)(o)  
**Origin:** Acts 1992, No. 926;  
 Amended by Acts  
 1998, No. 37  
**Effective Date:** July 1, 1992

**Beneficiaries:** Bona fide volunteer and public fire departments.

**Administration:** The purpose of this exclusion was achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$174,000               | \$177,500 |



# Sales Tax

## 39. Sales of telephone directories by advertising companies

This exclusion allows advertising companies who are not affiliated with telephone service providers to transfer title or possession of telephone directories free from the state sales or use tax if the telephone directories will be distributed free of charge to the recipients.

**Legal Citation:** R.S. 47:301(10)(t)

**Origin:** Acts 2002, No. 58

**Effective Date:** June 25, 2002

**Beneficiaries:** Advertising companies distributing telephone directories.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$42,000                | \$42,000 |

## 40. Sales of cellular telephones and electronic accessories

This exclusion from state and local sales and use tax applies to the withdrawal, use, distribution, consumption, storage, donation, or disposition of cellular, PCS, or wireless telephones when provided in conjunction with the sale of a cellular service contract. For periods beginning after January 1, 2002, the term "sales price" shall mean and include the greater of (i) the amount of money actually received by the dealer from the purchaser for each such telephone, or (ii) 25 percent of the cost of such telephone to the dealer, but shall not include any amount received by the dealer from the purchaser for providing mobile telecommunications services or any commissions, fees, rebates, or other amounts received by the dealer from any source other than the purchaser as a result of or in connection with the sale of the telephone.

On July 24, 2002, the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, granted an injunction prohibiting the application and enforcement of Act 85 of the 2002 Regular Legislative Session.

**Legal Citation:** R.S. 47:301(10)(v)  
R.S. 47:301(13)(g)  
and (h)

R.S. 47:301(18)(i)

**Origin:** Acts 2002, No. 85

**Effective Date:** June 28, 2002

**Beneficiaries:** Cellular, PCS, or wireless telephone service providers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** As a result of the court's ruling, this exclusion is not in effect.

# Sales Tax

## 41. Purchases of Fuel or Gas by Residential Consumers

This exclusion allows the tax-free purchase of any fuel or gas, including but not limited to butane and propane, by the consumer for residential use. The purpose of this exclusion is to provide financial assistance to consumers.

**Legal Citation:** R.S. 47:301(10)(x)

**Origin:** Acts 2004, 1<sup>st</sup> Extraordinary Session, No. 8

**Effective Date:** July 1, 2004

**Beneficiaries:** Residential consumers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$4,300,000             | \$4,300,000 |

## 42. Articles traded in on tangible personal property

This exclusion allows credits for trade-ins of like property to be free of general sales tax. The trade-in credits are excluded from the definition of **sales price**. This exclusion was enacted after the exemption authorized under R.S. 47:305(C)(1) became subject to the tax as a result of various resolutions and acts of the Louisiana Legislature that suspended either in whole or in part most of the traditionally exempt items from the state sales tax. Exclusions from the tax have been and are currently protected from the suspension and therefore not taxable. In 1998, the duplicative exemption, R.S. 47:305(C)(1), was repealed leaving the exclusion as the only statutory authority. The purpose of this exclusion is to effect a reduction in the taxable sales price for consumers.

**Legal Citation:** R.S. 47:301(13)(a)

**Origin:** Acts 1989, 2<sup>nd</sup> Ex. Sess., No. 14

**Effective Date:** August 1, 1989

**Beneficiaries:** Any persons or businesses that purchase tangible personal property utilizing trade-ins.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

### 43. First \$50,000 of new farm equipment used in poultry production

This exclusion allows farmers engaged in poultry production relief from the general sales tax on the first \$50,000 of equipment purchased for use in poultry production. The purpose of this exclusion is to extend to poultry farmers similar tax relief extended to other farmers under R.S. 47:305.25 [See number 115, Sales Tax Section].

**Legal Citation:** R.S. 47:301(13)(c)  
**Origin:** Acts 1991, No. 388  
**Effective Date:** July 8, 1991

**Beneficiaries:** Poultry farmers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 118, sales tax section.

### 44. Admission to athletic or entertainment events by educational institutions and membership dues of certain nonprofit civic organizations

This exclusion allows the tax-free sale of tickets for admission to all athletic events by schools, colleges, and universities. In 1976, this exclusion was amended by Act 481 to also exclude the membership dues for access to the facilities of nonprofit civic organizations, such as the Young Men's Christian Association (YMCA), Young Women's Christian Association (YWCA), Catholic Youth Organization (CYO), etc. The purpose of this exclusion is to provide financial assistance to qualifying organizations.

**Legal Citation:** R.S. 47:301(14)(b)(i)  
**Origin:** Acts 1948, No. 9  
 Amended Acts 1976,  
 No. 481

**Effective Date:** June 7, 1948

**Beneficiaries:** Schools and nonprofit organizations.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,186,000             | \$2,229,700 |

# Sales Tax

## 45. Admissions to museums

This exclusion allows tax-free admissions to museums. The exclusion defines *place of amusement* to not include museums. This change was made in 1989, but Act 172, in 1991, declared this exclusion to be retroactive prior to September 3, 1989. Act 172 further stated that no refund would be considered for periods prior to January 1, 1990. The purpose of this exclusion is to provide financial assistance to museums.

**Legal Citation:** R.S. 47:301(14)(b)(ii)  
**Origin:** Acts 1989, No. 796  
 Amended Acts 1991,  
 No. 172

**Effective Date:** September 3, 1989

**Beneficiaries:** Museums, which include planetariums, aquariums, and natural history and art museums.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,203,600             | \$1,227,650 |

## 46. Admission to places of amusement at camp and retreat facilities for religious purposes

This provision excludes camp and retreat facilities owned and operated for religious purposes by nonprofit religious organizations from the definition of “places of amusements.” The qualifying admission charge must be associated with the attendance of an organized religious event held at the facility. Admission charges to persons for non religious events do not qualify for the exclusion. The purpose of this exclusion is to clarify the tax due at traditional religious camp retreats.

Religious camp retreats have a similar exclusion for room rentals under R.S. 47:301(6)(b).

**Legal Citation:** R.S. 47:301(14)(b)(iv)  
**Origin:** Acts 1998, No. 40  
**Effective Date:** August 15, 1998

**Related Exclusion:** R.S. 47:301(6)(b)

**Beneficiaries:** Traditional religious camp retreats.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

# Sales Tax

## 47. Repair services performed in Louisiana when the repaired property is exported

This exclusion allows Louisiana dealers to repair tangible personal property from other states tax-free, if the property is delivered back to the other state by the Louisiana dealer or by common carrier. The purpose of this exclusion is to allow Louisiana dealers to be competitive with dealers in neighboring states.

**Legal Citation:** R.S. 47:301(14)(g)(i)  
**Origin:** Acts 1977,  
 1<sup>st</sup> Ex. Sess., No. 17  
**Effective Date:** July 1, 1978

**Beneficiaries:** Louisiana repair shops located near the boundaries of the neighboring states.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$3,865,000             | \$3,934,500 |

## 48. Interstate telecommunications services purchased by defined call centers

This exemption allows defined call centers to purchase interstate telecommunication services free from the general sales tax for the period April 1, 2001 through June 30, 2003. Effective July 1, 2003 call centers will be subject to the telecommunications tax for interstate communication services, with a limitation of \$25,000 per year for “direct pay” holders. This exemption will not apply to call centers purchasing mobile telecommunication services.

The purpose of this exclusion is to prohibit the taxation of interstate telecommunication services when purchased by a defined call center.

**Legal Citation:** R.S.  
 47:301(14)(i)(ii)(cc)  
**Origin:** Acts 2000, No. 22  
 Amended by Acts  
 2001, No. 1175  
**Effective Date:** April 1, 2001

**Beneficiaries:** Defined Call Centers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$177,000               | \$180,500 |

# Sales Tax

## 49. Telecommunication services through coin-operated telephones

This exclusion allows communication through coin-operated telephones to be excluded from the telecommunication tax under general sales tax. The charges for the use of coin-operated telephones are excluded from the definition of *telecommunication services*. The telecommunication tax is only assessed at a general sales tax rate of three percent. The purpose of this exclusion is to prohibit the taxation of coin-operated telephone calls.

**Legal Citation:** R.S. 47:301(14)(i)(iii)(aa)

**Origin:** Acts 1990, No. 388

**Effective Date:** August 1, 1990

**Beneficiaries:** People who use coin-operated telephones.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## 50. Telecommunication services through interstate telephone calls.

This exclusion was repealed by Acts 2000, No. 22, effective April 1, 2001, which levied the new tax on amounts paid for interstate telecommunication services that either originate or terminate in the state and are charged to a service address in the state regardless of where the amounts are billed or paid.

Previously, this exclusion allowed interstate telephone calls to be excluded from the definition of telephone services and therefore not subject to three percent communication tax.

Effective April 1, 2004 the tax rate on interstate telecommunications is reduced to two percent.

**Legal Citation:** R.S. 47:301(14)(i)(iii)(cc)

**Origin:** Acts 1990, No. 388

**Effective Date:** August 1, 1990  
Repealed by Acts 2000, No. 22 effective April 1, 2001

**Beneficiaries:** People who made out-of-state telephone calls.

**Administration:** The purpose of this exclusion was achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Repealed effective April 1, 2001.

# Sales Tax

## 51. Miscellaneous telecommunications services

This exclusion allows charges for certain taxes and services for resale to be excluded from the definition of telecommunication services and state sales tax. The telecommunication tax is assessed at a rate of three percent. The purpose of this exclusion is to define what charges for telecommunications are not subject to tax.

**Legal Citation:** R.S. 7:301(14)(i)(iii)(bb)  
R.S. 7:301(14)(i)(iii)(dd)

**Origin:** Acts 1990, No. 388  
Amended by Acts  
1998, No. 58;  
Acts 2001, No. 1175

**Effective Date:** August 1, 1990

**Beneficiaries:** All persons or companies using telecommunication services.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## 52. Coin bullion with a value of \$1,000 or more

This exclusion allows transactions involving gold, silver, or other numismatic coin with a total value over \$1,000 to be free of general sales tax. This exclusion was enacted after the exemption authorized under R.S. 47:305.24 became subject to the tax. This exemption became taxable as a result of various resolutions and acts of the Louisiana Legislature that suspended either in whole or in part most of the traditionally exempt items from the state sales tax. Exclusions from the tax have been and are currently protected from the suspension and therefore not taxable. In 1998, the duplicative exemption, R.S. 47:305.24, was repealed leaving the exclusion as the only statutory authority. The purpose of this exclusion is to provide for tax-free sales of monetized bullion.

**Legal Citation:** R.S. 47:301(16)(b)(ii)

**Origin:** Acts 1991, No. 292

**Effective Date:** July 1, 1991

**Beneficiaries:** Dealers and purchasers of gold bullion.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$208,000               | \$212,150 |

# Sales Tax

---

## 53. Certain geophysical survey information and data analyses

This exclusion allows geophysical information and data provided under a restricted-use agreement to be free of sales tax. This exclusion excludes these transactions from the definition of *tangible personal property*. The Department had already concluded that these transactions did not constitute an exchange of tangible personal property and was therefore not subject to tax. The purpose of this exclusion is to clarify that tax is not due on geophysical surveys.

**Legal Citation:** R.S. 47:301(16)(b)(iii)  
**Origin:** Acts 1988, No. 355  
**Effective Date:** July 7, 1988

**Beneficiaries:** Oil exploration and geophysical survey companies.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; not taxable.

## 54. Work product of certain professionals

This provision excludes the work product of licensed or regulated professionals under Title 37. The work product of these professionals which are written on paper, stored on magnetic or optical media, or transmitted by electronic device, such as tax returns and wills, that is created in the normal course of business is excluded from the definition of tangible personal property. This exclusion specifically does not apply to work products that consist of the creation, modification, updating, or licensing of computer software. The exclusion covers accountants for preparation of tax returns and attorneys for preparation of wills. The taxing authorities of the state and local governments have not attempted to tax the work product addressed in this exclusion. The taxing authorities have been taxing the sale of computer software that is not included in this exclusion. The purpose of this exclusion is to insure that governmental entities do not attempt to tax the work product of Title 37 professionals.

**Legal Citation:** R.S. 47:301(16)(e)  
**Origin:** Acts 1998, No. 46  
**Effective Date:** June 24, 1998

**Beneficiaries:** Professionals under Title 37.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Impact:** \$0; nontaxable service.



# Sales Tax

## 55. Pharmaceuticals administered to livestock for agricultural purposes

This exclusion allows pharmaceuticals to be sold or purchased free from sales tax when administered to livestock that are used for agricultural purposes. Pharmaceuticals must be registered with the Louisiana Department of Agriculture and Forestry to qualify. This exclusion duplicates provisions of other exclusions and exemptions.

**Legal Citation:** R.S. 47:301(16)(f)

**Origin:** Acts 2000, No. 33

**Effective Date:** July 1, 2000

**Beneficiaries:** Livestock farmers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (Less than \$10,000).

## 56. Used manufactured homes and 54 percent of cost of new manufactured homes

This exclusion provides that used manufactured homes and 54 percent of the cost of new manufactured homes can be purchased free from sales tax. A "manufactured home" means a structure as defined in Section 5402 of Title 42 of the United States Code.

**Legal Citation:** R.S. 47:301(16)(g)

**Origin:** Acts 2000, No. 30

Amended by Acts

2001, No. 1212

**Effective Date:** July 1, 2001

**Beneficiaries:** Individuals that purchase new and used manufactured homes.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$3,801,800             | \$3,877,850 |

# Sales Tax

## 57. Purchases of certain custom computer software

This exclusion, phased in over four-years, excludes custom computer software from the definition of tangible personal property. The percentage excluded from the cost price of custom software is 25 percent in the first year, increasing by 25 percent each fiscal year until fully exempt on June 30, 2005. In order to be considered "custom computer software," the computer software must require preparation, creation, adaptation, or modification by the vendor in order to be used in a specific work environment or to perform a specific function for the user.

**Legal Citation:** R.S. 47:301(16)(h), (22) and (23)

**Origin:** Acts 2002, 1<sup>st</sup> Ex. Sess., No. 7

**Effective Date:** July 1, 2002

**Beneficiaries:** Dealers and consumers of custom computer software.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$150,000               | \$153,000 |

## 58. Certain digital television and digital radio conversion equipment

This exclusion allows individual taxpayers who hold a Federal Communications Commission license issued pursuant to 47 CFR Part 73, to purchase digital television and digital radio conversion equipment free from the general sales and use tax. Acts 2002, No. 61 specifically defines the items that qualify for the exclusion and provides that the exclusion only applies to the first purchase of each enumerated item. The Act also allows for a retroactive application of the exclusion on purchases of qualifying equipment purchased after January 1, 1999.

