

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3127-02
Bill No.: HCS for SB 629
Subject: Transportation Dept.; Taxation and Revenue - Sales and Use; Contracts and Contractors
Type: #Corrected
Date: April 28, 2006
 # To correct math error

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	\$0	(\$14,823,090)	(\$14,150,684)#
Total Estimated Net Effect on General Revenue Fund	\$0	(\$14,823,090)	(\$14,150,684)#

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Road Fund	\$0	\$28,287,397#	\$27,004,224#
School District Trust	\$0	(\$4,941,030)	(\$4,716,895)
Conservation	\$0	(\$617,629)	(\$589,612)
Parks and Soil	\$0	(\$494,103)	(\$471,690)
Total Estimated Net Effect on Other State Funds	\$0	\$22,234,635#	\$21,226,027#

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	(\$7,411,545)#	(\$7,075,343)#

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Administration, Division of Budget and Planning (BAP)** assume this bill would exempt contractors from paying sales tax on Missouri Department of Transportation (MoDOT) projects. This proposal will decrease General and Total State revenues. BAP defers to MoDOT to provide an estimate of this bill. This bill would have no impact on BAP.

Officials of the **Department of Transportation (MoDOT)** assume this legislation exempts contractors from paying sales tax on materials used in MoDOT projects. Section 144.062, RSMo currently exempts sales of personal property and materials used for the purpose of constructing, repairing, or remodeling facilities for counties, other political subdivisions and certain exempt entities from the state sales tax. This bill would add the Department of Transportation as an exempt entity. Therefore, materials could be purchased by a contractor for a MoDOT project on a tax-exempt basis.

The sales tax which contractors currently pay on materials purchased for MoDOT projects is included in the project cost which is paid by MoDOT. Assuming that contractors would reduce their project costs due to the ability to purchase materials on a tax-exempt basis, this bill would result in a cost savings for MoDOT.

ASSUMPTION (continued)

The proposed legislation would result in cost savings beyond the three-year period addressed by this fiscal note. An estimate for fiscal year 2010 is \$12,142,650.

Based on 2006-2010 Statewide Transportation Improvement Program (STIP); ½ of construction contracts is labor, ½ is materials; July 1, 2007 effective date (FY08); sales tax rate of 4.225%. The cost savings were calculated as follows:

Fiscal Year	STIP Awards	% Materials	Materials Cost	Sales Tax Rate	Cost Savings
2008	\$988,206,000	50%	\$494,103,000	4.225%	\$20,875,852
2009	\$943,379,000	50%	\$471,689,500	4.225%	\$19,928,881
2010	\$849,795,000	50%	\$424,897,500	4.225%	\$17,951,919

There would be an additional amount of cost savings for the local sales tax, however the amount would vary by city/county. Therefore, the additional savings is unknown.

Officials of the **Department of Revenue (DOR)** assume this legislation exempts contractors from paying sales tax on materials purchased for use in MoDOT projects. This legislation would have no administrative impact on DOR.

Oversight calculated the revenue impact to include an impact to cities and counties. **Oversight** assumes this proposal would create a saving of \$14.8 million in FY08 and \$14.15 million in FY09 for the Road Fund. Combined losses in the General Revenue Fund, School District Trust Fund, Conservation Fund, Parks and Soils Fund and local city/county funds equal the savings in the Road Fund for this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
GENERAL REVENUE FUND			
<u>Loss to General Revenue Fund</u>			
Exemption for MoDOT projects	\$0	(\$14,823,090)	(\$14,150,684)#
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	\$0	(\$14,823,090)	(\$14,150,684)#

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
OTHER STATE FUNDS			
<u>Savings</u> to Road Fund			
Exemption for MoDOT projects	\$0	\$28,287,397#	\$27,004,224#
<u>Loss</u> to School District Trust Fund			
Exemption for MoDOT projects	\$0	(\$4,941,030)	(\$4,716,895)
<u>Loss</u> to Conservation Fund			
Exemption for MoDOT projects	\$0	(\$617,629)	(\$589,612)
<u>Loss</u> to Parks and Soil Funds			
Exemption for MoDOT projects	<u>\$0</u>	<u>(\$494,103)</u>	<u>(\$471,690)</u>
ESTIMATED NET EFFECT TO ALL OTHER STATE FUNDS	<u>\$0</u>	<u>\$14,823,090</u>	<u>\$14,150,684</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<u>Loss</u> to Cities			
Exemption for MoDOT projects	\$0	(\$4,446,927)#	(\$4,245,206)#
<u>Loss</u> to Counties			
Exemption for MoDOT projects	<u>\$0</u>	<u>(\$2,964,618)#</u>	<u>(\$2,830,137)#</u>
ESTIMATED NET EFFECT TO LOCAL GOVERNMENT	<u>\$0</u>	<u>(\$7,411,545)</u>	<u>(\$7,075,343)</u>

FISCAL IMPACT - Small Business

Small businesses that sell to MoDOT would be expected to be impacted as a result of this proposal.

DESCRIPTION

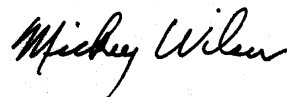
This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects. The sales tax exemption does not take effect until after June 30, 2007. This portion of the act is similar to SB 142 (2005) and SB 731 (2004).

This act modifies the sales tax exemption for certain motor vehicles. Under current law, an exemption from sales tax is permitted for motor vehicles licensed for a gross weight of 24,000 pounds or more or trailers used by common carriers solely in the transportation of persons or property in interstate commerce. This act removes the "solely in interstate commerce" restriction, thus allowing the sales tax exemption for motor vehicles licensed for a gross weight of 24,000 pounds or more or trailers used by common carriers in the transportation of persons or property. This portion of the act is similar to SB 696 (2006).

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
Division of Budget and Planning
Department of Transportation
Department of Revenue



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Director
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