LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 1** SLS 202ES 49
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: September 30, 2020 2:21 PM
Author: WARD
Dept./Agy.: Revenue
Subject: Inventory Tax Credit - Extend Carryforward Period
Analyst: Greg Albrecht

TAX/AD VALOREM OR DECREASE GF RV See Note

Extends the carryforward period for the inventory tax credit for certain businesses. (1/1/21) (Items #26 and #65)

Current law provides a state tax credit against income and franchise taxes for ad valorem taxes paid to local governments on inventory held by manufacturers, distributors, retailers, and on natural gas used in storage facilities. The credit is refundable or nonrefundable depending on various factors applicable to each taxpayer. To the extent a portion of the credit is nonrefundable, a taxpayer has a five-year carryforward period within which to utilize unused credit amounts against tax liabilities.

Proposed law removes the five-year carryforward period and allows taxpayers to carry forward unused credit amounts indefinitely until the credit balance is exhausted. Effective January 1, 2021.

EXPENDITURES	**2020-21**	**2021-22**	**2022-23**	**2023-24**	**2024-25**	**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	**2020-21**	**2021-22**	**2022-23**	**2023-24**	**2024-25**	**5 -YEAR TOTAL**
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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						

EXPENDITURE EXPLANATION

The Dept estimates approximately $65,000 of programming, testing, and system development IT staff time costs to be able to distinguish credits that still have the five-year carryforward limitation associated with them from credits subject to the unlimited carryforward provision of this bill.

REVENUE EXPLANATION

The bill provides unlimited time to apply tax credits against liabilities rather than have unused credit amounts expire. This can only work to reduce annual net tax collections from what they would otherwise be. The first fiscal year of revenue loss exposure is FY21, for franchise tax which is due at the start of the year and payable by May of the year.

An estimate of the potential revenue loss is not possible. The Dept of Revenue does not have data on the amount of credit across taxpayers that is available for carryforward use, nor any schedule of how much might be expiring in any particular year that this bill would keep available for use.

Over the life of the inventory credit through FY14, and in the aggregate, firms claiming the credit have never had sufficient tax liabilities to exhaust the amount of credit available only through offsetting those liabilities. Consequently, refunds of excess credit were made of typically 82% of the credit, with 18% offsetting tax liabilities. Changes made to the credit in 2015 and 2016 have reduced the total annual cost of the credit by some 31%; from approximately $388 million per year before 2015, to approximately $267 million per year after 2015, as well as constrained the refundability of excess credit amounts. Current information indicates that of the lower total credit amounts in recent periods, refunds of excess credit are about 40% of the total credit, with 60% offsetting tax liabilities. While flipped from the earlier periods of the credit, the data still suggests that tax liabilities are not sufficient to exhaust the amount of credit available through offsetting tax liabilities.

While the bill may allow particular taxpayers to claim more credit than they would otherwise, it does not seem likely that the elimination of the carryfoward time limit would significantly increase the amount of credit possible to claim in the aggregate.

Senate — Dual Referral Rules

- [ ] 13.5.1 >= $100,000 Annual Fiscal Cost {S & H}
- [x] 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}

Christopher A. Keaton
Legislative Fiscal Officer