Although the Act provides for it, the exclusion for purchases made by taxpayers holding Federal Communications Commission radio broadcast licenses issued pursuant to 47 CFR Part 73 shall not apply until such time as the Federal Communications Commission mandates a radio conversion to digital broadcasting.

**Legal Citation:** R.S. 47:301(16)(i)

**Origin:** Acts 2002, No. 61

**Effective Date:** June 25, 2002

**Sunset Date:** When the Federal Communications Commission issued an order mandating license holders, issued pursuant to 47 CFR Part 73 to discontinue broadcasting their analog signal.

**Beneficiaries:** Taxpayers mandated by FCC to convert to digital broadcasting.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$622,000               | \$634,500 |

# Sales Tax

## 59. Materials used directly in the collection of blood

This exclusion allows nonprofit blood banks and nonprofit blood collection centers to purchase materials used directly in the collection, separation, treatment, testing, and storage of blood free from the general sales tax.

**Legal Citation:** R.S. 47:301(16)(j)

**Origin:** Acts 2002, No. 70

**Effective Date:** July 1, 2002

**Beneficiaries:** Nonprofit blood banks and nonprofit blood collection centers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$600,000               | \$612,000 |

## 60. Apheresis kits and leuko reduction filters

This exclusion allows nonprofit blood banks and nonprofit blood collection centers to purchase apheresis kits and leuko reduction filters free from the general sales tax.

**Legal Citation:** R.S. 47:301(16)(k)

**Origin:** Acts 2002, No. 71

**Effective Date:** July 1, 2002

**Beneficiaries:** Nonprofit blood banks and nonprofit blood collection centers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$175,000               | \$178,500 |

# Sales Tax

## 61. Other constructions permanently attached to the ground

This exclusion alters for state and local sales and use tax administration purposes only, the Louisiana Civil Code classification of “other constructions” as movable property when there is no unity of ownership between the other constructions and the lands on which they are located. Effective March 25, 2004, “other constructions” will be treated as immovable property when permanently attached to the land, regardless of the ownership of the land for sales and use tax administration purposes only. Persons constructing, selling, leasing, renting, or repairing “other constructions” that are permanently attached to the ground must treat those constructions as any other immovable property. Sales or use tax will be owed on their acquisition prices of materials that they acquire for the construction of or for providing repairs to such property.

**Legal Citation:** R.S. 47:301(16)(l)  
**Origin:** Acts 2004,  
1<sup>st</sup> Ex. Sess., No. 6  
**Effective Date:** March 25, 2004

**Beneficiaries:** Persons owning other constructions and not the land on which they are located

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## 62. Donations to certain schools and food banks from resale inventory

The original exclusion allows a retailer to donate resale inventory to certain schools without having to pay use tax on the donated property. The schools must meet the definition in R.S. 17:326 or be a school of higher education. An additional provision was added in 1998 by Act 22 to exclude use tax on food items donated to food banks as defined under R.S. 9:2799(B), effective July 1, 1998. The purpose of this exclusion is to encourage the donation of resale inventory to certain schools and Food Banks.

**Legal Citation:** R.S. 47:301(18)(a)(i)  
**Origin:** Acts 1987, No. 326;  
Amended by Acts  
1998, No. 22; Acts  
2000, No. 44

**Effective Date:** July 1, 1987

**Beneficiaries:** Retailers that donate to schools and food banks and the schools and food banks that receive the donations.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

---

## 63. Use tax on residue or byproducts consumed by the producer

This exclusion excludes from the definition of “use” any residue or by-product created as part of a manufacturing/refining process, except refinery gas, which is used by the producer of the property. The use tax value of refinery gas is under R.S. 47:301(f). Sales of refinery gas are subject to tax under R.S. 47:301(13)(d).

**Legal Citation:** R.S. 47:301(18)(d)(ii)  
**Origin:** Acts 1996, No. 29  
**Effective Date:** July 2, 1996

**Beneficiaries:** Manufacturers or refineries of refinery gas and byproducts that are produced as part of their process.

**Administration:** It is not known if the purpose of this exemption is being achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## 64. Advertising services

This exclusion allows advertising services by an advertising agency to be free from state and local sales or use tax. This exclusion applies to advertising services and to tangible personal property sold if advertising services constitute a major part of the tangible personal property produced. It does not apply to the transfer of mass-produced advertising items by an advertising business that involves furnishing minimal services by the advertising business. Prior to the exclusion, the Department did not consider pure advertising services to be taxable. The Act creating this exclusion was passed in 1987, but was declared effective for services after January 1, 1982. The purpose of this exclusion was to clarify the taxability of advertising services and the property transferred to clients.

**Legal Citation:** R.S. 47:302(D)  
**Origin:** Acts 1987, No. 869  
**Effective Date:** January 1, 1982

**Beneficiaries:** Advertising agencies and their customers.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; nontaxable service.

# Sales Tax

## Exemptions

### 65. Purchases by nonprofit electric cooperatives

This exemption allows nonprofit electric cooperatives to purchase tangible property without the payment of sales tax. The original legal citation was R.S. 12:325, but was renumbered in 1968 to R.S. 12:425 by Act 105. The purpose of this exemption is to assist in providing electrical-utility service to rural areas, since investor-owned utility companies are not allowed a comparable exemption.

**Legal Citation:** R.S. 12:425  
**Origin:** Acts 1940, No. 266  
Amended by Acts  
1968, No. 105

**Effective Date:** July 21, 1940

**Beneficiaries:** Rural electric cooperatives.

**Administration:** The exemption has caused problems when the cooperatives tried to pass the exemption through to construction contractors using agency agreements. This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

### 66. Purchases by a public trust

This exemption allows bulk purchases of materials, supplies, vehicles, and equipment by a public trust free of general sales tax. The purchases must be made on behalf of the public trust. The purpose of this exemption is to provide assistance to public entities.

**Legal Citation:** R.S. 38:2212.4  
**Origin:** Acts 1989, No. 780  
(Redesignated from  
R.S. 38:2212.3 to  
R.S. 38:2212.4 pursuant to Acts 1999  
No. 768.)

**Effective Date:** July 9, 1989

**Beneficiaries:** Public trusts.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0, resale to government entities.

# Sales Tax

## 67. Sales by state-owned domed stadiums

This exemption allows tax-free sales to be made within state-owned domed stadiums with a seating capacity of at least 70,000. This exemption covers sales of souvenirs and refreshments, parking fees, and guided tours. This exemption does not extend to sales of tangible personal property through trade shows or similar events. The purpose of this exemption is to provide financial assistance to qualifying stadiums.

**Legal Citation:** R.S. 39:467  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** Certain state-owned domed stadiums and the vendors operating within them.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,309,700             | \$1,335,750 |

## 68. Sales by certain publicly-owned facilities

This exemption allows tax-free sales by certain publicly-owned facilities. This exemption applies to any qualified facility owned by any state or local subdivision. In order to qualify, the local taxing authorities must provide a similar exemption from all local sales taxes. The exemption covers sales of souvenirs and refreshments, parking fees, and guided tours. The exemption does not extend to sales of tangible personal property through trade shows or similar events. The purpose of this exemption is to provide financial assistance to qualifying facilities.

**Legal Citation:** R.S. 39:468  
**Origin:** Acts 1985, No. 2  
**Effective Date:** May 23, 1985

**Beneficiaries:** Certain publicly-owned facilities and the vendors operating within them.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

**69. Sales of farm products directly from the farm**

This exemption allows the tax-free sale of livestock, poultry, and other farm products if sold directly by the producer. This exemption includes sales by farmers, livestock producers, nurserymen, and other producers of farm products. Most sales by qualified producers are to wholesalers, but some producers sell their products directly to the consumer. The purpose of this exemption is to relieve the producer of the burden for charging and remitting sales tax.

**Legal Citation:** R.S. 47:305(A)(1)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Producers of farm products.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$317,000               | \$323,500 |

**70. Racehorses claimed at races in Louisiana**

This exemption allows the tax-free sale of racehorses entered in races and claimed (sold) at any meet in Louisiana, or sold through any public sale sponsored by any breeders, registry association, or livestock auction market. The purpose of this exemption is to provide financial assistance to the breeders association, registry associations, racetracks, and public sales of racehorses.

**Legal Citation:** R.S. 47:305(A)(2)  
**Origin:** Acts 1979, No. 796  
**Effective Date:** September 7, 1979

**Beneficiaries:** Racetracks and breeding and registry associations.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |



# Sales Tax

## 71. Feed and feed additives for animals held for business purposes

This exemption allows tax-free sales of feed and feed additives for the purpose of sustaining animals primarily for commercial, business, or agricultural use. The exemption does not apply to food for pets or hunting dogs. The purpose of this exemption is to provide financial relief from the use tax imposed on feed for animals held for business purposes.

**Legal Citation:** R.S. 47:305(A)(4)  
**Origin:** Acts 1986, No. 677  
**Effective Date:** August 30, 1986

**Beneficiaries:** Persons or companies that feed animals for commercial, business, or agricultural use.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 72. Materials used in the production or harvesting of crawfish

This exemption allows tax-free sales of materials, supplies, equipment, fuel, bait, and related items, other than vessels, when used in the production or harvesting of crawfish. This exemption is not limited to commercial farmers. The exemption includes a good faith clause that requires the vendor to use due care when accepting this exemption certificate. The purpose of this exemption is to provide financial assistance to crawfish farmers.

**Legal Citation:** R.S. 47:305(A)(5)  
**Origin:** Acts 1987, No. 364  
**Effective Date:** September 1, 1987

**Beneficiaries:** Producers and harvesters of crawfish.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 73. Materials used in the production or harvesting of catfish

This exemption allows tax-free sales of materials, supplies, equipment, fuel, bait, and related items, other than vessels, when used in the production or harvesting of catfish. This exemption is not limited to commercial farmers. The exemption includes a good faith clause that requires the vendor to use due care when accepting this exemption certificate. The purpose of this exemption is to provide financial assistance to catfish farmers.

**Legal Citation:** R.S. 47:305(A)(6)  
**Origin:** Acts 1988, No. 948  
**Effective Date:** September 1, 1988

**Beneficiaries:** Producers and harvesters of catfish.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 74. Farm products produced and used by farmers

This exemption allows farmers and their families to consume the products, grown primarily to be sold, without paying a use tax. The exemption applies to livestock, poultry, and agricultural products. The purpose of this exemption is to provide financial assistance to farmers.

**Legal Citation:** R.S. 47:305(B)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Farmers and their families.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$79,000                | \$80,550 |

# Sales Tax

## 75. Sales of gasoline

This exemption allows the sale of gasoline to be exempt when sold in Louisiana. La. Const. art. VII, §27 extends an exclusion for gasoline sold that has been subject to a Louisiana road use tax [See number 149, Sales Tax Section]. This exemption therefore exempts only gasoline sold where the road use tax has not been levied. The purpose of this exemption is to reduce the tax due by consumers.

**Legal Citation:** R.S. 47:305(D)(1)(a)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Consumers of gasoline for off-road use.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 76. Sales of steam

This exemption allows the tax-free sale of steam. The purpose of this exemption is to provide tax relief to industrial users of steam.

**Legal Citation:** R.S. 47:305(D)(1)(b)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Industrial users of steam.

**Administration:** This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04 – 6/30/09.

**Estimated Fiscal Effect:** See number 78, Sales tax section.

# Sales Tax

## 77. Sales of water

This exemption allows the tax-free sale of water sold other than in containers. The purpose of this exemption is to benefit the non-residential users of water utility services.

**Legal Citation:** R.S. 47:305(D)(1)(c)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Nonresidential users of water utility services.

**Administration:** This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04 – 6/30/09.

**Estimated Fiscal Effect:** See number 78, Sales tax section.

## 78. Sales of electric power or energy

This exemption allows the tax-free sale of electricity. In 1980, Act 159 expanded the exemption to include any material or fuel used to generate electric power. In 1984, Act 183 limited the exemption to material or fuel used to generate electric power to be resold or electric power in industrial manufacturing plants used for consumption or cogeneration. The purpose of this exemption was to benefit the users of electrical utility services.

**Legal Citation:** R.S. 47:305(D)(1)(d)  
**Origin:** Acts 1948, No. 9  
Amended by Acts  
1980, No. 159,  
Acts 1984, No. 183  
**Effective Date:** June 7, 1948

**Beneficiaries:** Nonresidential users of electrical utility services and industrial manufacturing plants that generate their own electricity.

**Administration:** This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04 – 6/30/09.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$9,376,700             | \$9,564,250 |

# Sales Tax

## 79. Sales of newspapers

This exemption allows the tax-free sale of newspapers. As a result of the court case *Arkansas vs. Arkansas Writers*, the definition of newspapers has been expanded to include general information publications with second-class mailing privileges, which includes various magazines. The purpose of this exemption is to benefit the consumers of newspapers.

**Legal Citation:** R.S. 47:305(D)(1)(e)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Consumers who purchase newspapers and magazines.

**Administration:** The question of what may be included in the definition of *newspapers* has been a recurring problem. The possibility of infringing on the freedom of the press has served to increase the items eligible for this exemption. This exemption is suspended and is taxable at four percent through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 80. Sales of fertilizers and containers to farmers

This exemption allows tax-free sales of fertilizers and containers for farm products if sold directly to the commercial farmer. Fertilizers and containers were already exempt as a resale item under R.S. 47:301(10)(a). Repeal of this exemption alone would not cause this transaction to be taxable. The raw material exclusion would have to be amended to define fertilizers and containers sold for resale as taxable. The purpose of this exemption is to clarify that fertilizers and containers are not taxable as a raw material.

**Legal Citation:** R.S. 47:305(D)(1)(f)  
**Origin:** Acts 1948, No. 9  
**Effective Date:** June 7, 1948

**Beneficiaries:** Commercial farmers.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0, raw material.

# Sales Tax

## 81. Sales of natural gas

This exemption allows tax-free sales of natural gas. In 1985, Act 258 added refinery gas to the exemption. In 1990, Act 476 deleted refinery gas effective July 18, 1990. The purpose of this exemption is to provide financial assistance to nonresidential consumers of natural gas.

**Legal Citation:** R.S. 47:305(D)(1)(g)  
**Origin:** Acts 1948, No. 9  
Amended by Acts  
1985, No. 258,  
Acts 1990, Act 476

**Effective Date:** June 7, 1948

**Beneficiaries:** Nonresidential consumers of natural gas.

**Administration:** This exemption has been suspended at the rate of 3.8 percent for the period 7/1/04 – 6/30/09.

**Estimated Fiscal Effect:** See number 78, Sales tax section.

## 82. Energy sources used as boiler fuel, except refinery gas

This provision allows an exemption for all energy sources to be used as boiler fuel, except refinery gas. Prior to July 1, 1996, the statute included the cost formula for the valuation of refinery gas. Act 29 of the 1996 Regular Session reenacted the statute leaving only the boiler fuel exemption and included a sunset date of June 30, 1998, for this exemption. The act also included an exclusion for use of a residual or by-product created or derived from the processing of a raw material under R.S. 47:301(18)(d)(ii) [See number 63, Sales Tax Section]. The use of these residual or byproducts in a boiler would be excluded from the sales tax only when used by the producer. The cost formula for the valuation of refinery gas was moved to R.S. 47:301(3)(f) [See number 145, Sales Tax Section]. The purpose of this exemption is to provide a benefit to industries utilizing boilers in their operations.

