

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3429H.01P
 Bill No.: Perfected HB 1516
 Subject: Political Subdivisions; Saint Louis City
 Type: Original
 Date: March 12, 2024

Bill Summary: This proposal modifies provisions relating to the chapter 92 earnings tax.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	Up to \$1,056,915	Up to \$1,337,131	Up to \$1,337,131
Total Estimated Net Effect on General Revenue	Up to \$1,056,915	Up to \$1,337,131	Up to \$1,337,131

*A reduction in earnings taxes collected by St. Louis, would reduce the amount of deductions used in calculating Missouri's state income tax, thereby increasing state income tax collections (or reducing state tax refunds).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	Up to (\$98,399,518)	Up to (\$98,399,518)	Up to (\$98,399,518)

*The fiscal impact depends upon the number of workers (taxpayers) telecommuting or working remotely in St. Louis City. Work circumstances in future years may differ substantially from 2020/2021.

FISCAL ANALYSIS

ASSUMPTION

§92.114 – City Earnings Tax on Remote Workers

Officials from the **Office of Administration - Budget and Planning (B&P)** assume this section would exempt nonresident workers of Kansas City and St. Louis City from their 1% earnings tax, for work done remotely. The proposal would begin with all tax returns filed after January 1, 2025. B&P notes that such tax returns would be for tax year 2024 earnings.

B&P notes that currently Kansas City is already exempting nonresident remote workers from the earnings tax for the days that nonresident employee worked remotely. Therefore, B&P assumes that this proposal will not impact earnings tax revenues in Kansas City.

B&P notes that St. Louis City is not exempting nonresident income for days that the nonresident worked remotely. B&P is unable to determine the number of working days that nonresidents work remotely; therefore, the estimates below reflect the maximum amount of revenue impacts to St. Louis City and state general revenue. Actual revenue impacts per year may vary depending on the level of actual remote work that occurs.

Based on data published by the U.S. Census Bureau¹, there were 217,930 workers within St. Louis City, of which 52,359 also lived within the city and 165,571 reside elsewhere. In addition, there were 108,484 residents in the city that work full-time. Based on the data above, B&P estimates that 56,125 of those residents work outside of the city. Table 1 shows the work and residency location for St. Louis City earnings taxpayers.

Table 1: St. Louis City Residents and Workers, 2021

<u>Residence</u>	<u>Work Location</u>	<u># People</u>	<u>% of Total</u>
St. Louis City	St. Louis City	52,359	19.1%
St. Louis City	Elsewhere	56,125	20.5%
Missouri, not St. Louis City	St. Louis City	130,873	47.8%
Outside Missouri	St. Louis City	34,698	12.7%
Total - all residents and workers		274,055	100.0%

Using data published by St. Louis City², B&P determined that earnings tax collections for FY22 was \$162,872,000. For the purpose of this fiscal note, B&P will assume that the earnings tax is equally distributed among residence and non-residence. Therefore, B&P estimates that 60.4%

¹ <https://onthemap.ces.census.gov/>

² <https://www.stlouis-mo.gov/government/departments/comptroller/documents/current-comprehensive-annual-financial-report.cfm>, FY21 CAFR – Table 9, page 214

$((130,873+34,698)/274,055)$ of the earnings tax comes from non-residents. B&P acknowledges that it is likely that wages are not shared equally among residents and non-residents. Therefore, it is possible that this estimate is too low.

Using the above information, B&P estimated the following breakdown of the earnings tax based on residency.

Table 2: Estimated Earnings Tax by Residence and Work

<u>Residence</u>	<u>Work Location</u>	<u>% of Total</u>	<u>Earnings Tax</u>
St. Louis City	St. Louis City	19.1%	\$31,117,166
St. Louis City Missouri, not St. Louis	Elsewhere	20.5%	\$33,355,316
City	St. Louis City	47.8%	\$77,778,356
Outside Missouri	St. Louis City	12.7%	\$20,621,162

B&P notes that city residents would still be liable for the tax because of their residency status. Therefore, B&P estimates that this provision could reduce St. Louis City earnings tax by up to \$98,399,518 (\$77,778,356 MO residents + \$20,621,162 non-state residents), if all work were completed remotely.

B&P notes that some taxpayers claim the amount of earnings tax paid to St. Louis City in their itemized deductions. Based on 2021 tax return data (the most recent complete year available), B&P determined that 28.3% of Missouri taxpayers itemize their deductions. B&P further notes that residents outside of Missouri are not liable for Missouri income tax on the days where they worked remotely.

Therefore, B&P estimates that \$22,019,052 to \$27,856,904 [$(\$77,778,356 \text{ Missouri residents} \times 28.3\%) + (\$0 \text{ to } \$20,621,162 \text{ non-Missouri residents} \times 28.3\%)$] in deductions would no longer be claimed on Missouri's individual income tax.

However, deductions do not reduce revenues on a dollar-for-dollar bases, but rather in proportion to the top tax rate applied. Therefore, B&P will show the estimated impact throughout the implementation of SB 3 (2022).

B&P assumes that this provision may increase TSR and GR by less than \$1,056,915 to \$1,337,131 in FY25. Once SB 3 (2022) has fully implemented, this provision could increase TSR and GR by \$990,857 to \$1,253,561 annually.

This provision may reduce St. Louis City earnings tax revenue by less than (\$98,399,518) in FY25 and beyond. Table 2 shows the estimated state GR impact for future years, through the implementation of SB 3 (2022).

