



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 293** HLS 21RS 495
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 28, 2021	5:13 PM	Author: RISER
Dept./Agy.: Revenue		Analyst: Greg Albrecht
Subject: Corporate Income Tax		

TAX/CORP INCOME RE -\$56,000,000 GF RV See Note Page 1 of 1
 Provides for the rate of corporation income tax

Proposed law imposes a flat corporate income tax rate of 6.5%. Applicable to all tax years beginning on and after January 1, 2023.

Contingent upon adoption of the constitutional amendment contained in House Bill 275 of this session.

This fiscal note assumes both a constitutional amendment and a statutory companion are enacted, removing the federal income tax deduction, and then a flat tax rate of 6.5% is applied to the expended corporate income tax base.

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	(\$10,000,000)	(\$50,400,000)	(\$56,000,000)	(\$56,000,000)	(\$172,400,000)
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	(\$10,000,000)	(\$50,400,000)	(\$56,000,000)	(\$56,000,000)	(\$172,400,000)

EXPENDITURE EXPLANATION

Tax system changes will have to be made to incorporate the elimination of the deduction from the tax processing system. These changes are typically estimated as several thousands of dollars of staff time for design, modification, and testing.

REVENUE EXPLANATION

The Dept. of Revenue estimated the effect of this bill (single 6.5% tax rate), under the assumption that the deduction for federal income taxes paid is also eliminated in HB 292 and HB 275 - increasing the tax base). The result was an aggregate liability reduction of \$56 million. Corporate filing patterns are such that 18% of this liability change is estimated to occur in the immediate fiscal year (FY23 estimated payments), followed by an additional 72% in the second fiscal year (FY24 returns & extensions), and a final additional 10% in the third fiscal year (FY25 returns & extensions). This pattern accumulates each tax year's liability change into fiscal year receipt changes as follows: \$10 million loss in FY23, \$50.4 million loss in FY24, and \$56 million loss in FY25 and each year thereafter. These are the estimates reported in the revenue table above.

The Dept. of Revenue also estimated the effect of this bill (single 6.5% tax rate), in isolation, by recalculating 2018 tax year corporate returns (the latest year with complete filings). The result was an aggregate liability reduction of \$129 million. Using the same filing pattern as discussed above, each tax year's liability change accumulate into fiscal year receipt changes as follows: \$23.2 million loss in FY23, \$116.1 million loss in FY24, and \$129 million loss in FY25 and each year thereafter.

Actual annual revenue losses can differ materially from these estimates due to the inherent volatility of the corporate tax base, and the ability of corporate tax filers to engage in tax planning. Thus, there is considerable uncertainty as to the level of annual tax liability and tax receipt changes resulting from the bill.

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}

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