

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 289** HLS 21RS 612

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.: **w/ PROP HSE COMM AMD**

Sub. Bill For.:

Date: May 10, 2021	5:27 PM	Author: MCFARLAND
Dept./Agy.: Revenue		Analyst: Greg Albrecht
Subject: Tax Credit for Railroad Track Maintenance		

TAX CREDITS OR -\$4,500,000 GF RV See Note Page 1 of 1
Establishes an income and corporate franchise tax credit for Class II and Class III railroads

Proposed law (with proposed amendments HCAHB289 3945 1510 and 2386) provides a tax credit against income and franchise tax liabilities of Class II or Class III railroad operators for qualified track maintenance expenditures (repairs, maintenance, reconstruction, replacement of roadbeds, bridges, industrial leads, side track, yard tracks, related track structures or new construction of industrial leads, switches, spurs, sidings, or extension of existing sidings). The total amount of credit that can be granted each year is \$4.5 million. Credits are nonrefundable, but with a seven-year carryover for unused credit amounts, and credits are transferable.

Applicable to tax periods occurring on or after January 1, 2022, but no credits shall be granted on or after January 1, 2032.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	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	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	(\$4,500,000)	(\$4,500,000)	(\$4,500,000)	(\$4,500,000)	(\$18,000,000)
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	(\$4,500,000)	(\$4,500,000)	(\$4,500,000)	(\$4,500,000)	(\$18,000,000)

EXPENDITURE EXPLANATION

The Dept. of Revenue indicates that the costs to modify and test tax systems to incorporate an additional tax credit would be approximately \$26,000 of staff time. Additional costs may be incurred to manage the annual program cap and registry of transferred credits.

REVENUE EXPLANATION

The bill applies to qualified expenditures by mid-size freight haulers or regional railroads, and short-line railroads. There are currently 15 such railroads operating in Louisiana on 1,057 miles of track. While credits are nonrefundable and the bill does limit the amount of credit any one railroad can claim each year (lesser of 50% of eligible expenditures or \$4,500 multiplied by a particular railroad's in-state track mileage), the bill also allows the credits to be transferred to other taxpayers with income or franchise tax liabilities. Combined with the various kinds of expenditures eligible for credit, it seems likely that the bill's annual program credit cap could be achieved, and the maximum annual exposure to the state fisc realized each year. Expenditures in 2022 could generate tax credits that could be claimed as early as FY23.

The bill does provide a termination for the credits, with no credit allowed after January 1, 2032. This makes the credit essentially a ten year program, rather than open-ended, with termination outside the fiscal note horizon.

Senate
 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}

Christopher A. Keaton
Legislative Fiscal Officer