**Legal Citation:** R.S. 47:305(D)(1)(h)  
**Origin:** Acts 1973, Ex. Sess., No. 13; Amended by Acts 1996, No. 29; Acts 1998, No. 21; Acts 2000, No. 28; Acts 2002, No. 4

**Effective Date:** January 1, 1974

**Comparable Provision:** R.S.47:301(18)(d)(ii)

**Beneficiaries:** Any business that uses an energy source in a boiler fuel, except residual or byproducts or refinery gas.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**83. Trucks, automobiles, and new aircraft removed from inventory for use as demonstrators**

This statute originally exempted only new trucks and automobiles removed from inventory by dealers when used as demonstrators. In 1974, Act 186 expanded the exemption to include new aircraft removed from inventory by dealers. In 1987, Act 847 further expanded the exemption to include used trucks and automobiles removed from inventory by dealers. Demonstrator units are required to be on the dealers' premises during regular business hours to qualify for the exemption. The purpose of this exemption is to provide financial assistance to truck, automobile, and aircraft dealers.

**Legal Citation:** R.S. 47:305(D)(1)(i)

**Origin:** Acts 1962, No. 182  
Amended by Acts  
1974, No. 186;  
Acts 1987, No. 847

**Effective Date:** August 1, 1962

**Beneficiaries:** Truck, automobile, and aircraft dealers.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

**84. Drugs prescribed by physicians or dentists**

This statute originally exempted only drugs prescribed by a physician. In 1974, the exemption was expanded to include drugs prescribed by a dentist. This exemption allows drugs dispensed to patients by hospitals under orders of the physician to be purchased tax free. In 1985, Act 901 defined drugs under R.S. 47:301(20) to include all pharmaceuticals and medical devices. The inclusion of medical devices added a new exempt classification and greatly increased the fiscal effect of this exemption. On November 5, 2002, voters approved a constitutional amendment that prohibits the taxation of prescription drugs. The purpose of this prohibition is to provide financial assistance to consumers.

**Legal Citation:** R.S. 47:305(D)(1)(j)

**Origin:** Acts 1973, Ex. Sess.,  
No. 13

**Effective Date:** January 1, 1974

**Beneficiaries:** Individuals who purchase prescription drugs and hospitals.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$150,000,000           | \$152,697,350 |

# Sales Tax

## 85. Orthotic and prosthetic devices, wheelchairs and wheelchair lifts, and patient aids prescribed by physicians

This statute originally allowed the tax-free sale of orthotic devices, prosthetic devices, wheelchairs, and patient aids prescribed by physicians for personal use or consumption. Act 495, effective July 15, 1991, expanded the exemption to include wheelchair lifts. This exemption allows these items dispensed to patients by hospitals under orders from physicians to be purchased tax free. The purpose of this exemption is to provide financial assistance to individuals who must purchase this equipment.

**Legal Citations:** R.S. 47:305(D)(1)(k)  
R.S. 47:305(D)(1)(m)

**Origin:** Acts 1974, No. 186  
Amended by Acts  
1991, No. 495

**Effective Date:** July 31, 1974

**Beneficiaries:** Individuals who purchase qualifying devices.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.

## 86. Orthotic and prosthetic devices, wheelchairs and wheelchair lifts, and patient aids prescribed by licensed chiropractors

This statute originally allowed the tax-free sale of orthotic devices, prosthetic devices, wheelchairs, and patient aids prescribed by a licensed chiropractor for personal use or consumption. Act 495, effective July 15, 1991, expanded the exemption to include wheelchair lifts. The purpose of this exemption is to provide financial assistance to individuals who must purchase this equipment.

**Legal Citations:** R.S. 47:305(D)(1)(k)  
R.S. 47:305(D)(1)(m)

**Origin:** Acts 1983, No. 673  
Amended by Acts  
1991, No. 495

**Effective Date:** July 1, 1984

**Beneficiaries:** Individuals who purchase qualifying devices.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.



# Sales Tax

**87. Ostomy, colostomy, and ileostomy devices and equipment**

This exemption allows tax-free sales of ostomy, colostomy, and ileostomy devices and equipment, including catheters. The purpose of this exemption is to provide financial assistance to individuals required to purchase this medical equipment.

**Legal Citation:** R.S. 47:305(D)(1)(I)  
**Origin:** Acts 1978, No. 652  
**Effective Date:** January 1, 1979

**Beneficiaries:** Individuals purchasing this medical equipment.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.

**88. Sales of food for preparation and consumption in the home, and food sales by certain institutions**

This exemption allows tax-free sales of food to staff and students of educational institutions, the staff and patients of hospitals and mental institutions and boarders in rooming houses, and similar institutions if the facility does not serve food to the general public and the meals are consumed on the premises. The purpose of this exemption is to provide financial relief to the staff and patients/boarders of certain institutions.

**Legal Citations:** R.S. 47:305(D)(2)  
**Origin:** Acts 1973  
 Ex. Sess., No. 13  
**Effective Date:** January 1, 1974

**Beneficiaries:** Certain Institutions.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 89. Patient medical devices used in the treatment of a disease prescribed by a physician

The original provision allowed for devices used personally and exclusively by the patient in the medical treatment of various diseases under the supervision of and prescribed by a registered physician. In 1998, additional language concerning how the medical device may be administered to the patient was added. The new language allows for medical devices that are administered exclusively to the patient by a physician, nurse, or other health care professional or health care facility, in addition to the patient's use of the medical device to be exempt. The purpose of this exemption is to provide financial assistance to patients and medical centers when medical devices are used.

**Legal Citation:** R.S. 47:305(D)(1)(s)  
**Origin:** Acts 1985, No. 901  
Amended by Acts  
1998, No. 38

**Effective Date:** September 1, 1985

**Beneficiaries:** Patients, under the care of a physician, purchasing medical devices and medical centers administering medical devices to patients.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.

## 90. Dental orthotic and prosthetic devices, prostheses, and restorative materials

This exemption allows the tax-free sale of orthotic devices, prosthetic devices, prostheses, and restorative materials utilized by or prescribed by a dentist in connection with health-care treatment or for personal consumption or use. These devices are also exempt under R.S. 47:305(D)(1)(k) [See number 85, Sales Tax Section]. The purpose of this exemption is to provide financial assistance to individuals purchasing this equipment.

**Legal Citation:** R.S. 47:305(D)(1)(t)  
**Origin:** Acts 1991, No. 1065  
**Effective Date:** August 1, 1991

**Beneficiaries:** Individuals purchasing qualifying equipment.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.

# Sales Tax

## 91. Adaptive driving equipment and motor vehicle modification

This provision allows for the tax-free purchase of adaptive driving equipment and modifications to motor vehicles when prescribed by a physician, a licensed chiropractor, or a driver rehabilitation specialist licensed by the state. The purpose of this exemption is to provide financial assistance to persons requiring special driving equipment.

**Legal Citation:** R.S. 47:305(D)(1)(u)  
**Origin:** Acts 1998, No. 37  
**Effective Date:** June 24, 1998

**Beneficiaries:** Persons requiring specialized driving equipment.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 92. Fees paid by radio and television broadcasters for the rights to broadcast film, video, and tapes

This exemption allows the tax-free sale of the rights to broadcast copyrighted material. The purpose of this exemption is to provide financial assistance to broadcasters.

**Legal Citation:** R.S. 47:305(F)  
**Origin:** Acts 1972, No. 234  
**Effective Date:** July 26, 1972

**Beneficiaries:** Radio and television broadcasters.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 93. Kidney dialysis equipment and supply purchases or rentals

This exemption allows tax-free purchases or rentals of kidney dialysis equipment by individuals. The purpose of this exemption is to provide financial assistance to individuals purchasing or renting this type of equipment or supplies.

**Legal Citation:** R.S. 47:305(G)  
**Origin:** Acts 1975, No. 200  
**Effective Date:** September 12, 1975

**Beneficiaries:** Individuals who purchase or rent kidney dialysis equipment.

**Administration:** The purpose of this exclusion is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84, Sales Tax Section.

## 94. Repairs and materials used on drilling rigs and equipment

This exemption allows repairs and materials used on drilling rigs and equipment used exclusively for exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters to be exempt from the state sales and use tax. The exemption applies to the sale of materials, services and supplies as well as labor used to repair, renovate or convert any drilling rig, or machinery and equipment which are component parts used exclusively for the exploration or development of minerals outside the territorial limits of Outer Continental Shelf waters. The definition of drilling rig and component parts are also defined under R.S. 47:305(I). The purpose of this exemption is to provide financial assistance to companies operating drilling rigs and that are engaged in exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters.

**Legal Citation:** R.S. 47:305(I)  
**Origin:** Acts 2002, No. 31  
**Effective Date:** July 1, 2002

**Beneficiaries:** Companies that operate drilling rigs and are engaged in exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**95. Sales of 50-ton vessels and new component parts and sales of certain materials and services to vessels operating in interstate commerce**

This exemption allows the purchase of materials, equipment, and machinery that become component parts of ships, vessels, and barges with a 50-ton and over load displacement and the sale of such qualifying ships, vessels, and barges to be exempt from sales tax. In 1982, this exemption was amended to include drilling ships and barges. This exemption also allows ships or vessels operating exclusively in foreign or interstate coastwise commerce to purchase materials and supplies, repair services, and laundry services tax free. The purpose of this exemption is to make Louisiana boat builders and boat-service businesses competitive with similar companies in other states.

**Legal Citation:** R.S. 47:305.1  
**Origin:** Acts 1959, No. 51  
**Effective Date:** June 29, 1959

**Beneficiaries:** The beneficiaries of this exemption are builders of 50-ton and over ships, vessels, and barges and the owners of ships, vessels, and barges that operate in foreign or interstate commerce. Since the courts have declared that tax laws cannot discriminate against interstate commerce, the Department has been unable to enforce the restrictive *built in Louisiana* language contained in the statute. Consequently, out-of-state builders have also benefited from this exemption.

**Administration:** Acts 2002, No. 40 and 41 have provided a specific definition of “foreign or interstate coastwise commerce.”

| <b>Estimated Fiscal Effect</b> |                 |
|--------------------------------|-----------------|
| <b>FYE 6-05</b>                | <b>FYE 6-06</b> |
| \$41,650,000                   | \$42,477,500    |

**96. Sales of insulin for personal use**

This exemption allows the tax-free sale of both prescription and nonprescription insulin. The purpose of this exemption is to provide financial assistance to consumers who must purchase insulin.

**Legal Citation:** R.S. 47:305.2  
**Origin:** Acts 1974, No. 183  
**Effective Date:** July 31, 1974

**Beneficiaries:** Individuals who purchase insulin.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 84 in Sales Tax Section.

# Sales Tax

## 97. Sales of seeds for planting crops

This exemption allows the tax-free sales of seeds to commercial farmers. Commercial farmers include those who grow crops for sale, as well as those who grow crops for livestock, poultry, fish, and dairy animals. Seeds purchased by commercial farmers were already exempt as a raw material under R.S. 47:301(10)(a). The purpose of this exemption is to clarify that seeds are not taxable.

**Legal Citation:** R.S. 47:305.3  
**Origin:** Acts 1960, No. 427  
**Effective Date:** July 27, 1960

**Duplicate Provision:** R.S. 47:301(10)(e)

**Beneficiaries:** Commercial farmers.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$52,000                | \$53,000 |

## 98. Sales of admission tickets by Little Theater organizations

This exemption allows the tax-free sale of Little Theater organization tickets. The purpose of this exemption is to provide financial assistance to qualifying theater organizations.

**Legal Citation:** R.S. 47:305.6  
**Origin:** Acts 1962, No. 226  
**Effective Date:** August 1, 1962

**Beneficiaries:** Little Theater organizations.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**99. Tickets to musical performances by nonprofit musical organizations**

This exemption allows the tax-free sales of tickets from Louisiana-domiciled symphony organizations for the presentation of a musical performance. This exemption does not include performances given by symphony organizations domiciled in any other state or any performance intended to yield a profit to the promoter. The purpose of this exemption is to provide financial assistance to nonprofit symphony organizations.

**Legal Citation:** R.S. 47:305.7  
**Origin:** Acts 1963, No. 124  
**Effective Date:** July 1, 1963

**Beneficiaries:** Louisiana nonprofit symphony organizations.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

**100. Sales of pesticides for agricultural purposes**

This exemption allows the tax-free sale of pesticides for agricultural purposes. This exemption covers any preparation used in the control of insects, plant life, fungus, or any pest detrimental to agricultural crops, including the control of animal pests or diseases. The purpose of this exemption is to provide financial assistance to producers of agricultural products.

**Legal Citation:** R.S. 47:305.8  
**Origin:** Acts 1964, No. 79  
**Effective Date:** July 29, 1964

**Beneficiaries:** Producers of agricultural products.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,742,670             | \$1,777,500 |

# Sales Tax

## 101. Rentals of motion-picture film to commercial theaters

This exemption allows commercial theaters to rent motion-picture films exempt from sales tax. Most commercial theaters have changed their operations by obtaining films through joint ventures. This new method would not apply to this exemption. The purpose of this exemption is to provide financial assistance to commercial theaters.

**Legal Citation:** R.S. 47:305.9  
**Origin:** Acts 1964, No. 27  
**Effective Date:** July 29, 1964

**Beneficiaries:** Commercial theaters.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 102. Property purchased for exclusive use outside the state

This exemption originally allowed the purchase of tangible personal property within Louisiana or the importation of property for first use outside the state to be exempt from sales tax if the out-of-state location of the property was specified. In 1985, Act 631 amended the exemption to allow the stockpile of tax-free goods for use in offshore areas without identifying the final-use location. This amendment allowed the purchasers of fungible goods to remit tax on the portion consumed in taxable areas. This amendment also allowed the tax-free purchase of motorboats in Louisiana for first use in another state. The purpose of this exemption is to encourage businesses to purchase equipment in Louisiana.

**Legal Citation:** R.S. 47:305.10  
**Origin:** Acts 1964, No. 172  
**Effective Date:** July 29, 1964

**Beneficiaries:** Businesses who purchase tangible personal property within Louisiana and use the property in the offshore area.

