

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1575-03
Bill No.: Perfected HCS for HB 577
Subject: Insurance - General; Insurance Dept.
Type: Original
Date: April 21, 2009

Bill Summary: Changes the laws regarding captive insurance companies.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2010 | FY 2011 | FY 2012 |
| General Revenue | (At least \$11,821) | (At least \$11,821) | (At least \$11,821) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (At least \$11,821) | (At least \$11,821) | (At least \$11,821) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|--------------------------|--------------------------|--------------------------|
| FUND AFFECTED | FY 2010 | FY 2011 | FY 2012 |
| Insurance Dedicated | At least \$11,821 | At least \$11,821 | At least \$11,821 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | At least \$11,821 | At least \$11,821 | At least \$11,821 |

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

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2010 | FY 2011 | FY 2012 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2010 | FY 2011 | FY 2012 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- 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 2010 | FY 2011 | FY 2012 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** assume the proposal will not fiscally impact their organization.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state in May 2008, Special Purpose Life Reinsurance Captive (SPLRC) insurance companies paid \$39,600 in premium tax for calendar year 2007. None was paid by other captive types.

In May 2009, the DIFP anticipates that SPLRC captives will pay \$85,417 for calendar year 2008 and all other types of captives will pay \$32,791; total of \$118,208.

The DIFP assumes in May 2010, May 2011, and May 2012 at least the same amount of premium tax will be paid as May 2009. The department does anticipate growth in the number of captive insurance companies in Missouri, so this estimate is the minimum amount of premium tax expected to be collected.

The premium taxes collected under this legislation are deposited 90% into General Revenue and 10% into the Insurance Dedicated Fund for department oversight of the captive insurance program. This proposal adds a 3% of current year's insurance dedicated fund appropriation maximum (in 379.1326.9) on the amount of the transfer of premium taxes received to the insurance dedicated fund. The maximum transfer is not anticipated to be reached for sever years.

Oversight assumes the annual premium taxes on captive insurance companies will be at least \$118,208. Because this amount is less than the \$200,000 currently in statute for DIFP to receive 20% of to help cover the costs of the oversight of these companies, no funds will be received by the DIFP. This legislation changes the distribution of premium taxes paid by SPLRCs so DIFP receives 10% of all premium taxes collected from captive insurance companies. As a result of this reallocation, **Oversight** is presenting the 10% allocation of premium taxes paid by captive insurance companies to the Insurance Dedicated Fund as a loss to the General Revenue Fund.

In response to an earlier version of this proposal, officials from the **Office of State Treasurer (STO)** assume the Department of Revenue will appropriately post the receipt of taxes collected under sections 379.1326 and 379.1412 as 90% to General Revenue and 10% to the Insurance Dedicated Fund. The proposal has no fiscal impact on the STO.

ASSUMPTION (continued)

In response to an earlier version of this proposal, officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS realizes this is a small amount and does not expect that additional funding would be required to meet these costs. The SOS 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 that the office can sustain within 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 2010 (10 Mo.) | FY 2011 | FY 2012 |
|---|-----------------------------------|-----------------------------------|-----------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Loss - DIFP</u> | | | |
| Reduction in premium taxes from captive insurance companies | <u>(At least \$11,821)</u> | <u>(At least \$11,821)</u> | <u>(At least \$11,821)</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>(At least \$11,821)</u> | <u>(At least \$11,821)</u> | <u>(At least \$11,821)</u> |
| INSURANCE DEDICATED FUND | | | |
| <u>Income - DIFP</u> | | | |
| Premium taxes from captive insurance companies | <u>At least \$11,821</u> | <u>At least \$11,821</u> | <u>At least \$11,821</u> |
| ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND | <u>At least \$11,821</u> | <u>At least \$11,821</u> | <u>At least \$11,821</u> |
| <u>FISCAL IMPACT - Local Government</u> | | | |
| | <u>FY 2010 (10 Mo.)</u> | <u>FY 2011</u> | <u>FY 2012</u> |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

This proposal may impact small businesses to the extent they qualify as captive insurance companies.

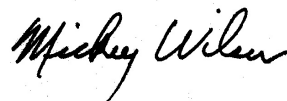
FISCAL DESCRIPTION

This proposal changes the laws regarding captive insurance companies. The proposal requires the State Treasurer to deposit 90% of the premium taxes collected from captive insurance companies and special purpose life reinsurance captive (SPLRC) companies into the General Revenue Fund and 10% into the Insurance Dedicated Fund, subject to a maximum of three percent of the current fiscal year's appropriation. Any remainder will be placed in the general revenue fund.

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
Office of Secretary of State
Office of State Treasurer



Mickey Wilson, CPA
Director
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