

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 186** SLS 25RS 331
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 14, 2025 9:53 AM	Author: REESE
Dept./Agy.: Insurance/LDR/LED	Analyst: Deborah Vivien
Subject: New Markets Premium Tax credit infusion	

TAX/TAXATION RE -\$22,500,000 GF RV See Note Page 1 of 1
 Provides relative to the New Markets tax credit. (8/1/25)

Present law variations of this program have provided tax credits against income tax, franchise tax, and premium tax for investments in Community Development Entities (CDEs) organized to participate in the federal New Markets Tax Credit Program. Tax credits are percentages of the investment in a CDE that are used to make subsequent investments in qualified businesses in the state. Credits are nonrefundable but are transferable/saleable. In the last four versions of the program, a total of \$166 million of tax credits have been issued with an additional \$82.5 M pending from Act 433 of 2023 RS.

Proposed law provides an additional \$82.5 M of transferable/saleable premium tax credit (55% of \$150 M of capital allowed into the program). The capital/credit allocation will be made on 8/1/2025, allocating \$150 M of capital and generating total tax credit of \$82.5 M. Associated tax credits can be claimed over four years, beginning in the fourth year after the capital allocation. First credit claims are available in FY 29 and last through FY 32. Proposed law amends various provisions related to eligible investments and reporting requirements.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	(\$22,500,000)	(\$22,500,000)	(\$45,000,000)
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	(\$22,500,000)	(\$22,500,000)	(\$45,000,000)

EXPENDITURE EXPLANATION

When handled by the Department of Revenue in the past, a full-time position was devoted to administering the program. This bill is unlikely to require resources beyond that, and administration is now apparently handled within the Department of Insurance.

REVENUE EXPLANATION

The bill structures the issuance of \$82.5 M of tax credits in a single allocation on August 1, 2025, and provides that this issue can first be claimed against tax liabilities four years after the credit issuance. Premium tax liabilities for 2029, filed in FY 30 (prepayments in FY 29), are first affected. The amount of tax credit that can be taken each year is structured to be 15% per year of the credit issuance for three years, then 10% in the fourth year. The State New Markets Tax Credit Programs have typically been fully subscribed. Thus, FY 29 - FY 32 are each exposed to \$22.5 M of revenue loss (15% of \$150 M of total capital each year). Then FY 32 is exposed to \$15.0 M of revenue loss (10% of \$150 M of total capital allowed).

Total state revenue losses are \$82.5 M, spread over four years, but with a delayed effect at the outset of the program.

Annual realization of the credits is limited to the premium tax liability of the holder of the credits. However, the credits are transferable and may be sold to premium taxpayers. Thus, it is likely that annual realizations will approximate the annual exposures in the table and discussion above. In addition, a five-year carry-forward period is allowed for unused credits.

Total tax credits issued and pending under the New Markets Tax Credit program (income, franchise, and premium) have totaled \$248.5 M, prior to the additional \$82.5 M of credit provided by this bill. With this bill, a total of \$331 M of tax credits will have been issued through the state's program.

Premium taxes paid by MCOs for Medicaid premiums are not eligible for the credit, thus the MATF will not be impacted.

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger
Alan M. Boxberger
Legislative Fiscal Officer