**Administration:** Recent court rulings that broadly interpret what constitutes interstate, offshore, and foreign commerce make this exemption difficult to administer.

**Estimated Fiscal Effect:** Unable to anticipate; no data.



# Sales Tax

## 103. Additional tax levy on contracts entered into prior to and within 90 days of tax levy

This exemption allows lump-sum contracts entered into and reduced to writing within 90 days prior to a new tax levy to be exempt from the new tax levy. This exemption also allows contracts entered into and reduced to writing within 90 days after a new tax levy is in effect to be exempt from that tax levy if the contracts involve contractual obligations undertaken prior to the effective date. The purpose of this exemption is to offer financial protection to contractors who enter into contracts based upon existing tax levies.

**Legal Citation:** R.S. 47:305.11  
**Origin:** Acts 1970, No. 7  
**Effective Date:** July 29, 1970

**Beneficiaries:** Lump-sum contractors.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate. This exemption is only effective after an increase in the tax rate.

## 104. Admissions to entertainment by domestic nonprofit charitable, educational, and religious organizations

This exemption allows admissions to events sponsored by domestic nonprofit charitable, educational, and religious organizations to be exempt from sales tax. The funds raised, except for necessary expenses, must be used for the purposes for which the event was organized. The purpose of this exemption is to provide financial assistance to qualifying organizations.

**Legal Citation:** R.S. 47:305.13  
**Origin:** Acts 1971, No. 125  
**Effective Date:** June 28, 1971

**Beneficiaries:** Domestic nonprofit groups.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**105. Sales of tangible personal property at or admissions to events sponsored by certain nonprofit groups**

This exemption initially allowed sales of tangible personal property at or admissions to certain events sponsored by nonprofit domestic, civic, educational, charitable, fraternal, or religious organizations to be exempt from sales tax. All funds from the event, except necessary expenses, must be used for educational, charitable, religious, or historical restoration purposes. In 1991, Acts 533 and 930 extended the exemption to outside gate admissions and parking fees. The purpose of this exemption is to provide financial assistance to qualifying organizations.

**Legal Citation:** R.S. 47:305.14  
**Origin:** Acts 1973, No. 89  
**Effective Date:** July 2, 1973

**Beneficiaries:** Qualifying nonprofit organizations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,745,600             | \$2,800,500 |

**106. Sales by thrift shops on military installations**

This exemption allows sales by thrift shops located on military installations to be eligible for the exemption provided for sales at events sponsored by nonprofit domestic charitable organizations. For purposes of this exemption, the sales by the thrift shops constitute an event. The beneficiaries of this exemption are the customers of the thrift shops. The purpose of this exemption is to provide financial assistance to customers who shop at thrift shops on military bases.

**Legal Citation:** R.S. 47:305.14  
**Origin:** Acts 1994, No. 22  
**Effective Date:** June 7, 1994

**Beneficiaries:** Customers of thrift shops located on military installations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

# Sales Tax

## 107. Sales of newspapers by religious organizations

This exemption allows religious organizations to sell newspapers without the collection of the general sales tax provided the charge for the newspaper does not exceed publication costs. The purpose of this exemption is to provide financial assistance to religious organizations. These newspapers would be eligible for the exemption under R.S. 47:305(D)(1)(e). However, that exemption has been suspended either in part or in full since July 1, 1986. By placing this exemption under the referenced statute that has generally been protected from the suspension of exemption, the legislature has protected these sales from the general sales tax.

**Legal Citation:** R.S. 47:305.14  
**Origin:** Acts 1994, No. 39  
**Effective Date:** June 7, 1994.

**Beneficiaries:** Qualifying religious organizations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$36,200                | \$37,000 |

## 108. Sales to nonprofit literacy organizations

This exemption allows nonprofit literacy organizations that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code to purchase tangible personal property and taxable services free of the general sales tax. The exemption is limited to purchases of books, workbooks, computer software, films, videos and audio tapes. The purpose of this exemption is to provide financial assistance to qualifying organizations.

**Legal Citation:** R.S. 47:305.14  
**Origin:** Acts 2002, No. 27  
**Effective Date:** July 1, 2002

**Beneficiaries:** Qualifying nonprofit literacy organizations.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$51,000                | \$52,000 |

# Sales Tax

## 109. Sales or purchases by blind persons operating small businesses

This exemption allows blind persons who sell or purchase tangible personal property in the operation of a small business to be exempt from sales tax. The purpose of this exemption is to relieve blind persons of the burden of collecting and reporting sales tax collections.

**Legal Citation:** R.S. 47:305.15(A)

**Origin:** Acts 1973, No. 61

**Effective Date:** July 2, 1973

**Beneficiaries:** Blind persons operating a business.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$193,800               | \$197,700 |

## 110. Purchases by certain organizations that promote training for the blind

This exemption allows organizations that provide training for the blind and receive at least 75 percent of the organizations' funding from public funds to purchase goods and services free of the general sales tax. The purpose of this exemption is to provide financial assistance to blind organizations.

**Legal Citation:** R.S. 47:305.15(B)

**Origin:** Acts 1994, No. 26

**Effective Date:** August 15, 1994

**Beneficiaries:** Qualifying organizations for the blind.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible (less than \$10,000).

## Sales Tax

---

### 111. Cable television installation and repair services

This exemption allows installation charges and repairs to hardware to be exempt from sales tax. This exemption was not necessary, as cable installation charges are a non-taxable service and repair services are performed on immovable equipment and are not subject to taxation. The purpose of this exemption is to clarify that cable television installation and repair services are not subject to the tax.

**Legal Citation:** R.S. 47:305.16  
**Origin:** Acts 1974, No. 593  
**Effective Date:** July 31, 1974

**Beneficiaries:** Television cable companies and their subscribers, if these charges were subject to tax.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; installation charges and charges for repairs to immovable property are not taxable.

### 112. Receipts from coin-operated washing and drying machines in commercial laundromats

This exemption originally enacted in 1975 allows receipts from coin-operated washing and drying machines to be exempt from sales tax if the machines are located in a commercial laundromat. The purpose of this exemption was to provide financial relief to commercial laundromats who were unable to collect sales tax rate increases from their customers. In 1996, the courts ruled that the revenue from coin-operated washing and drying machines were not subject to sales tax as a taxable service of cleaning.

**Legal Citation:** R.S. 47:305.17  
**Origin:** Acts 1975, No. 423  
**Effective Date:** September 12, 1975

**Beneficiaries:** Commercial coin-operated laundromats.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; courts have ruled that these receipts are not taxable.

# Sales Tax

**113. Outside gate admissions and parking fees at fairs, festivals, and expositions sponsored by nonprofit organizations**

This exemption allows certain gate admissions and parking fees to fairs, festivals, and expositions sponsored by Louisiana chartered nonprofit organizations to be exempt from sales tax. This exemption does not apply to any event intended to yield a profit to the promoter or any individual contracted to provide services or equipment for the event. The purpose of this exemption is to provide financial assistance to qualifying nonprofit organizations.

**Legal Citation:** R.S. 47:305.18  
**Origin:** Acts 1975, No. 824  
**Effective Date:** September 12, 1975

**Beneficiaries:** Nonprofit organizations.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

**114. Lease or rental of certain vessels in mineral production**

This exemption allows the vessels leased or rented for use offshore beyond the territorial limits for the production of oil, gas, sulphur, and other minerals to be exempt from sales tax. This exemption applies to production companies and their service companies. The purpose of this exemption is to provide financial assistance to the mineral-production industry.

**Legal Citation:** R.S. 47:305.19  
**Origin:** Acts 1975, No. 818  
**Effective Date:** September 12, 1975

**Beneficiaries:** Production companies and the company providing service to them.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**115. Purchases of supplies, fuels, and repair services for boats used by commercial fishermen**

This exemption allows commercial fishermen to purchase tax-free materials, supplies, repair services, and fuel for the maintenance or operation of boats. Fishermen must apply for a license with the Department of Revenue. The purpose of this exemption is to provide financial assistance to commercial fishermen.

**Legal Citation:** R.S. 47:305.20  
**Origin:** Acts 1975, No. 811  
**Effective Date:** September 12, 1975

**Beneficiaries:** Licensed commercial fishermen.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$2,851,900             | \$2,909,000 |

**116. Certain seafood-processing facilities**

This exemption allows qualifying processors to purchase materials, supplies, and repair services exempt from the general sales tax. This exemption applies only to processing facilities that process seafood from vessels owned, leased, or contracted exclusively to the facility. The purpose of this exemption is to provide financial assistance to qualifying facilities.

**Legal Citation:** R.S. 47:305.20  
**Origin:** Acts 1991, No. 896  
**Effective Date:** September 6, 1991

**Beneficiaries:** The qualifying processing facilities.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$229,000               | \$233,550 |

# Sales Tax

**117. Certain equipment when removed from resale inventory**

This exemption allows retail dealers selling heavy, self-propelled, earth-moving, construction, and farm equipment to remove equipment from inventory without payment of the use tax if the equipment is rented to promote a sale. The purpose of this exemption is to provide financial assistance to heavy equipment dealers. This exemption is not needed as of October 1, 1996, as it is superseded by the exclusions provided under R.S. 47:301(10)(a)(iii) and R.S. 47:301(18)(a)(iii) [See number 23, Sales Tax Section].

**Legal Citation:** R.S. 47:305.22  
**Origin:** Acts 1977, No. 510  
**Effective Date:** September 9, 1977

**Duplicate Provisions:** R.S. 47:301(10)(a)(iii)  
R.S. 47:301(18)(a)(iii)

**Administration:** This exemption has been superseded by the duplicate provisions as of October 1, 1996.

**Estimated Fiscal Effect:** \$0, superseded by R.S. 47:301(10)(a)(iii) and R.S. 47:301(18)(a)(iii).

**118. First \$50,000 of the sales price of certain rubber-tired farm equipment and attachments**

This exemption originally exempted the first \$5,000 of the sales price of each rubber-tired farm tractor, cane harvester, or similar equipment and attachments from sales tax. The exemption was later increased to \$50,000, effective for sales after June 30, 1982. In 1979, Act 787 also exempted irrigation wells, drives, motors, and equipment. In 1985, Act 836 added farm facilities used to dry or store grain. The suspension of exemptions only applies to the items added by the amendments; the original equipment was specifically sheltered. The purpose of this exemption is to provide financial assistance to agricultural producers.

**Legal Citation:** R.S. 47:305.25  
**Origin:** Acts 1978, No. 638  
Amended by Acts  
1979, No. 787; Acts  
1982, No. 167; Acts  
1985, No. 836

**Effective Date:** September 8, 1978

**Beneficiaries:** Producers of agricultural products.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$3,775,000             | \$3,840,500 |



# Sales Tax

## 119. New vehicles furnished by a dealer for driver-education programs

This exemption allows new-car dealers to withdraw new vehicles from inventory for use by secondary schools, colleges, or public school boards in accredited driver-education programs without payment of the sales tax. The purpose of this exemption is to encourage new-car dealers to donate the use of vehicles to schools for driver-education programs.

**Legal Citation:** R.S. 47:305.26  
**Origin:** Acts 1978, No. 507  
**Effective Date:** January 1, 1979

**Beneficiaries:** Schools using the vehicles and the new-car dealers.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 120. Sales of gasohol

This exemption allows the sale of gasohol to be exempt when sold in Louisiana. The alcohol used in this gasohol must be produced, fermented, and distilled in Louisiana. La. Const. art. VII, §27 extends an exclusion for gasoline sold which has been subject to a Louisiana road use tax (See number 155, Sales Tax Section). This exemption therefore exempts only gasohol sold where the road use tax has not been levied. The purpose of this exemption is to reduce the tax paid by consumers.

**Legal Citation:** R.S. 47:305.28  
**Origin:** Acts 1979, No. 793  
**Effective Date:** September 7, 1979

**Beneficiaries:** Consumers of gasohol for off-road use.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

**121. Construction materials and operating supplies for certain non-profit retirement centers**

This exemption allows for the tax-free purchase of construction materials and operating supplies for certain nonprofit retirement centers owned or operated by any public trust authority or incorporated not-for-profit organization. The retirement center must serve as a multipurpose facility that offers unsupervised living units, supervised nursing-home facilities, and intermediate health care. The purpose of this exemption is to encourage a new concept in the care of the elderly.

**Legal Citation:** R.S. 47:305.33  
**Origin:** Acts 1981, No. 876  
**Effective Date:** September 11, 1981

**Beneficiaries:** Nonprofit multipurpose retirement centers.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| <b>Estimated Fiscal Effect</b> |                 |
|--------------------------------|-----------------|
| <b>FYE 6-05</b>                | <b>FYE 6-06</b> |
| Suspended                      | Suspended       |

**122. Sales of motor vehicles to be leased or rented by qualified lessors**

This exemption originally allowed the tax-free purchase of motor vehicles used exclusively for leases or rentals. In 1985, Act 847 extended the exemption to trailers and semi-trailers effective July 23, 1985. This exemption is not needed as of October 1, 1996, as it is superseded by the exclusion provided under R.S. 47:301(10)(a)(iii) [See number 23 on page 241].

**Legal Citation:** R.S. 47:305.36  
**Origin:** Acts 1982, No. 415; Amended by Acts 1984, No. 539; Acts 1985, No. 847; Acts 1991, No. 495

**Effective Date:** September 10, 1982

**Duplicate Provision:** R.S. 47:301(10)(a)(iii)

**Administration:** This exemption has been superseded by R.S. 47:301(10)(a)(iii).

**Estimated Fiscal Effect:** \$0; superseded by R.S. 47:301(10)(a)(iii).

# Sales Tax

**123. Sales of certain fuels used for farm purposes**

This exemption originally allowed the tax-free purchase of diesel fuel and butane for farm use. In 1985, Acts 511 and 621 amended the exemption to include propane and other liquefied petroleum gases. The purpose of this exemption is to provide financial assistance to commercial farmers.

**Legal Citation:** R.S. 47:305.37  
**Origin:** Acts 1982, No. 820  
 Amended by Acts  
 1985, No. 511 and  
 No. 621

**Effective Date:** January 1, 1983

**Beneficiaries:** Commercial farmers.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$10,824,250            | \$11,040,000 |

**124. Sales or purchases by certain sheltered workshops**

This exemption allows certain sheltered workshops for the mentally retarded to sell and purchase tax free. The workshop must be used as a day developmental training center and licensed by the Department of Social Services. The purpose of this exemption is to provide financial assistance to sheltered workshops.

**Legal Citation:** R.S. 47:305.38  
**Origin:** Acts 1982, No. 242  
**Effective Date:** September 10, 1982

**Beneficiaries:** Qualifying sheltered workshops.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$73,500                | \$75,000 |

# Sales Tax

## 125. Purchases of certain fuels for private residential consumption

This exemption originally allowed the tax-free purchase of butane and propane used for private residential cooking and cleaning purposes. In 1985, Act 622 extended the exemption to include other liquefied petroleum gases. The purpose of this exemption is to provide financial assistance to consumers.

