

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 248** HLS 17RS 871

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 23, 2017	2:12 PM	Author: JAMES
Dept./Agy.: Revenue		Analyst: Greg Albrecht
Subject: Corporate Franchise Tax Exemption		

TAX/CORP FRANCHISE OR DECREASE GF RV See Note
Provides relative to exemptions from the corporation franchise tax

Provides an exemption to the corporate franchise tax for any limited liability company that files as a real estate investment trust for federal income tax purposes and has 100% of its common shares owned by a tax-exempt organization.

Effective January 1, 2018.

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	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	2017-18	2018-19	2019-20	2020-21	2021-22	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

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

REVENUE EXPLANATION

The bill appears to carve out a tax exemption for entities with particular characteristics, and thus works to reduce franchise tax collections from what they would otherwise be. However, the revenue loss is indeterminable because the Dept. of Revenue does not collect information as to which firms subject to the franchise tax file as real estate investment trusts for federal income tax purposes and have 100% of their common shares owned by other tax exempt organizations. Such information is not likely to be obtained even if this exemption is enacted, since at that point affected entities will not be subject to the tax and will not have to file returns for the tax.

Revenue losses will first occur in FY18 because the bill is effective on January 1, 2018 and the franchise tax is due at the beginning of the tax period.

- Senate Dual Referral Rules
- 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}

John D. Carpenter
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Legislative Fiscal Officer