

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4675-01
Bill No.: HB 1886
Subject: Education, Higher; Tax Credits
Type: Original
Date: February 12, 2008

Bill Summary: Creates a special needs scholarship tax credit program to be known as "Bryce's Law".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Unknown - expected to exceed \$100,000)	(Unknown - expected to exceed \$100,000)	(Unknown - expected to exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund*	(Unknown - expected to exceed \$100,000)	(Unknown - expected to exceed \$100,000)	(Unknown - expected to exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

* The fiscal impact could be divided between the General Revenue Fund and the County Foreign Insurance Fund (which ultimately goes to local school districts) if some of the tax credits are utilized against insurance premium taxes.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on FTE	Unknown	Unknown	Unknown

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government*	\$0	Unknown to (Unknown)	Unknown to (Unknown)

* The fiscal impact could be divided between the General Revenue Fund and the County Foreign Insurance Fund (which ultimately goes to local school districts) if some of the tax credits are utilized against insurance premium taxes.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development (DED)** state they assume responsibility for administration of the credit, and an unknown number of people plus associated expenses would be required to administer the program. DED assumes the credits will go into effect in August 2008 and will be claimed on CY 2008 tax returns filed in 2009. The cost of the credits will be unknown. DED assumes the need for one person for each \$20 million in credits issued. DED assumes some computer programming will be needed to adjust existing systems to track the credits claimed and keep a list of scholarship organizations. For similar legislation, ITSD indicated 240 hours of programming time for a Computer Information Technologist III to do initial programming plus recurring costs to maintain the program. Costs are shown as unknown as there is no cap on the number of credits. The cost for the Economic Development Incentive Specialist IIIs, expense, and equipment will be needed in FY 2008. DED assumes some compliance/auditing functions will need to be added but the extent is unknown.

Officials from the **Department of Revenue (DOR)** state their Personal Tax section would require 1 Tax Processing Technician I for every 6,000 credits claimed. DOR assumes the cost of the one additional FTE would be roughly \$40,000 annually.

Due to the Statewide Information Technology Consolidation, DOR's response to a proposal will now also reflect the cost estimates prepared by OA-IT for impact to the various systems. As a result, the impact shown may not be the same as previous fiscal notes submitted. In addition, if the legislation is Truly Agreed To and Finally Passed the OA-IT costs shown will be requested through appropriations by OA-IT.

Office of Administration Information Technology (ITSD DOR) estimates the IT portion of this request can be accomplished within existing resources; however, if priorities shift, additional FTE/overtime would be needed to implement. Office of Administration Information Technology (ITSD DOR) estimates that this legislation could be implemented utilizing 1 existing CIT III for 2 months for modifications to MINITS and 3 existing CIT III for 1 month for modifications to the corporate income tax systems. The estimated cost is \$20,930.

Oversight assumes that tax returns utilizing the new credit would not be filed with the Department of Revenue until January, 2009; therefore, Oversight will estimate the cost of the additional FTE for DOR for only six months in FY 2009 and for a full year starting in FY 2010. Oversight is unsure if enough credits will be filed with tax returns to warrant the additional FTE for DOR; therefore, Oversight will range the cost of the DOR FTE from \$0 to the estimated cost.

ASSUMPTION

Officials from the **Department of Health and Senior Services, Department of Social Services** and the **Department of Health and Senior Services** state there is no fiscal impact to their respective agencies.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of Administration - Administrative Hearing Commission** assume the proposal will not significantly alter its caseload. However, if other bills also pass, there will be fiscal impact. If there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Office of Administration - Budget and Planning (BAP)** state this proposal creates a tax credit for donations to qualifying special-needs-scholarship granting organizations. The tax credit is for 80% of the donation, up to 50% of state tax liability or \$800,000. These credits are transferable and sellable, and has a four-year carryforward. There is no cap on the program. This proposal will reduce general and total state revenues by an unknown amount.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state it is unknown how many insurance companies will choose to participate in this program and take advantage of the tax credits. Premium tax revenue is split 50/50 between General Revenue and County Foreign Insurance Fund except for domestic Stock Property and Casualty Companies who pay premium tax to the County Stock Fund. The County Foreign Insurance Fund is later distributed to school districts through out the state. County Stock Funds are later distributed to the school district and county treasurer of the county in which the principal office of the insurer is located. It is unknown how each of these funds may be impacted tax credits each year.

Officials from the **Department of Elementary and Secondary Education (DESE)** state by federal law, the obligation to educate students with developmental disabilities or other special needs would remain with the public schools, although private schools would receive state funds to educate the students.

Tax subsidies reduce the state's tax revenues and decrease the amount of money available for public schools and all public school students.

A public school accepting a student with a scholarship limits its revenue for that student to the value of the scholarship rather than the tuition the district charges non-resident students. There does not appear to be an incentive for a school to accept such a student.

The home district's loss of state aid for the student utilizing a scholarship may result in a reduced state cost of the foundation formula. The amount of such reduction cannot be estimated.

