

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 402** HLS 15RS 406  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 29, 2015 11:05 AM	<b>Author:</b> STOKES
<b>Dept./Agy.:</b> Revenue	<b>Analyst:</b> Greg Albrecht
<b>Subject:</b> Eligibility For Credit For Tax Paid To Other States	

TAX/INCOME TAX EG +\$34,000,000 GF RV See Note Page 1 of 1  
 Adds requirements for eligibility for the income tax credit for taxes paid in other states

Current law allows a nonrefundable credit against resident Louisiana personal income tax for income taxes paid to another state.  
Proposed law limits the availability of this credit to taxes paid to other states that provide a similar credit for their residents who paid tax to Louisiana. The amount of credit allowed against Louisiana tax liability is limited to the lessor of the actual tax paid to the other state or the amount of Louisiana tax that would have been imposed had the income in question been earned in Louisiana. The credit is not allowed for taxes paid to another state that allows such a credit for nonresident filers in that state who paid tax to their own state of residence.

Applicable to all claims on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

<b>EXPENDITURES</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</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	\$0	\$0	\$0	\$0	\$0	<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>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$34,000,000	\$34,000,000	\$34,000,000	\$34,000,000	\$34,000,000	<b>\$170,000,000</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	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$34,000,000</b>	<b>\$34,000,000</b>	<b>\$34,000,000</b>	<b>\$34,000,000</b>	<b>\$34,000,000</b>	<b>\$170,000,000</b>

**EXPENDITURE EXPLANATION**

The Department of Revenue (LDR) will incur costs for computer system modification and testing, tax form redesign, and tax payer inquiries. In addition, LDR indicates that this change will likely require an additional worksheet to facilitate the calculation of the limited credit. These costs are typically small for individual tax law changes (but still likely to be several tens of thousands of dollars) and are typically absorbed within existing resources until cumulative changes necessitate additional resources be provided.

**REVENUE EXPLANATION**

The bill likely limits the amount of tax credit allowed against Louisiana tax liabilities from its limitation of the credit amount to the lessor of the actual tax paid to the other state or the amount of Louisiana tax that would have been imposed had the income in question been earned in Louisiana. While there are various nuances across states regarding this type of credit with regard to both resident and nonresident filers, states in general allow this credit to their residents and do not allow this credit to nonresident filers in that state who paid tax to their own state of residence. Thus, for most affected taxpayers those eligibility conditions will likely be met and some amount of credit will be allowed. Beyond that it is difficult to reliably know or estimate how much of the existing credit amount realized each year will be limited by this bill. To the extent Louisiana tax liabilities are less than those of other states for those filers claiming this credit, there will be a reduction in the amount of credit allowed to be taken.

Louisiana tends to rank fairly low in state tax rankings, suggesting that this bill is likely to materially limit the existing amounts of credit realized. For example, Tax Foundation comparisons of state personal income tax collections per capita for 2013 report Louisiana at 60% of the average across states. Applying that factor to the amount of this credit realized in FY14 (\$86 million), as reported in Revenue Dept. Tax Exemption Budget, suggests an aggregate credit reduction of some \$34 million is possible.

This immediate effect on net state revenue receipts occurs as a result of the applicability of the bill's provisions to all claims on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

- Senate Dual Referral Rules House
- 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
- 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
- 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
- 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S}
- 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*John D. Carpenter*  
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