Table 3: Estimated Revenue Gain by Fiscal Year

Tax Rate	Tax Year (Fiscal Year)							
	2024 (FY25)		2025 (FY26)		2026 (FY27)		2027 (FY28)	
	Low	High	Low	High	Low	High	Low	High
4.80%	\$1,056,915	\$1,337,131	\$1,056,915	\$1,337,131	\$1,056,915	\$1,337,131	\$1,056,915	\$1,337,131
4.70%			\$1,034,895	\$1,309,274	\$1,034,895	\$1,309,274	\$1,034,895	\$1,309,274
4.60%			\$1,012,876	\$1,281,418	\$1,012,876	\$1,281,418		
4.50%					\$990,857	\$1,253,561		

B&P notes that these estimates do not include any potential impacts on the payroll tax. If remote work is also excluded from the payroll tax, the actual revenues impact to St. Louis City and the state could be significantly greater.

Oversight notes the 12% itemized deduction percentage used by B&P is a rounded percentage. B&P stated to Oversight that the percentage is closer to 11.88% in the calculation of their numbers above. **Oversight** does not have information to the contrary and therefore Oversight will reflect the estimates as provided by the B&P.

Officials from the **City of St. Louis** state the following:

The proposed legislation would eliminate the Earnings Tax on non-residents of the City who telecommute or work remotely. While there is no definitive total of the portion of the Earnings Tax this would represent, it is estimated that 50% or more of Earnings Tax receipts come from non-residents, the subset of these who telecommute particularly in recent years could be substantial.

The Earnings Tax is the City's single largest source of revenue amounting to over a third of the General Fund budget. Total net receipts in FY23 were just under \$219M. As the proposed legislation would eliminate the tax on all telecommuters, the potential loss of City revenue could be substantial - delivering a major blow to the City's credit and fiscal condition and seriously impairing the City's ability to provide basic City services.

As a way of illustration - 1/2 of the City Earnings tax receipts are:

More than:

- The total FY24 general fund budget of the Police Department @ \$164.4M

Or about the equivalent to the combined costs of these services:

- Fire Department - \$74.1M
- Corrections and Juvenile Detention - \$53.3M
- Circuit Court / Circuit Attorney / Sheriff - \$33.3M
- Forestry Division - Trimming / Weed & Debris - \$9.3M
- Park Maintenance - \$10.6M

- Street Maintenance & Repair - \$9.7M
- Traffic & Street Lighting - \$11.7M
- Equipment Services Div. - vehicle maintenance / repair - \$19.4M

In addition to General Revenue, there would be a similar negative impact on all TIF funded developments which utilize a portion of the Earnings Tax in financings, an amount which totaled \$6.1M in FY23.

The proposed legislation also imposes certain reporting requirements on the City's Collector of Revenue which may impose additional administrative costs on the office and could be subject to provisions of Article X Section 21 of the Missouri Constitution.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the B&P for the City of St. Louis.

Officials from the **Department of Revenue (DOR)** assume this proposal enacts additional requirements on the City of St. Louis for them to keep their earnings tax. They are required to prepare quarterly reports on the amount collected from their earnings tax. The City collects their own use tax and therefore this will not fiscally impact DOR.

Officials from the **Office of the State Courts Administrator**, the **Department of Labor and Industrial Relations**, the **Office of the State Auditor**, the **Missouri Senate** and the **Missouri House of Representatives** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Office of the Secretary of State (SOS)** note 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 \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves 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.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Savings</u> – calculation of deductions relating to earnings tax §92.114	<u>Up to</u> <u>\$1,056,915</u>	<u>Up to</u> <u>\$1,337,131</u>	<u>Up to</u> <u>\$1,337,131</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Up to</u> <u>\$1,056,915</u>	<u>Up to</u> <u>\$1,337,131</u>	<u>Up to</u> <u>\$1,337,131</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue loss</u> – potential loss in revenue from eliminating the Earnings Tax on nonresidents of St. Louis City who telecommute or work remotely §92.114	<u>Up to</u> <u>(\$98,399,518)</u>	<u>Up to</u> <u>(\$98,399,518)</u>	<u>Up to</u> <u>(\$98,399,518)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Up to</u> <u>(\$98,399,518)</u>	<u>Up to</u> <u>(\$98,399,518)</u>	<u>Up to</u> <u>(\$98,399,518)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Beginning on September 30, 2024, this bill specifies that the City of St. Louis shall not continue to impose an earnings tax without submitting a quarterly report detailing receipts from the earnings tax, as described in the bill. The report shall be posted on the website of the city and the Collector of Revenue, and shall also be submitted to the State Auditor, the Secretary of the Senate, the Chair of the Senate Appropriations Committee, the Clerk of the House of Representatives, and the Chair of the House of Representatives Budget Committee.

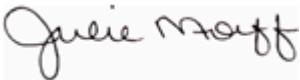
For all tax returns filed on or after January 1, 2025, this bill also specifies that the term "work done or services performed or rendered in the city" shall not include any work or services performed or rendered through telecommuting or otherwise performed or rendered remotely unless the location where such remote work or services are performed is located in the city. The bill creates a cause of action for a taxpayer who is denied a refund for taxes paid for work or services not performed or rendered in the city.

No later than September 30, 2024, the city shall establish a process for taxpayers to request a refund for any earnings tax levied on work or services performed or rendered through telecommuting or otherwise performed or rendered remotely, unless the location where such remote work or services were performed is located in the city.

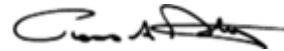
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration - Budget and Planning
City of St. Louis
Department of Revenue
Department of Labor and Industrial Relations
Office of the State Auditor
Missouri Senate
Missouri House of Representatives
Office of the Secretary of State
Office of the State Courts Administrator



Julie Morff
Director
March 12, 2024



Ross Strope
Assistant Director
March 12, 2024