Oversight assumes this loss of state aid to home districts could result in a savings to the State's General Revenue Fund. Oversight assumes donations would be accepted in the '08-'09 school year and scholarships would be given to students for the '09-'10 school year. Since school funding is partially based on students count from the previous year, Oversight assumes the state would not realize a savings from until FY 2011. Oversight assumes the cost of the tax credits in FY 2011 will exceed the potential savings from reduced state aid payments; therefore, Oversight will reflect a net unknown cost from this proposal in FY 2011.

Officials from the **Special School District of St Louis (SSD)** have assumed that 3-5% of the students would take advantage of the scholarships, which is based on the experience with Florida vouchers. Estimated annual loss of revenue would range from \$6.4 million to \$10.6 million. SSD operates in a dual system with the other 23 St. Louis County districts. These districts would lose some of the funds referenced above, and SSD would lose some of the funds depending on the level of special education services.

Oversight will range the fiscal impact of the new program from \$0 (no additional tax credits will be issued) to an unknown amount since the program has no annual limit.

Oversight assumes there would be some positive economic benefit to the state as a result of the changes in this proposal; however, Oversight considers these benefits to be indirect and therefore have not reflected them in the fiscal note.

This proposal could reduce Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Savings</u> - Department of Elementary and Secondary Education - potential savings of state foundation formula for students who participate in the program and are now enrolled at private schools.	\$0	\$0	Unknown
<u>Costs</u> - DED - to administer the program	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - Department of Revenue			
Personal Service (1 FTE)	\$0 to (\$12,688)	\$0 to (\$26,136)	\$0 to (\$26,920)
Fringe Benefits	\$0 to (\$5,611)	\$0 to (\$11,557)	\$0 to (\$11,904)
Expense and Equipment	\$0 to (\$6,229)	\$0 to (\$1,030)	\$0 to (\$1,060)
<u>Total Costs</u> - DOR	\$0 to (\$24,528)	\$0 to (\$38,723)	\$0 to (\$39,884)
<u>Loss</u> - Tax credit for 80% of contribution to scholarship granting organization	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
Estimated Net FTE Change for General Revenue Fund	Unknown FTEs	Unknown FTEs	Unknown FTEs

Note: The fiscal note does not reflect the possibility that some of the tax credits could be utilized by insurance companies against insurance premium taxes. If this occurs, the loss in tax revenue would be split between the General Revenue Fund and the County Foreign Insurance Fund, which ultimately goes to local school districts.

FISCAL IMPACT - Local Government

FY 2009
(10 Mo.)

FY 2010

FY 2011

LOCAL SCHOOL DISTRICTS

Income - scholarships for children attending new school districts

\$0

Unknown

Unknown

Savings - school districts that lose students would realize savings from not incurring education expenses specific to these students with developmental disabilities

\$0

Unknown

Unknown

Loss - districts that lose students would not receive as much state funding

\$0

\$0

(Unknown)

Costs - districts that receive students based upon this proposal would incur additional educational expenses higher than what the state would provide as a scholarship

\$0

(Unknown)

(Unknown)

ESTIMATED NET EFFECT TO LOCAL SCHOOL DISTRICTS

\$0

**Unknown to
(Unknown)**

**Unknown to
(Unknown)**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Beginning January 1, 2008, this proposed legislation establishes Bryce's Law, which authorizes a tax credit for an individual who donates to a scholarship-granting organization if the donation is not claimed on the taxpayer's federal income tax return. The tax credit may be taken against income tax, corporate franchise tax, insurance premium tax, financial institutions tax, and express company tax liability. The credit will be for 80% of the amount of the contribution but cannot exceed 50% of the taxpayer's state tax liability, up to \$800,000 per year, and is

FISCAL DESCRIPTION (continued)

nonrefundable but may be carried forward for four years or transferred or sold for between 75% and 100% of its par value.

Eligibility standards for students receiving scholarships are attendance at a public school with an individualized education plan. Scholarship-granting organizations must meet requirements for fiscal soundness, percentage of revenues devoted to educational scholarships, and public reporting. Private schools qualify to accept scholarship students by meeting specified requirements including employee background checks and providing data as requested, among others. Scholarships may also be used at a public school outside the student's resident school district. The proposal specifies how scholarship checks will be distributed.

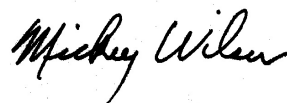
The Department of Economic Development must conduct a study to measure student achievement, satisfaction with the program, and its fiscal impact on the state and public schools and provide the General Assembly with a final copy of the evaluation by December 31, 2009. The department cannot use public money for the study and may contract with one or more qualified researchers who have previous experience evaluating similar programs.

The provisions of the bill will expire December 31 six years from the effective date.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development
Department of Elementary and Secondary Education
Department of Revenue
Office of Administration
 Budget and Planning
 Administrative Hearing Commission
Department of Insurance, Financial Institutions and Professional Registration
Office of the Secretary of State
Special School District - St Louis



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February 12, 2008

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