

HCS HB 2328 -- TAX INCENTIVES (Wasson)

COMMITTEE OF ORIGIN: Committee on Conservation and Natural Resources

This substitute changes the laws regarding tax incentives for economic development.

REGIONAL ECONOMIC DEVELOPMENT INITIATIVE

The substitute establishes a Regional Economic Development Initiative to promote individual and business investments in economic development within a region through contributions to regional economic development organizations. A "regional economic development organization" is defined as any legally formed and locally recognized nonprofit organization representing multiple cities or counties with the goal of promoting economic growth for its respective area.

Beginning January 1, 2009, taxpayers will be eligible to receive a tax credit equal to 50% of any amount contributed to a regional economic development organization if the organization's plan has been approved by the Department of Economic Development. In order to receive the tax credit, contributions must be made during the department-approved fundraising time period.

No more than \$1 million of tax credits can be authorized annually and no more than \$3 million for the life of the program. The tax credit can be used to offset a taxpayer's income tax; corporate franchise tax; financial institutions tax; or bridge, express, and public utilities tax. The tax can be carried forward for up to five years or transferred.

A regional economic development organization may submit an application to the department for a tax credit authorization. The requirements of the application, eligible activities, and considerations the department must take into account when reviewing applications are specified. The organization must submit quarterly reports detailing its expenditures and the progress of its project. Within six months of the end of the project, the organization must report its results and submit an audit to the department. If the funds have not been expended in accordance with the approved application or if the project has not been completed, the organization must repay the department an amount equal to the tax credits issued. No application will be authorized to receive more than \$2 million in tax credits. Of this amount, no more than \$50,000 per year can be used to support the operation of the organization, including salaries, marketing, operating expenses, and equipment.

BUSINESSES OPERATING IN A MINE

A state and local sales and use tax exemption is authorized on purchases of electricity, gas, propane, water, telecommunications services, other utilities, machinery, and equipment by a person operating a business in a mine that is not used for mining if the mine contains at least one million square feet of space for business use if the business facility is operated by a qualified company that is engaged or has been engaged in a high impact, technology business, or small and expanding business project at the business facility.

The provisions of the substitute regarding the Regional Economic Development Initiative will expire three years from the effective date.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown in FY 2009, \$22,760 to Unknown in FY 2010, and \$34,233 to Unknown in FY 2011. Estimated Cost on Other State Funds of Unknown in FY 2009, FY 2010, and FY 2110.