**Legal Citation:** R.S. 47:305.39  
**Origin:** Acts 1983, No. 654  
Amended by Acts  
1985, No. 622  
**Effective Date:** July 1, 1984

**Beneficiaries:** Residential consumers.

**Administration:** This exemption has been superseded by duplicate provisions as of July 1, 2004.

**Estimated Fiscal Effect:** \$0, superseded by R.S. 47:301(10)(x).

## 126. Specialty Mardi Gras items purchased by certain organizations

This exemption allows tax-free purchases of specialty items by carnival organizations and Louisiana domiciled nonprofit organizations. The purpose of this exemption is to provide financial assistance to carnival and nonprofit organizations that sponsor Mardi Gras activities.

**Legal Citation:** R.S. 47:305.40  
**Origin:** Acts 1985, No. 439  
**Effective Date:** September 6, 1985

**Beneficiaries:** Carnival and nonprofit organizations.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 127. Purchases and sales by Ducks Unlimited and Bass Life

The original provision allowed the organization Ducks Unlimited or any of its chapters to sell tangible personal property tax-free. The provision also allowed Ducks Unlimited to purchase tax-free tangible personal property or sales of services as well as rent/lease tangible personal property tax-free. In 1998, Act 28 added the organization Bass Life to this provision and allowed all the same benefits as are allowed to the Ducks Unlimited organization. The purpose of this exemption is to provide financial assistance to Ducks Unlimited and Bass Life. This exemption has a related exemption under R.S. 47:305.43 exempting certain transactions with nonprofit groups whose purpose is to conserve migratory waterfowl and fish (See number 129, Sales Tax Section).

**Legal Citation:** R.S. 47:305.41  
**Origin:** Acts 1985, No. 512  
 Amended by Acts  
 1998, No. 28  
**Effective Date:** July 12, 1985

**Beneficiaries:** Ducks Unlimited and Bass Life.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 128. Tickets to dance, drama, or performing arts presentations by certain nonprofit organizations

This exemption allows domestic nonprofit organizations that present dance, drama, or performing arts to sell tickets to performances exempt from sales tax. The purpose of this exemption is to provide financial assistance to these nonprofit organizations.

**Legal Citation:** R.S. 47:305.42  
**Origin:** Acts 1985, No. 513  
**Effective Date:** July 12, 1985

**Beneficiaries:** Nonprofit organizations engaged in promoting dance, drama, or performing arts.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 129. Purchases by and sales by certain nonprofit organizations dedicated to the conservation of fish and migratory waterfowl

The original exemption allowed the purchase of tangible personal property and certain sales by qualifying organizations to be exempt from sales tax. In order for organizations to qualify for this exemption, they must be nonprofit organizations dedicated to the conservation of migratory waterfowl of North America and the preservation and conservation of wetland habitat. In 1998, Act 28 added groups for fish conservation to this provision and included the same benefits as that of waterfowl groups. In order for sales by the organization to be exempt, the entire proceeds from the sales, except necessary expenses, must be used in the furtherance of the organization's exempt purpose. This exemption does not apply to events intended to yield a profit to the promoter or to any individual contracted in connection with the event. The purpose of this exemption is to provide financial assistance to qualifying conservation groups. This exemption has a related exemption under R.S. 47:305.41 exempting certain transactions with Ducks Unlimited and Bass Life. (See number 127, Sales Tax Section.)

**Legal Citation:** R.S. 47:305.43  
**Origin:** Acts 1985, No. 835  
Amended by Acts  
1998, No. 28

**Effective Date:** September 6, 1985

**Beneficiaries:** Qualifying organizations dedicated to fish and migratory North American waterfowl.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

**Estimated Fiscal Effect:** See number 127, Sales Tax Section.

## 130. Raw materials used in the printing process

This exemption allows the tax-free purchase or sale of raw materials and certain other tangible personal property used to produce printed matter. This exemption applies to qualifying items manufactured by the printer or purchased from a contractor. The purpose of this exemption is to offer financial assistance to commercial printers.

**Legal Citation:** R.S. 47:305.44  
**Origin:** Acts 1985, No. 847  
**Effective Date:** July 23, 1985

**Beneficiaries:** Commercial printers.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## 131. Piggy-back trailers or containers and rolling stock

This exemption allows the tax-free sale or lease of piggy-back trailers or containers and rolling stock. Per diem or car-hire charges are also exempted. Railroad companies and other operators of qualifying equipment are eligible for the exemption. Rail-car leases are also covered by an exclusion under R.S. 47:301(4)(k) (See number 9, Sales Tax Section). The purpose of this exemption is to provide financial assistance to railroads and other rail-car operators and piggy-back trailers.

**Legal Citation:** R.S. 47:305.45  
**Origin:** Acts 1986, No. 476  
**Effective Date:** July 1, 1986

**Beneficiaries:** Railroad companies and other operators of railroad transportation equipment.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

## 132. Pharmaceutical samples distributed in Louisiana

This exemption allows pharmaceutical samples to be exempt from sales and use tax when they are distributed without charge to physicians, dentists, clinics, and hospitals. The purpose of this exemption is to provide financial assistance to drug manufacturers.

**Legal Citation:** R.S. 47:305.47  
**Origin:** Acts 1989, No. 383  
**Effective Date:** June 30, 1989

**Beneficiaries:** Drug manufacturers.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

### 133. Catalogs distributed in Louisiana

This exemption allows free catalogs distributed in Louisiana to be exempt from sales and use tax. Prior to the exemption, the tax was due on mail-order catalogs, but only enforceable on companies with a business situs in Louisiana. This exemption puts in-state and out-of-state companies on the same basis. The purpose of this exemption was to provide financial assistance to mail-order companies, especially those with a Louisiana presence.

**Legal Citation:** R.S. 47:305.49  
**Origin:** Acts 1989, No. 796  
**Effective Date:** September 3, 1989

**Beneficiaries:** Mail-order companies.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

### 134. Certain trucks and trailers used 80 percent in interstate commerce

The original provision allows trucks with a gross weight rating of 26,000 lbs. or more used 80 percent of the time in interstate commerce to be exempt from sales and use tax. The term "truck" is defined under R.S. 47:451 and includes the terms truck, tractor, road tractor, tandem truck, tractor, and truck tractor. The original provision also allowed trailers used 80 percent of the time in interstate commerce to be exempt from sales and use tax. The term "trailer" is defined under R.S. 47: 451. In 1998, Act 41 added the provision that the trucks and trailers must be in an activity subject to the jurisdiction of the U.S. Department of Transportation. The purpose of this exclusion is to provide financial assistance to the owners of trucks operating in interstate commerce.

**Legal Citation:** R.S. 47:305.50(A)  
**Origin:** Acts 1996, No. 8  
 Amended by Acts 1998, No. 41; Acts 2000, No. 27; Acts 2002, No. 2  
**Effective Date:** July 1, 1996

**Beneficiaries:** Purchasers of large trucks and trailers used 80 percent in interstate commerce.

**Administration:** This exclusion is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$6,775,800             | \$6,911,300 |



# Sales Tax

## 135. Certain contract carrier buses used 80 percent in interstate commerce

This provision allows certain contract carrier buses used 80 percent of the time in interstate commerce to be exempt from sales and use tax. The bus must meet the definition in the exemption, which requires the bus to be a commercial vehicle with a minimum capacity of 35 passengers and have a minimum gross weight of 26,000 lbs. The purpose of this exclusion is to provide financial assistance to large contract carrier buses operating in interstate commerce.

**Legal Citation:** R.S.47:305.50(A)(1)  
(a)(ii) and (b)

**Origin:** Acts 1998, No. 41  
Amended by Acts  
2000, No. 27  
Amended by Acts  
2002, No. 2

**Effective Date:** June 30, 1998

**Beneficiaries:** Purchasers of large contract carrier buses used 80 percent in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,194,700             | \$1,218,600 |

**Note:** A revision of the prior year estimates is based on recent data obtained from the Office of Motor Vehicles.

## 136. Rail rolling stock manufactured in Louisiana used in interstate commerce

This exemption would allow rail rolling stock manufactured within Louisiana for use in interstate commerce to be exempt from general sales tax. The purpose of this exemption is to promote the manufacture of rolling stock within Louisiana.

**Legal Citation:** R.S. 47:305.50(B)  
**Origin:** Acts 1996, No. 36  
Amended by Acts  
1998, No. 41

**Effective Date:** July 1, 1996

**Sunset Date:** June 30, 1998

**Beneficiaries:** Louisiana manufactures of rail rolling stock and their customers in interstate commerce.

**Administration:** Subsequent amendments to extend the sunset dates for the exemption for trucks, trailers, and buses used 80 percent in interstate commerce did not include rail rolling stock manufactured in the state. Therefore, this exemption expired on July 1, 1998.

**Estimated Fiscal Effect:** Not in effect.

# Sales Tax

## 137. Utilities used by steelworks and blast furnaces

This provision allows utilities, including electricity, used by steelworks and blast furnaces to be exempt from sales tax. The facility must employ more than 125 full-time workers and is classified as SIC 3312 by the Standard Industrial Classification Code to qualify. The purpose of this exemption is to provide an economic incentive for a steel mill to locate in Louisiana.

**Legal Citation:** R.S. 47:305.51  
**Origin:** Acts 1998, No. 28  
Amended by Acts  
2001 1<sup>st</sup> Ex. Sess.,  
No. 5  
Amended by Acts  
2002, No. 49;  
Acts 2004 1<sup>st</sup> Ex.  
Sess., No. 5

**Effective Date:** March 27, 2001

**Sunset Date:** June 30, 2007

**Beneficiaries:** Any steel mill meeting the minimum requirements.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Impact:** Unable to anticipate.

## 138. Antique airplanes held by private collectors and not used for commercial purposes

This exemption allows the tax-free purchase of antique aircraft by collectors. Many of these sales are also exempted under the *isolated* or *occasional* sale provision of R.S. 47:301(10)(c) (See number 4, Sales Tax Section). The aircraft must be manufactured at least 25 years prior to the date of purchase. The purpose of this exemption was to provide financial assistance to antique aircraft collectors.

**Legal Citation:** R.S. 47:6001  
**Origin:** Acts 1980, No. 567  
**Effective Date:** September 12, 1980

**Beneficiaries:** Collectors of antique aircraft.

**Administration:** This exemption has been suspended and the four percent suspension will continue through June 30, 2009.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| Suspended               | Suspended |

# Sales Tax

## Alternate-reporting methods

### 139. Certain interchangeable components; optional method to determine

This alternate-reporting method allows importers or users of certain measurement-while-drilling equipment to store equipment in the state without paying the use tax due upon importation. Instead, taxes would be paid on 1/60 of the total material cost of all equipment stored within Louisiana each month. The purpose of this method is to offer relief from use tax on equipment stored in Louisiana, but seldom used in this state.

**Legal Citation:** R.S. 47:301(3)(d)  
**Origin:** Acts 1990, No. 719  
**Effective Date:** July 1, 1990

**Beneficiaries:** Companies that use certain measurement-while-drilling equipment.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$591,100               | \$602,200 |

### 140. Helicopters leased for use in the extraction, production, or exploration for oil, gas, or other minerals

This alternate-reporting method allows the lease or rental of certain helicopters used in the extraction, production, and exploration of oil, gas, and other minerals to be considered a sale of tangible personal property with an extended period of time allowed to remit any taxes due.

Helicopters acquired through a lease, rental, lease-purchase, or similar transaction by a company involved in the extraction, production, or exploration for oil, gas, or other mineral qualify for this method. Helicopters used by companies providing service to qualifying companies also qualify for this alternate-reporting method. Qualifying companies do not pay sales tax on lease or rental payments, but remit the tax on the sales price in equal installments over the terms of the lease, rental, or lease-purchase contract.

**Legal Citation:** R.S. 47:302.1  
**Origin:** Acts 1984, No. 353  
**Effective Date:** July 2, 1984

**Administration:** This provision has been superseded by the exclusion under R.S. 47:301(10)(a)(iii), effective October 1, 1996.

**Estimated Fiscal Effect:** \$0; (See number 23, Sales Tax Section.)

## Sales Tax

---

### 141. Cash-basis sales tax reporting and remitting for health and fitness club membership contracts

This alternate-reporting method allows health clubs to report and remit sales taxes on a cash basis and to report the receipts net of any imputed interest or collection fees. The purpose of this alternate-reporting method is to relieve clubs from the taxes on unpaid membership contracts.

**Legal Citation:** R.S. 47:303(F)  
**Origin:** Acts 1985, No. 661  
Amended by Acts  
1987, No. 379

**Effective Date:** September 30, 1985

**Beneficiaries:** Health and fitness clubs.

**Administration:** The purpose of this alternate reporting method is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

### 142. Cash-basis reporting procedure for rental and lease transactions

This alternative method of tax payment allows lessors of tangible personal property to report and remit sales tax due after payment is collected rather than in the period that the rental or lease occurred. The purpose of this alternate-reporting method is to relieve lessors from the taxes on unpaid rental fees.

**Legal Citation:** R.S. 47:306(A)(2)  
**Origin:** Acts 1985, No. 867  
**Effective Date:** July 23, 1985

**Beneficiaries:** The beneficiaries of this alternative method of tax payment are the lessors of the property. This method of tax payment allows the lessors to avoid the loss of sales taxes remitted on transactions that ultimately become bad debts.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## Sales Tax

---

### 143. Collection from interstate and foreign transportation dealers

This alternative method of tax payment allows transportation companies operating in interstate and foreign transportation of materials to remit taxes based upon the percentage of Louisiana miles to total miles. The purpose of this alternate-reporting method is to simplify the reporting of taxes.

**Legal Citation:** R.S. 47:306.1  
**Origin:** Acts 1956, No. 438  
**Effective Date:** August 1, 1956

**Beneficiaries:** Interstate and foreign transportation dealers.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

### Statutorily prescribed methods of taxation

#### 144. Extended time to register mobile homes

This provision allows purchasers of mobile homes, as defined by R.S. 9:1149.2(3), to extend the time to apply for a certificate of Title from five days after delivery to the twentieth day of the month following the month of delivery of the home. This allows between 20 to 50 days to apply for a title. If a mobile home is immobilized prior to registration, the mobile home is not subject to sales tax. The purpose of this provision is to allow purchasers of mobile homes more time to immobilize the mobile home.

