

**LEGISLATIVE FISCAL OFFICE**

**Fiscal Note**



Fiscal Note On: **HB 39** HLS 051ES 189  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Sub. Bill For.:  
 Proposed Amd.:

<b>Date:</b> November 9, 2005 1:44 PM	<b>Author:</b> HAMMETT
<b>Dept./Agy.:</b> Revenue	<b>Analyst:</b> Robert E. Hosse
<b>Subject:</b> State Sales Tax Exemption on damaged equipment	

TAX/SALES & USE EG -\$992,500 GF RV See Note Page 1 of 1  
 Exempts manufacturing machinery and equipment purchased to replace certain hurricane-damaged equipment (Item #15)

Proposed legislation would exempt from state sales and use tax the purchase, lease, or rental of machinery and equipment and the repair parts or repair services for such machinery and equipment damaged or destroyed by Hurricane Katrina or Hurricane Rita when such machinery and equipment is used by a manufacturer in a plant facility predominantly and directly in the actual manufacturing for agricultural purposes or the actual manufacturing process of an item of tangible personal property for ultimate sale to another. Proposed law defines "manufacturer" consistent with current law relative to an existing phase out of state sales tax; and specifically refers to equipment lost or damaged by wind, water, fire, or criminal act as a result of conditions created by the hurricanes which is uninsured or under insured. Provisions of proposed law become null and void after June 30, 2007. Effective upon governor's signature.

<b>EXPENDITURES</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>REVENUES</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	(\$992,500)	(\$1,985,000)	\$0	\$0	\$0	<b>(\$2,977,500)</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	(\$7,500)	(\$15,000)	\$0	\$0	\$0	<b>(\$22,500)</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>(\$1,000,000)</b>	<b>(\$2,000,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$3,000,000)</b>

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

**REVENUE EXPLANATION**

Proposed legislation is anticipated to result in a decrease in State General Fund revenue (SGF and Tourism District combined) of approximately \$1 million in FY 06 and approximately \$2 million in FY 07.

The Legislative Fiscal Office currently estimates manufacturing machinery and equipment eligible for the state sales and use phase-out to be approximately \$1.953 billion in FY06. According to information from the U.S. Census Bureau, approximately 35% of machinery and equipment capital investment occurs in the parishes most likely to have been directly impacted by the hurricanes and likely to have sustained some damage. The Legislative Fiscal Office has no definitive damage estimates of the value of this machinery and equipment which may have sustained damage due to the hurricanes; however, a conservative upper estimate of 30% is used to establish a ceiling for estimate purposes. The LFO has also assumed an average 10 year lifespan on the machinery and equipment subject to the state sales tax phase-out. A net State General Fund decrease of approximately \$2 million in FY06 and \$4 million in FY07 is estimated, based upon an estimated decrease in the baseline estimate of the machinery and equipment investment stream due in part to the hurricanes, a phased in reinvestment of damaged machinery and equipment, and the current phase out schedule of sales tax on machinery and equipment. The baseline exemption phase out cost is decreased approximately \$5.1 million and reinvestment of damaged machinery and equipment is factored in FY06 at 15% and taxable at 81%. The baseline exemption phase out cost is decreased approximately \$11.3 million and reinvestment of damaged machinery and equipment is factored in FY07 at 40% and taxable at 65%. The above net calculation represents a reasonable upper threshold of impact for the affected machinery and equipment. Limiting the exemption to uninsured or under insured machinery and equipment is anticipated to reduce the impact, and a factor of one-half is assumed to account for this effect. total net impact is estimated at \$1 million in FY06 and \$2 million in FY07.

Senate

Dual Referral Rules

House

13.5.1 >= \$500,000 Annual Fiscal Cost

6.8(F) >= \$500,000 Annual Fiscal Cost

13.5.2 >= \$500,000 Annual Tax or Fee Change

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

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