

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 950** HLS 16RS 1078
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|---------------------------------------------------|-------------------------------|
| Date: May 17, 2016 4:18 PM | Author: FOIL |
| Dept./Agy.: Economic Development / Revenue | Analyst: Greg Albrecht |
| Subject: Convert R&D Credit Into Rebate | |

TAX/TAX REBATES RE -\$3,000,000 GF RV See Note Page 1 of 1
 Establishes a rebate for certain research and development activities

Current law (Act 133 of 2015) provides nonrefundable tax credits with five-year carry-forwards against income and franchise tax liabilities that reimburse up to 40% of eligible R&D expenditures, depending upon the employment size of the participating firm (50 or more employees versus less than 50) and/or if the firm has received a federal small business innovation research grant. Prior to Act 133, these credits were refundable (no tax liability required by the firm in order to receive the full benefit of the credits). Proposed law provides rebate payments of 30% of the federal grants for recipients of the federal research grants. This effectively recreates the refundable credit for this component of the program, insuring that these firms receive the full benefits of the program regardless of their tax liabilities, but at a lower benefit rate of 30% rather than 40%. Total program rebates allowed to be issued are limited to \$5 million per year, but if this annual limit is exceeded, that year's oversubscription has priority call on the following year's limit. An application fee is required. Recovery provisions are provided if rebates are later disallowed. Recipients of these rebate payments are not allowed to receive the R&D tax credits still administered by LED. Rebate payments made to the participating firms are not public record and shall not be disclosed. Effective for all tax years beginning on and after January 1, 2016, but no rebates shall be paid before July 1, 2017. Proposed law expires after 6/30/20.

| EXPENDITURES | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 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 | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

| REVENUES | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 5 -YEAR TOTAL |
|---------------------|-----------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| State Gen. Fd. | \$0 | (\$3,000,000) | (\$1,500,000) | (\$1,500,000) | (\$1,500,000) | (\$7,500,000) |
| Agy. Self-Gen. | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$50,000 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | \$0 |
| Annual Total | \$10,000 | (\$2,990,000) | (\$1,490,000) | (\$1,490,000) | (\$1,490,000) | (\$7,450,000) |

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. LED currently administers the program with varying benefit rates and eligibility bases. This bill simply changes program parameters for one of the three program components but does not likely alter the the level of participation, especially with regard to the program as it was constructed prior to Act 133 of 2015, less than one year ago. The Revenue Department typically finds it easier to administer rebate payments than tax credits.

REVENUE EXPLANATION

When Act 133 of 2015 was passed, the changes to the R&D tax credit program were expected to result in some \$21 million of reduced annual credit cost to the state fisc reflecting the fact that, in the aggregate, these firms, received almost all of the program's benefit through refund payments over and above their tax liabilities. This bill will potentially restore up to about one-quarter of those program costs through the \$5 million per year rebate limitation of the bill. However, effective cost restoration will likely be somewhat less than this. Based on historical use of the program, LED estimates that the \$5 million annual cap on rebates available to the federal grant recipient firms would likely not be met (\$5 million per year of federal grant awards receiving the bill's 30% rebate equals \$1.5 million per year < than \$5 million per year limit). Thus, total program rebate costs are estimated at \$1.5 million per year.

The bill prohibits rebate payments before July 1, 2017 (FY18). Thus, program participation for tax year 2016 becomes payable in FY18 along with participation in tax year 2017, doubling the rebate payments expected in FY18. This rebate program expires after June 30, 2020. It is unclear how that expiration provision will be implemented since participation is on a tax year basis. If tax year 2020 participation through June 30, 2020 occurs, associated rebates may or may not be paid in FY21.

The bill also requires an application fee paid in accordance with the provisions of R.S. 36:104. That statute authorizes application fees for LED programs of 0.5% of the amount of the incentive, with a minimum fee of \$500 and a maximum fee of \$15,000. LED reports approximately 20 SBIR award participants per year, receiving an average federal grant award of \$298,470. The program's rebate benefit rate of 30% (\$89,541) and 0.5% fee generates a typical application fee of \$448. Thus, 20 applicants per year will generate \$8,954 per year of application fee revenue for the department, rounded to \$10,000 per year in the table above.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} | |
| <input checked="" type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |

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