**Legal Citation:** R.S. 32:707(A)  
**Origin:** Acts 1997, No. 272  
**Effective Date:** July 1, 1997

**Beneficiaries:** The beneficiaries of this provision are purchasers of mobile homes that immobilize them at the time of purchase.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

## Sales Tax

### 145. "Cost price" of refinery gas

This exclusion defines the valuation of refinery gas produced, but not sold by the producer. This value is determined for each calendar year. Sales of such property are subject to tax under R.S. 47:301(13)(d). The "cost price" of refinery gas shall be the maximum of 52¢ per MCF multiplied by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December 1 of the preceding calendar year and the denominator of which shall be \$29. This valuation applies to both state and local governments. The valuation for calendar year 2005 is .837¢. This valuation is identical to the valuation originally set under R.S. 47:305(D)(1)(h) (See number 82, Sales Tax Section).

**Legal Citation:** R.S. 47:301(3)(f)  
R.S. 47:301(13)(d)

**Origin:** Acts 1996, No. 29

**Effective Date:** July 2, 1996

**Beneficiaries:** Refineries producing refinery gas.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; this is a valuation formula only and not an alternative method of valuation.

### 146. Sales price of refinery gas and other byproducts

This exclusion defines the valuation of refinery gas and other byproducts produced as part of the manufacturing/refining process and sold to another party. This value shall be the average of the monthly spot market price per MCF of natural gas delivered into pipelines in Louisiana as reported by the Natural Gas Clearing House and determined by the Department for natural gas severance tax purposes at the time of the sale, or the price for which the property is actually sold, whichever is greater.

**Legal Citation:** R.S. 47:301(13)(d)

**Origin:** Acts 1996, No. 29

**Effective Date:** July 2, 1996

**Beneficiaries:** Manufacturers or refineries selling refinery gas and byproducts that are produced as part of their process.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** \$0; this is a valuation method and not an alternative method of valuation over any other value.

# Sales Tax

## Credits

### 147. Vendor's compensation

This credit compensates the dealer in accounting for and remitting the sales tax. Each dealer is allowed to deduct 1.1 percent from the tax due provided the reports are submitted and paid to the Department of Revenue on a timely basis. The amount of the vendor's compensation is computed on the sales tax collections before credit is taken for taxes paid on goods for resale. Originally this provision, enacted in 1948, allowed a credit of 1.5 percent. Act 916 of 1986 reduced the credit to 1.1 percent. The credit is currently scheduled to remain at 1.1 percent after June 30, 2001. The purpose of this credit is to compensate the dealer in accounting for and remitting the sales taxes.

**Legal Citation:** R.S. 47:306(A)(3)(a)  
**Origin:** Acts 1948, No. 9  
 Amended by Acts 1986, No. 916; Acts 1991, No. 709; Acts 1995, No. 1186; Acts 1996, 1<sup>st</sup> Ex. Sess., No. 32; Acts 1998, 1<sup>st</sup> Ex. Sess., No. 50; Acts 2001, No. 7

**Effective Date:** June 7, 1948

**Beneficiaries:** Dealers who report and remit taxes on a timely basis.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$24,570,000            | \$25,060,000 |

### 148. Credit for costs to reprogram cash registers

This credit allows dealers to claim up to \$25 per register to recoup costs incurred to reprogram cash registers because of changes in the sales tax rate or base. The purpose of this credit is to compensate taxpayers for costs to reprogram cash registers because of tax changes.

**Legal Citation:** Acts 1990, No. 386, Section 4

**Origin:** Acts 1990, No. 386

**Effective Date:** July 12, 1990

**Beneficiaries:** Dealers collecting Louisiana sales tax.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$50,000                | \$50,000 |

# Sales Tax

## Refunds

### 149. Sales tax remitted on bad debts from credit sales

This refund provision grants financial relief to vendors who remit sales taxes to the state that they are subsequently unable to collect from their customers. The sales tax bad-debt recovery provision does not include rentals and leases. The purpose of this refund was to allow taxpayers a refund of sales taxes remitted to the Department, but not collected from their customers.

**Legal Citation:** R.S. 47:315  
**Origin:** Acts 1976, No. 153  
 Amended by Acts  
 1985, No. 516

**Effective Date:** July 20, 1976

**Beneficiaries:** Vendors who have remitted the tax on credit sales of tangible personal property that ultimately was uncollectible from their customers.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$1,876,670             | \$1,914,000 |

### 150. State sales tax paid on property destroyed in a natural disaster

This refund provision gives financial assistance to persons who have suffered uninsured losses in natural disasters. The sales tax paid on destroyed property can be refunded upon the filing of a proper claim. The refund is based upon taxes paid by the owner on the destroyed property. The purpose of this refund is to provide financial relief to persons who have suffered uninsured losses in natural disasters.

**Legal Citation:** R.S. 47:315.1  
**Origin:** Acts 1970, No. 592  
 Amended by Acts  
 1972, No. 592; Acts  
 1973, No. 60

**Effective Date:** August 17, 1969

**Beneficiaries:** Owners of property destroyed by a natural disaster in an area determined by the President of the United States to need federal assistance.

**Administration:** The documentation submitted for tax claims is generally incomplete; claims that appear to be reasonable and probable are honored. Under the present system, there is no correlation between need and eligibility for refunds. A better system could probably be devised for giving aid to persons adversely affected by natural disasters.

**Estimated Fiscal Effect:** During fiscal year 2003-2004, \$754 in sales tax refunds were issued to flood victims. We are unable to predict the future fiscal effect.



## Sales Tax

---

### 151. Materials used in the construction, restoration, or renovation of housing in designated areas

This refund provision offers a financial incentive to persons who renovate, restore, or rehabilitate existing structures or who construct new housing in certain blighted areas of the state. These areas are determined by local governing authorities. The purpose of this refund provision is to encourage people to improve the conditions of the blighted areas.

**Legal Citations:** R.S. 47:315.2  
R.S. 40:582.1-582.7  
R.S. 47:1515.1  
R.S. 33:2718.3

**Origin:** Acts 1984, No. 292

**Effective Date:** September 3, 1984

**Beneficiaries:** People engaged in construction or renovation of real property in certain blighted areas of the state.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Unable to anticipate; no data. No refunds issued in previous years.

### 152. Purchases or leases of durable medical equipment paid by or under provisions of Medicare

This refund provision allows a person paying tax on the purchase or rental of durable medical equipment that is paid by or under the provisions of Medicare to request a refund of the state taxes paid. Most qualifying purchases are already exempted from the state sales tax under pertinent provisions of R.S. 47:305(D). However, leases are not.

**Legal Citation:** R.S. 47:315.3  
**Origin:** Acts 1994, No. 25  
**Effective Date:** August 15, 1994

**Beneficiaries:** Purchasers and lessees of qualifying durable medical equipment.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner. Lessors who lease durable medical equipment that is directly paid for by Medicare are allowed to exempt the lease payments from the sales tax.

**Estimated Fiscal Effect:** Unable to anticipate; no data.

# Sales Tax

## 153. Refunds of sales tax to motion-picture production companies

This sales tax relief provision offers a financial incentive for certain motion-picture production companies to film in Louisiana. The applicant must intend to expend at least \$250,000 in Louisiana within any consecutive 12-month period. The relief is limited to producers of movies and/or commercials; athletic events or news programs do not qualify.

Legal Citation: R.S. 47:1124  
 Origin: Acts 1990, No. 480  
 Amended Acts 2002,  
 1<sup>st</sup> Ex. Sess., No.5  
 Effective Date: July 18, 1990  
 Sunset Date: December 31, 2006

**Beneficiaries:** The beneficiaries of this refund provision are motion-picture production companies that film in Louisiana. The state and local governments benefit by the economic activity that the film companies bring to an area.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 25, Sales Tax Section.

## 154. Louisiana Tax Free Shopping Program

This provision offers refunds of state and local sales taxes on certain purchases to international tourists to encourage increased tourism in Louisiana. By paying an annual \$100 fee, merchants will be included in a listing of tax-free stores that is distributed to international tourists. The purpose of the refund provision is to encourage tourists to purchase goods in Louisiana, which in turn benefits the retail dealers.

**Legal Citation:** R.S. 51:1301  
**Origin:** Acts 1988, No. 535  
 Amended Acts 2001,  
 1<sup>st</sup> Ex. Sess. No. 7;  
 Acts 2004 1<sup>st</sup> Ex.  
 Sess., No. 14  
**Effective Date:** July 8, 1988  
**Sunset Date:** July 1, 2007

**Beneficiaries:** International tourists who travel and make purchases in Louisiana and the merchants who participate in the program.

**Administration:** A commission was created to organize the program and appoint a refund agency to issue tax refunds to departing tourists.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$887,680               | \$905,400 |

# Sales Tax

## State exemptions with prohibitions on taxation

### 155. Sale of gasoline, gasohol, and diesel

The Louisiana Constitution prohibits the taxation of fuel that is subject to the road-use excise tax. This excludes most fuel sales, as most gasoline, gasohol, and diesel will be subject to road use tax. Gasoline, not subject to road use excise tax, is exempt from taxation of sales tax under R.S. 47:301(D)(1)(a). Gasohol, not subject to road use excise tax, is exempt from taxation under R.S.47:305.28 for gasohol produced, fermented, and distilled in Louisiana. The fiscal impact of the constitutional exclusion is shown in this section. The purpose of this prohibition is to give a tax-break to consumers.

**Legal Citation:** La. Const. art. VII, § 27

**Origin:** Constitutional Amendment

**Effective Date:** January 1, 1990

**Beneficiaries:** Consumers of road use gasoline and gasohol.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$183,463,000           | \$187,130,000 |

**Note:** The prior year estimates have been revised based on recent data obtained from the U.S. Department of Energy.

### 156. Purchases made with food stamps and WIC vouchers

This exemption allows tax-free purchases of eligible food items if purchased with USDA food stamps or Women, Infants, and Children's (WIC) vouchers. The federal government issues food stamps and WIC vouchers to qualified participants to purchase eligible food items. States are not allowed to tax these purchases as a requirement for receiving federal funding for the food stamp and WIC programs. Repeal of this exemption would cost the state federal food stamp funding. The purpose of this exemption is to comply with the federal government's restrictions.

**Legal Citation:** R.S. 47:305.46

**Origin:** Acts 1986, No. 1028

**Effective Date:** October 1, 1987

**Beneficiaries:** Purchasers using food stamps and WIC vouchers.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$42,002,175            | \$42,842,200 |

# Sales Tax

**157. Credit for sales and use taxes paid to other states on property imported into Louisiana**

This credit allows a person or company to reduce any use tax due by the equivalent sales/use tax lawfully paid to another qualified state. In order to qualify, the other state must allow a similar credit for Louisiana taxes and the tax charged must be similar in nature. The state of Louisiana has entered into agreements with other states to allow similar credits for Louisiana residents. The purpose of this provision is to reciprocate for the credit allowed by other states.

**Legal Citation:** R.S. 47:303(A)  
**Origin:** Acts 1964, No. 171  
**Effective Date:** July 29, 1964

**Beneficiaries:** Persons and companies importing property into this state.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$23,232,100            | \$23,696,750 |

**158. Credit for use tax paid on automobiles imported by certain members of the armed services**

This provision allows a credit to Louisiana residents, who have served in the armed services for two years or more, for sales taxes paid on automobiles. This credit will be honored for taxes paid to any other state. The purpose of this credit is to provide financial assistance to members of the armed services.

**Legal Citation:** R.S. 47:303(A)  
**Origin:** Acts 1965, No. 122  
**Effective Date:** July 28, 1965

**Beneficiaries:** Louisiana residents who serve in the armed services.

**Administration:** The purpose of this provision is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The fiscal effect is included under number 157, Sales Tax Section.

# Sales Tax

## 159. Use of vehicles in Louisiana by active military personnel

This exemption allows active military personnel to transfer motor vehicles into Louisiana exempt from sales tax under the following conditions:

- the personnel is on active duty in Louisiana;
- sales tax was collected in the state that the vehicle was purchased; and,
- the purchaser was a resident or stationed on military duty in the state that the vehicle was purchased.

The vehicle becomes subject to Louisiana sales tax when the person leaves active military service. A credit is allowed for taxes paid to other states under R.S. 47:303(A). This statute is similar to provisions of the Federal Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. 574). Because of the provisions of the federal act, the credit allowed for taxes paid other states is not expected to create an additional loss of tax revenues. The purpose of this provision is to reciprocate for the credit allowed by other states.

**Legal Citation:** R.S. 47:305.48  
**Origin:** Acts 1989, No. 435  
**Effective Date:** September 3, 1989

**Beneficiaries:** Active military personnel.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** The fiscal effect is included under number 157, Sales Tax Section.

## 160. Sales of food for preparation and consumption in the home

The Louisiana Constitution prohibits the taxation of food sold for preparation and consumption in the home. The constitutional amendment was passed on November 5, 2002, with the full exclusion to become effective on July 1, 2003. Sales of prepared foods by grocery stores, department stores, variety stores, drug stores, delicatessens, convenience stores, meat markets, seafood markets, and similar businesses do not qualify for the exclusion and are subject to the state sales tax. The purpose of this prohibition is to provide financial relief to the general public on food purchases.

**Legal Citation:** La. Const. art. VII, § 2.2  
**Origin:** Constitutional Amendment  
**Effective Date:** January 1, 2003

**Beneficiaries:** The general public.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$178,000,000           | \$181,538,250 |

# Sales Tax

**161. Sales of electric power or energy to the consumer for residential use**

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion to become effective on July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of electrical utility services.

**Legal Citation:** La. Const. art. VII, § 2.2  
**Origin:** Constitutional Amendment  
**Effective Date:** January 1, 2003

**Beneficiaries:** Residential consumers of electrical utility services.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |               |
|-------------------------|---------------|
| FYE 6-05                | FYE 6-06      |
| \$198,350,000           | \$202,313,600 |

**162. Sales of natural gas to the consumer for residential use**

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion to become effective on July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of natural gas.

**Legal Citation:** La. Const. art. VII, § 2.2  
**Origin:** Constitutional Amendment  
**Effective Date:** January 1, 2003

**Beneficiaries:** Residential consumers of natural gas.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 161, Sales Tax Section

# Sales Tax

---

## **163. Sales of water to the consumer for residential use**

The Louisiana Constitution prohibits the taxation of natural gas, electricity, and water sold directly to the consumer for residential use. The constitutional amendment was passed on November 5, 2002, with the full exclusion to become effective on July 1, 2003. The purpose of the exclusion is to benefit the residential consumers of water utility services.

