

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0547-01
Bill No.: HB 98
Subject: Tax Credits; Children and Minors
Type: Original
Date: December 30, 2016

Bill Summary: This proposal authorizes a tax credit for contributions to school foundations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$130,713)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$130,713)	\$0	\$0

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.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Revenue (DOR)** and the **Office of Administration's Division of Budget and Planning (B&P)** note that beginning January 1, 2018, the proposal allows a taxpayer a tax credit against their state tax liability for 50 percent of the amount donated to an organization that provides funding for unmet health, hunger, and hygiene needs for children in school. The provisions of this section prohibit any one taxpayer from claiming over \$50,000 per tax year. This legislation mandates the use of the taxpayer's contribution for unmet health, hunger, and children's hygiene needs. The provisions of this legislation will automatically expire December 31, 2023.

DOR assumes they will require form and programming changes. The integrated tax system will incur additional costs of \$130,713 to implement the provisions of this legislation. DOR's Personal Tax Division will require one (1) Revenue Processing Technician I (\$27,185) for every 6,000 credits claimed. DOR's Corporate Tax Division will require one (1) Revenue Processing Technician I (\$27,185) for every 6,000 credits claimed. DOR's Collections & Tax Assistance Division will require two (2) Tax Collection Technicians I (\$27,185) for every additional 15,000 contacts annually on the delinquent and non-delinquent tax line. Both technicians require CARES equipment and license.

Oversight notes that based on other pre-pay tax credits (such as the Development Disability and Residential Treatment Agency tax credits), redemptions have been minimal. Therefore, Oversight assumes DOR could implement the responsibilities in this proposal with current staff. Should DOR experience the number of additional tax credit redemptions to justify other FTE, they could seek those FTE through the appropriation process.

Officials at the **Office of Administration's Division of Budget and Planning** assume the qualified organizations are required to remit payment for these credits; therefore this proposal has no direct impact on General and Total State Revenues. However, if the contribution is to a qualifying charitable organization there may be indirect costs of up to 6 percent of the value of the contribution, depending on the deductibility of the contribution and the state income tax rate in effect.

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** assume an unknown reduction of premium tax revenues as a result of the creation of a tax credit for donations to school foundations. 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

ASSUMPTION (continued)

Insurance Fund is later distributed to school districts throughout 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 by tax credits each year.

The department will require minimal contract computer programming to add these new tax credits to the premium tax database and can do so under existing appropriation. However, should multiple bills pass that would require additional updates to the premium tax database, the department may need to request more expense and equipment appropriation through the budget process.

Officials at the **Department of Social Services** assume there is no fiscal impact from this proposal.

Oversight assumes that section 135.1910.6 requires payment from the provider equal to the amount of the value of the tax credit, called a prepay credit. The state has several prepay credits such as the Developmental Disability and Residential Treatment Agency credits. Oversight assumes that receipt of payment and the application of the tax credits could affect various state funds, however, there is no cap on this credit. For the purpose of this note, Oversight will show all the payments and costs to General Revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Revenue</u> - payment of the tax credit filed with the application	\$0	\$0 to Could Exceed \$100,000	\$0 to Could Exceed \$100,000
<u>Cost</u> - creation of tax credit in §135.1910	\$0	\$0 to (Could Exceed \$100,000)	\$0 to (Could Exceed \$100,000)
<u>Cost</u> - DOR - computer programming	<u>(\$130,713)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$130,713)</u>	<u>\$0</u>	<u>\$0</u>

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.

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses that qualify for the tax credit could be positively impacted.

FISCAL DESCRIPTION

For all tax years beginning on or after January 1, 2018, a taxpayer must be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to 50% of the taxpayer's contribution to a qualified organization that provides funding for unmet health, hunger, and hygiene needs for children in school. The amount of the tax credit claimed must not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and the taxpayer is not allowed to claim a tax credit in excess of \$50,000 per taxable year. Any tax credit

FISCAL DESCRIPTION (continued)

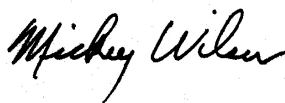
that cannot be claimed in the taxable year that the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed. A taxpayer's minimum contribution or contributions to a qualified organization or organizations must be \$100, except for any excess credit that is being carried over.

The provisions of the bill will sunset on December 31, 2023.

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 Insurance, Financial Institutions and Professional Registration
Department of Revenue
Department of Social Services
Office of Administration
Division of Budget and Planning



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Director
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