**Legal Citation:** La. Const. art. VII,  
§ 2.2

**Origin:** Constitutional  
Amendment

**Effective Date:** January 1, 2003

**Beneficiaries:** Residential consumers of water utility services.

**Administration:** The purpose of this prohibition is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** See number 161, Sales Tax Section

# **Tax Exemption Contracts**



# Tax Exemption Contracts

## Index of Exemptions

| <b>Tax Exemption Contracts</b>                 | <b>Legal Citations</b>          | <b>Page</b> |
|--|---------------------------------|-------------|
| 1. Tax equalization                            | R.S. 47:3201-3205               | 316         |
| 2. Manufacturing establishments                | R.S. 47:4301-4306               | 317         |
| 3. Enterprise zones                            | R.S. 51:1781-1791               | 318         |
| 4. Research and development parks              | R.S. 46:811-814<br>R.S. 17:3389 | 320         |
| 5. Louisiana quality jobs program              | R.S. 51:2451-2461               | 321         |
| 6. Motion picture incentive                    | R.S. 47:1121 et seq.            | 323         |
| 7. Technology Commercialization Credit Program | R.S. 51:2351 et seq.            | 324         |

# Tax Exemption Contracts

---

## Introduction

The Board of Commerce and Industry, under the Department of Economic Development, is authorized to grant certain tax exemptions and incentive payments to qualifying businesses. Depending on the legislative intent, businesses must meet specific criteria to be eligible for the various tax exemption and incentive contracts. Once certified by the Board and approved by the Governor, the exemption and incentive contracts are administered by the Department of Revenue. The purpose of these tax exemption and incentive contracts is to encourage specific economic development.

## Types of Tax Exemptions

Tax exemptions can be in the form of sales and use tax rebates and exemptions and credits for income taxes, corporation franchise tax, and other taxes imposed by the state.

## 1. Tax equalization

The Board of Commerce and Industry, with the approval of the Governor, may grant companies who locate new manufacturing establishments, new headquarters, or new warehouse and distribution establishments, various state tax exemptions to equalize the taxes paid to Louisiana with the taxes that would be paid to the other state where the company is located or is contemplating locating.

The statute, enacted in 1966, was amended in 1985 to allow exemptions for location of new corporate headquarters; in 1987 to include new warehousing and distribution establishments; in 1993 to allow any business entity, not just corporations, to qualify for exemptions and to allow exemptions for location of new headquarters; in 1998 by Act 32 to provide Louisiana businesses a right of first refusal as a condition for business and manufacturing establishments to receive certain tax exemptions, by Act 60 to replace set-aside provisions with provisions relating to the economically disadvantaged business, to change the priority for state tax exemptions, and to change the provisions for the review of exemption applications, and by Act 72 to allow manufacturing establishments that employ 175 employees and have already entered into a 10-year tax exemption contract to apply for an additional 10-year contract if they move their headquarter into Louisiana between July 1, 1998 and June 30, 2000 and meet certain other conditions not just corporate headquarters. Currently, tax exemption contracts can be granted as follows:

- rebates of sales and use taxes on purchases and leases of, and repairs to, machinery and equipment used in the on-site operation of the new headquarters facility;
- rebates of sales and use taxes on purchases of tangible personal property used in the construction of the new headquarters facility;

# Tax Exemption Contracts

## 1. Tax equalization (*continued*)

- individual income tax credits;
- corporation franchise tax exemptions or credits;
- corporation income tax exemptions or credits; and,
- exemptions or credits for any other taxes imposed by the state that such businesses are subject.

The exemption contract may be granted for a period not to exceed five years and renewed for periods of up to five additional years, provided that the total number of years of the contract does not exceed ten years. The purpose of this tax exemption contract is to induce new businesses to locate in Louisiana.

**Legal Citation:** R.S. 47:3201-3205

**Origin:** Acts 1989, No. 491

**Effective Date:** September 3, 1989

**Beneficiaries:** The companies that locate new manufacturing establishments, new headquarters, and new warehouse and distribution establishments in the state benefit from these exemptions. The people of the state benefit by the employment, production, and income from these new establishments.

**Administration:** These tax exemption contracts are administered in a fiscally effective manner.

| Fiscal Effect          |             |                  |
|------------------------|-------------|------------------|
|                        | FYE 6-04    | Percent of Total |
| Sales Tax              | \$6,916,334 | 93%              |
| Corporation Income Tax | \$539,739   | 7%               |
| Total Revenue Loss     | \$7,456,073 | 100%             |

## 2. Manufacturing establishments

The Board of Commerce and Industry, with the approval of the Governor and the Legislative Budget Committee, can grant tax exemption contracts as follows:

- rebates of state sales and use taxes on materials, supplies, machinery, and equipment used by the business or in the manufacturing process;
- rebates of state sales and use taxes on any other goods and services used or consumed by the business;
- corporation franchise tax exemptions and credits;
- corporation income tax exemptions and credits; and,
- exemptions and credits for any other taxes imposed by the state.

The total amount of tax exemptions for any fiscal year may not exceed four percent of the corporate franchise, corporate income, and sales and use taxes collected in the previous year. The exemption contract may be granted for a period not to exceed five years and renewed for periods of up to five additional years, provided that the total number of years of the contract does not exceed ten years. The purpose of these tax exemption contracts is to encourage industrial development in the state and to encourage the establishment of new and expanded manufacturing industries. R.S. 47:4304(E)(1) was enacted during the 1993 Regular Session of the Louisiana Legislature to require applicants to award ten percent of their purchases of goods and services to minority-owned businesses and R.S. 47:4304(C) was amended by Acts 1998, No. 32 to provide Louisiana businesses a right of first refusal as a condition for business and manufacturing establishments to receive certain tax exemptions.

# Tax Exemption Contracts

## 2. Manufacturing establishments (continued)

**Legal Citation:** R.S. 47:4301-4306  
**Origin:** Acts 1982, No. 773  
 Amended by Acts 1987, Nos. 356, 535, and 921; Acts 1998, No. 32  
**Effective Date:** September 10, 1982

**Beneficiaries:** Those companies that establish or expand manufacturing operations within the state benefit from the tax exemptions under this statute. The people of the state also benefit from the employment, production, and income from these businesses.

**Administration:** These tax exemption contracts are administered in a fiscally effective manner.

| Fiscal Effect          |           |                  |
|------------------------|-----------|------------------|
|                        | FYE 6-04  | Percent of Total |
| Sales Tax              | \$114,476 | 85%              |
| Corporation Income Tax | \$20,552  | 15%              |
| Total Revenue Loss     | \$135,028 | 100%             |

## 3. Enterprise zones

The Board of Commerce and Industry, after consultation with the secretaries of the Department of Economic Development and the Department of Revenue, and with the approval of the Governor, may grant certain tax credits and exemptions to businesses that locate in areas designated as **enterprise zones**. A new-jobs credit of \$2,500 (\$5,000 for the aviation and aerospace industry) per qualifying new employee can be applied against corporation franchise and state income taxes. This exemption contract may be granted for a period not to exceed five years and renewed for periods up to five additional years, provided that the total number of years of the exemption does not exceed ten years. Tax exemption contracts can be granted as follows:

- rebates of state and local sales and use taxes on the purchases of material used in building construction or improvement and sales tax on machinery and equipment used in that enterprise;
- jobs credit against corporation franchise tax; and,
- jobs credit against state income tax.

Acts 1999, No. 977 added R.S. 51:1787(H), pertaining to tax exemption contract requests for rebates of local sales tax, to require that an endorsement resolution approved by the local taxing authority be submitted along with the request. In addition, provisions were added to allow for enterprise zone tax exemption contracts, under certain circumstances, for businesses located outside enterprise zones or economic development zones; to require businesses to make a request for sales and use tax credits and rebates before beginning construction or installing machinery or equipment; and to allow tax exemption contracts if a business creates a minimum of the lesser of five new permanent jobs within the first two years of the contract period or a minimum number of new jobs equal to 10 percent of the existing employees within the first year of the contract period.

## Tax Exemption Contracts

### 3. Enterprise zones (*continued*)

Acts 2000, No. 46 added eligibility for tax credits for certain motor vehicle manufacturing establishments.

Acts 2002, 1<sup>st</sup> Ex. Sess., No. 4 extended expiration of the \$5,000 new-jobs credit for the aviation and aerospace industry for four years from June 30, 2002, to June 30, 2006, and allowed areas designated as enterprise zones to retain that designation even if data from the most recent federal decennial census makes the area ineligible for the enterprise zone designation.

Acts 2002, 1<sup>st</sup> Ex. Sess., No. 153 enacted R.S. 51: 2456(B), to allow firms that receive Quality Jobs Program rebates to also be eligible for Enterprise Zone sales tax rebates if they meet the enterprise zone program job requirements under R.S. 51:1787.

Acts 2003, No. 1203 enacted R.S. 51:1787(J) to provide for application extensions and Acts 2003, No. 1240 amended R.S. 51:1787 to allow a rebate of state and local sales and use tax for the use of customer-owned tooling in a compression molding process.

The purpose of these tax exemption contracts is to stimulate business and industrial growth in depressed areas of the state.

**Legal Citation:** R.S. 51:1781-1791  
**Origin:** Acts 1981, No. 901;  
**Effective Date:** September 11, 1981

**Beneficiaries:** Those companies that locate new business establishments in designated **enterprise zones** and meet the criteria of this statute benefit from these exemptions. The people living in these **enterprise zones** benefit from the employment, production, and income from these establishments.

**Administration:** These tax exemption contracts are administered in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. An analysis of the sales tax rebates and income and corporation franchise tax credits and exemptions for FY 2003-04 is as follows:

| Fiscal Effect             |                     |                  |
|---------------------------|---------------------|------------------|
|                           | FYE 6-04            | Percent of Total |
| Corporation Franchise Tax | \$108,028           | 0.9%             |
| Corporation Income Tax    | \$2,899,954         | 22.8%            |
| Sales Tax                 | \$9,684,779         | 76.3%            |
| <b>Total Revenue Loss</b> | <b>\$12,692,761</b> | <b>100.0%</b>    |

# Tax Exemption Contracts

## 4. Research and development parks

The Board of Commerce and Industry, with the approval of the Governor and the Joint Legislative Committee, can grant tax exemption contracts for research and development parks as follows:

- corporation franchise tax exemptions;
- corporation income tax exemptions;
- exemptions from any other taxes imposed by the state;
- rebates of sales and use taxes on machinery, equipment, materials, and building supplies; and,
- rebates of sales and use taxes on any other goods and services.

The total annual amount of the state exemptions may not exceed 100 percent of the liability for corporate franchise, income, and state sales and use taxes of the business for the previous fiscal year for biomedical research and development parks and 30 percent for university research and development parks. This exemption contract may be granted for a period not to exceed five years and renewed for periods of up to five additional years, provided that the total number of years of the exemption does not exceed ten years. The purpose of these tax exemption contracts is to encourage the development of biomedical research and development parks and university research and development parks.

**Legal Citations:** R.S. 46:811-814 R.S. 17:3389

**Origin:** Acts 1990, No. 464  
Acts 1991, No. 1023

**Effective Date:** September 7, 1990  
(biomedical research & development parks)  
September 6, 1991  
(university-related research and development parks)

**Beneficiaries:** Biomedical research and development parks and university-related research and development parks that meet the qualifying criteria will benefit from these exemptions. The people of the state should benefit through improved health care and improved economic conditions and the creation of jobs.

**Administration:** These tax exemption contracts are administered in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. No tax exemptions have been granted thus far.

# Tax Exemption Contracts

## 5. Quality jobs program

The Board of Commerce and Industry, after consulting with the secretaries of the Department of Labor and the Department of Revenue, and with the approval of the Governor, may enter into contracts with qualifying establishments to grant tax credits to promote economic development and the creation of new jobs. The Louisiana Quality Jobs Program Act was amended by Acts 1996, 1st Ex. Session, No. 39 and the incentive payment was changed to a refundable tax credit. Acts 1998, No. 36 extended the application deadline from January 1, 1999 to January 1, 2001. Acts 2000, No. 46 extended the application approval deadline to January 1, 2003, changed the definition of wages for applications filed after June 1, 2000, added a requirement that the qualifying new jobs must pay an average of one and one-half times the minimum hourly wage, and added requirements for contract renewal.

Acts 2002, 1<sup>st</sup> Ex. Sess., No. 153 made substantial changes to program effective for all new contracts executed on or after May 1, 2002. The Act also provides that no new applications may be approved on or after January 1, 2005. The Act's provisions are as follows:

1. Allows firms to qualify if they meet **any** of the following criteria:
  - a. be one of the following six Vision 2020 cluster industries:
    - (1) biotechnology and biomedical;
    - (2) micromanufacturing;
    - (3) software, autoregulation, Internet, and telecommunications technologies;
    - (4) environmental technology;
    - (5) food technologies; or
    - (6) materials;
  - b. be a manufacturer as defined by the North American Industry Classification System (NAICS);
  - c. be an oil and gas field services business meeting certain wage and business conditions;
  - d. have 75 percent of sales to out-of-state customers;

- e. have 50 percent of sales to out-of-state customers and meet one of the following conditions:
    - (1) have a direct state employment multiplier of two or greater;
    - (2) be a central administrative office that influences the environment in which data processing, customer service, credit accounting, telemarketing, claims processing, and other administrative functions are accomplished;
    - (3) have actual data processing, back office, and call-center operations; or
    - (4) be a wholesaler with a distribution center that is at least 25,000 square feet in size.
  - f. be a National Basketball Association Team that meets certain conditions.
2. Excludes the following entities from the program:
    - a. retail employers;
    - b. business associations and professional organizations;
    - c. state and local government enterprises;
    - d. real estate agents, operators, and lessors;
    - e. automotive rental and leases;
    - f. local solid waste disposal, local sewerage systems, and local water systems businesses;
    - g. nonprofit organizations;
    - h. employers engaged in the gaming industry; and
    - i. attorneys.
  3. Lowers the payroll growth requirement from \$1 million to \$500,000 to be achieved within three years of qualifying for the program. Firms with 50 or fewer employees must achieve \$250,000 in payroll growth within three years.
  4. Requires a minimum of five new jobs.
  5. Increases certain minimum employer-provided health insurance requirements.
  6. Eliminates the five percent maximum calculated payroll subsidy and replaces it with a five percent annual cash rebate on pay-

# Tax Exemption Contracts

roll for jobs paying 1.75 times the minimum federal wage level and six percent on payroll for jobs paying 2.25 times the minimum wage level if the establishment meets one of the following criteria:

- a. new direct jobs are located in a distressed region;
  - b. location meets other distressed area conditions; or
  - c. employer is categorized in one of the traditional or seed clusters identified by the Louisiana Economic Development Council and the Department of Economic Development.
7. Changes the annual refundable tax credit to an annual rebate payment from the state.
  8. Allows firms to also claim the Enterprise Zone sales tax rebates if they meet the enterprise zone program job requirements under R.S. 51:1787, which had been prohibited.
  9. Allows renewals for five additional years under certain conditions that tie eligible wages to the consumer price index.
  10. Requires participants to be current on any public loans or obligations to state or local governments.
  11. Companies that fail to reach either \$250,000 or \$500,000 threshold within three years must leave the program and payback any rebates received.

Acts 2003, No. 847 amended R.S. 51:2453(1)(a)(i)(cc) to change the percentage of health insurance premium that an employer must pay for certain employees and Acts 2003, No. 1240 amended R.S. 51:2453(4) to provide that certain out-of-state employees locating in Louisiana qualify as "new direct jobs."

Acts 2004, 1st Ex. Sess., No. 13 extends the date for the Department of Economic Development to approve applications for tax credits or rebates under the Quality Jobs Program from January 1, 2005, to January 1, 2008.

Acts 2004, No. 699 authorizes the Department of Economic Development to obtain information on program applicants directly from other

state agencies and disqualifies employer who are in default on any filing or payment with any state or local agency if the assessment or judgment is final and nonappealable.

Acts 2004, No. 899 allows small businesses that employ 50 or fewer employees to participate in the Quality Jobs Program if they are one of the Vision 2020 cluster industries and offer health insurance coverage for all full-time employees and dependants and pay at least 50 percent of the premium for each full-time employee who participates. Qualifying small businesses will be eligible for 50 percent of the benefit rate for each new direct job created. Contracts issued under this provision may not be renewed but the small business may obtain a new contract under the other general qualifications.

**Legal Citation:** R.S. 51:2451-2462  
**Origin:** Acts 1995, No. 1238  
**Effective Date:** July 1, 1995

**Beneficiaries:** Those establishments that create new direct jobs and meet the program's requirements will benefit from the incentive rebates under this program. The people of the state also benefit from the employment, production, and income from these businesses.

**Administration:** These tax incentive contracts are administered in a fiscally effective manner.

| Fiscal Effect                          |             |                  |
|--|-------------|------------------|
|  | FYE 6-04    | Percent of Total |
| Corporation Income and Franchise Taxes | \$1,850,504 | 46.1%            |
| Individual Income Tax                  | \$2,164,270 | 53.9%            |
| Total Revenue Loss                     | \$4,014,774 | 100.0%           |



# Tax Exemption Contracts

## 6. Motion Picture Incentive

Motion picture production companies that film in Louisiana are eligible for a refund of any state sales taxes paid. To qualify, the company must spend at least \$250,000 in Louisiana during a 12-month period with monies paid from a checking account at a Louisiana financial institution.

Applications must have the recommendation of the assistant secretary for film and video, Department of Culture, Recreation, and Tourism, and be approved by a majority vote of the Board of Commerce and Industry.

Effective July 1, 2002, the following changes were made to the Motion Picture Incentive Program:

- Acts 2002, 1<sup>st</sup> Ex. Sess., No. 1 amended the definition of motion picture to mean “a nationally distributed feature-length film, video, television series, or commercial” and to specifically provide that the definition does not include production of television coverage of news and athletic events.
- Acts 2002, 1<sup>st</sup> Ex. Sess., No. 5 changed the sales tax refund to a sales tax exclusion and the requirement that the motion picture production company expend \$1 million during a 12-month period was changed to \$250,000, effective until January 1, 2007. The Act also provides that if the production company fails to expend the required \$250,000, the sales tax will be due as of the date that the purchases were made.

- Acts 2002, 1<sup>st</sup> Ex. Sess., No. 6 enacted R.S. 47:1125.1 to provide an employment tax credit against income or corporation franchise tax liabilities. The credit is 10 percent of the total payroll for residents employed in the motion picture production if the total payroll is at least \$300,000 during the taxable year or 20 percent if the total payroll is \$1 million or more. The credits are limited to the company’s tax liability but may be carried forward for 10 years after the credit was earned.

**Legal Citation:** R.S. 47:1121 et seq.  
**Origin:** Acts 1990, No. 480  
**Effective Date:** July 18, 1990

**Beneficiaries:** Motion picture companies that film in Louisiana and meet the spending requirements benefit from this sales tax exclusion and employment tax credit program. State and local economies benefit by the infusion of capital.

**Administration:** This sales tax exclusion and employment tax credit incentive program is administered in a fiscally effective manner.

**Estimated Fiscal Effect:** No credits were granted under this program for FYE 6/2004. We do not have data to predict the future fiscal effect.

The revenue loss from the sales tax exclusion granted under R.S. 47:301(10)(a)(vi) is included under the sales tax exclusion section. The revenue loss from the motion picture investor tax credits granted under R.S. 47:6007 are shown under the individual income tax and corporation income tax credit sections.

# Tax Exemption Contracts

---

## 7. Technology Commercialization Credit Program

The Department of Economic Development is authorized to award income and corporation franchise tax credits to qualified taxpayers for 15 percent of their investments in machinery and equipment and expenditures associated with obtaining the rights to use technology, including fees related to patents, copyrights, and licenses for taxable years beginning on or after January 1, 2003, until December 31, 2006.

**Legal Citation:** R.S. 51:2351 et seq.

**Origin:** Acts 2002, 1st Ex.  
Sess., No. 8

**Effective Date:** July 1, 2002.

**Beneficiaries:** Taxpayers that invest in machinery and equipment or make expenditures associated with obtaining the rights to use technology, including fees related to patents, copyrights, and licenses will benefit from this program.

**Administration:** These tax exemption contracts are administered in a fiscally effective manner.

**Estimated Fiscal Effect:** We are unable to predict the future fiscal effect because the Department does not have data on approved or pending contracts. No tax credits have been granted thus far.

# **Telecommunication Tax Exemption**

# Telecommunication Tax

## Introduction

Act 660 of the 1988 Regular Legislative Session levied a tax on each residence and business telephone access line of local exchange companies operating in Louisiana. This tax was for the express purpose of providing access to all public telecommunications services to persons who are deaf, deaf and blind, or who are similarly handicapped. The taxes are collected from the customers monthly and remitted quarterly by each local exchange company. The proceeds from this tax are placed in a special fund designated as the *Telecommunications for the Deaf Fund*.

## Legal Citation

R.S. 47:1061

## Tax Base

Use of each residence and business customer telephone access line.

## Tax Rate

5¢ per month per line.

## Type of Tax Exemption

The only tax exemption provided for is a deduction. A deduction, for this purpose, is a specific reduction in the amount of tax due.

## Significant Changes

### Fiscal Year 2003-2004

There were no significant changes to the telecommunication tax laws during the past year.

## Deduction

### 1. Deduction of two percent

A deduction of two percent of the tax collected is allowed for the timely reporting and remitting of the taxes due. The purpose of this deduction is to encourage compliance and to compensate companies for expenses related to the collection and remittance of this tax.

**Legal Citation:** R.S. 47:1601(A)(2)

**Origin:** Acts 1988, No. 660

**Effective Date:** September 1, 1988

**Beneficiaries:** The local telephone exchange companies operating in Louisiana who collect the tax from their customers.

**Administration:** The purpose of this deduction is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |          |
|-------------------------|----------|
| FYE 6-05                | FYE 6-06 |
| \$30,000                | \$30,000 |

# **Tobacco Tax Exemptions**

# Tobacco Tax Index of Exemptions

| Exemptions   | Legal Citations      | Page |
|--|----------------------|------|
| <b>Discounts</b>                                   |                      |      |
| 1. Discount of 6 percent for tobacco stamps        | R.S. 47:843(C)(3)    | 333  |
| 2. Discount of 6 percent for timely filing reports | R.S. 47:851(B)(2)(b) | 334  |
| <b>Exemption</b>                                   |                      |      |
| 3. Sales to state institutions                     | R.S. 47:855          | 334  |
| <b>Refund</b>                                      |                      |      |
| 4. Return of taxable product to the manufacturer   | R.S. 47:857          | 335  |
| <b>Federally imposed exemptions</b>                |                      |      |
| 5. Sales to federal government and its agencies    | U.S. Constitution    | 335  |
| 6. Interstate shipments of tobacco products        | R.S. 47:849          | 336  |

# Tobacco Tax

## Introduction

A tobacco tax was first levied in 1926, by Act 197 for the benefit of public schools. Retail dealers were taxed at the rate of 1¢ per 10¢ of the retail selling price of cigarettes, smoking and chewing tobacco, cigars, cheroots, and snuff. The tax was effective October 1, 1926, for a period of four years.

Act 4 of 1932 levied a new tax on sales of cigars, cigarettes and smoking tobacco effective September 1, 1932. The cigarette rate was based on each cigarette sold. Cigars were taxed on weight and price per 1,000 and the tax ranged from 75¢ to \$13.50 per 1,000. Smoking tobacco was taxed at 1¢ for each 5¢ of retail selling price. The tax was evidenced by tax stamps supplied by the state and applied by the tobacco dealers who were allowed a discount when purchasing stamps in quantities not less than \$100 face value.

The tax rates on cigarettes increased over the years as follows:

|      |  |
|------|--|
| 1932 | Levied at 1/5¢ per cigarette to 4¢ per 20 pack   |
| 1942 | Increased by 1/20¢ per cigarette to 5¢ per 20 pack   |
| 1948 | Increased to 2/5¢ per cigarette or 8¢ per 20 pack  |
| 1970 | Increased to 11/20¢ per cigarette or 11¢ per 20 pack   |
| 1984 | Increased to 16/20¢ per cigarette or 16¢ per 20 pack   |
| 1990 | Increased to 1¢ per cigarette or 20¢ per 20 pack   |
| 2000 | Increased by 4/20¢ per cigarette to 24¢ per 20 pack (Increase effective until June 30, 2012) |
| 2002 | Increased by 12/20¢ per cigarette to 36¢ per 20 pack   |

The tax rates on cigars and smoking tobacco changed in 1942 and 1948, and were eventually set at the current rates in 1974 by Act 413, effective January 1, 1975. A tax on smokeless tobacco was levied effective July 1, 2000.

The discount from the face value of the tax stamp also changed from the original ten percent in 1932 to six percent in 1942; seven percent in 1944; nine percent in 1948; to the current six percent in 1972.

The tobacco tax is currently levied on tobacco products and collected from the dealer who first sells, uses, consumes, handles, or distributes the products within the state. Tax stamps indicate the payment of tax on cigarettes and can only be purchased from the Department by wholesale tobacco dealers who are required to post a bond.

## Legal Citations

R.S. 47:841 through 47:869

## Tax Base

Cigarettes—per cigarette.

Cigars and smoking tobacco—manufacturer's invoice price.

## Tax Rate

- Cigarettes—1.8¢ per cigarette (36¢ per standard package of 20).
- Cigars—8% if manufacturer's invoice price is \$120 per 1,000 or less; 20% if manufacturer's invoice price is more than \$120 per 1,000.
- Smoking tobacco—33% of the manufacturer's invoice price.
- Smokeless tobacco—20% of the manufacturer's invoice price.

# Tobacco Tax

## Types of Tax Exemptions

Tobacco tax exemptions are in the form of discounts, exemptions, and refunds. Discounts are a proportionate deduction from the gross amount reported. Exemptions are items included in the tax base, but specifically exempted by statute. Refunds are restitution of taxes paid.

There are two statutory tax exemptions that are also prohibited from taxation by federal laws. Because of these additional prohibitions, repeal of the exemption alone would not yield the fiscal effect indicated. For this reason, these exemptions have been separately grouped at the end of the section.

## Significant Changes Fiscal Year 2003-2004

There were no significant changes to the tobacco tax law during the past year.

## Discounts

### 1. Discount of six percent for tobacco stamps

A six percent discount from the face value of the cigarette tax stamps is granted to registered tobacco dealers when the gross stamp purchases exceed \$100. The purpose of the discount is to provide a volume discount and to compensate dealers for expenses related to tax collection.

**Legal Citation:** R.S. 47:843(C)(3)  
**Origin:** Acts 1932, No. 4  
**Effective Date:** September 1, 1932

**Beneficiaries:** Bonded Louisiana tobacco dealers that have direct purchasing contracts with manufacturers and purchase stamps in quantities of \$100 or more.

**Administration:** The purpose of this discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |             |
|-------------------------|-------------|
| FYE 6-05                | FYE 6-06    |
| \$8,100,000             | \$8,100,000 |



# Tobacco Tax

## 2. Discount of six percent for timely filing reports

A six percent discount is allowed for timely and accurately filing reports only on those purchases made by registered tobacco dealers in Louisiana who have a direct purchasing contract with the manufacturer. The reports must be accompanied by payment for any taxes due on cigars and smoking tobacco. The purpose of the discount is to encourage compliance and to compensate dealers for expenses related to the collection and reporting of the tax.

**Legal Citation:** R.S. 47:851(B)(2)(b)  
**Origin:** Acts 1974, No. 415  
**Effective Date:** January 1, 1975

**Beneficiaries:** Bonded Louisiana tobacco dealers that have direct purchasing contracts with manufacturers and timely file their tax reports.

**Administration:** The purpose of this discount is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$650,000               | \$650,000 |

## Exemption

### 3. Sales to state institutions

Smoking and chewing tobacco purchased by state institutions for distribution to inmates are exempt from the tobacco tax. The purpose of this exemption is to allow tax-free purchases by state institutions.

**Legal Citation:** R.S. 47:855  
**Origin:** Acts 1944, No. 150  
**Effective Date:** July 26, 1944

**Beneficiaries:** Inmates of Louisiana state institutions.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible; less than \$10,000.

# Tobacco Tax

## Refund

### 4. Return of taxable product to the manufacturer

A refund or credit is allowed for the amount of tax paid on tobacco products returned to a manufacturer either as damaged or unfit for sale. The purpose of this provision is to allow the refund of taxes paid on damaged products returned to the dealer.

**Legal Citation:** R.S. 47:857  
**Origin:** Acts 1932, No. 4  
**Effective Date:** September 1, 1932

**Beneficiaries:** Licensed tobacco dealers.

**Administration:** The purpose of this refund is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |           |
|-------------------------|-----------|
| FYE 6-05                | FYE 6-06  |
| \$200,000               | \$200,000 |

## Federally imposed exemptions

### 5. Sales to federal government and its agencies

Sales of tobacco products to the U.S. Government or any of its agencies direct from the manufacturer are exempt from tobacco taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** No specific statute  
**Origin:** U.S. Constitution  
**Effective Date:** September 1, 1932

**Beneficiaries:** U.S. government agencies.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

**Estimated Fiscal Effect:** Negligible; less than \$10,000.

# Tobacco Tax

---

## 6. Interstate shipments of tobacco products

Cigarettes and smoking tobaccos exported beyond the borders of Louisiana are not subject to tobacco taxes. The purpose of this exemption is to comply with taxation prohibitions of the U.S. Constitution.

**Legal Citation:** R.S. 47:849  
**Origin:** Acts 1932, No. 4  
**Effective Date:** September 1, 1932

**Beneficiaries:** Licensed tobacco dealers engaged in interstate commerce.

**Administration:** The purpose of this exemption is achieved in a fiscally effective manner.

| Estimated Fiscal Effect |              |
|-------------------------|--------------|
| FYE 6-05                | FYE 6-06     |
| \$16,000,000            | \$16,000,000 |