

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3839-04
Bill No.: HCS for HB 1408 & 1514
Subject: Taxation and Revenue - General
Type: Original
Date: February 19, 2010

Bill Summary: Would reduce the time period before interest is paid on overpayments of tax from 4 months to 45 days.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
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 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Treasurer** assumed a previous version of this proposal would have no fiscal impact on their organization.

Officials from the **Office of Administration, Division of Budget and Planning** (BAP) assume this proposal would not result in added cost to their organization. BAP officials stated that the Department of Revenue should provide the estimate of possible increased costs to GR as a result of the reduced time before interest is paid on overpayments of tax from four months to 45 days.

Officials from the **Department of Revenue** (DOR) noted that a previous version of this proposal would require their organization to pay interest on overpaid taxes if overpayments are not refunded within 45 days instead of the 120 days allowed by current provisions. This would create a negative impact on Total State Revenue. In a normal processing year, when DOR is fully staffed, DOR would expect this proposal to have a negative impact of \$2.3 million. However, in a calendar year like 2009, in which DOR had a reduction in staff, DOR officials estimated this would have a negative impact of \$3.1 million. The \$3.1 million is made up of \$634,000 in corporate tax refund interest, \$844,000 in sales tax refund interest, and \$1.6 million in individual income tax refund interest.

DOR provided an estimate of the fiscal impact of the proposal including fourteen additional employees and the related benefits, equipment, and expense totaling \$3,672,916 for FY 2011, \$3,689,142 for FY 2012, and \$3,706,818 for FY 2013.

Oversight notes that the DOR estimate of cost included fourteen additional employees as well as the DOR estimate of additional interest paid on late refund payments. Oversight will indicate a revenue reduction of more than \$100,000 per year for this proposal beginning with FY 2011. Oversight assumes that a full year impact would be incurred in FY 2011 since this version of the proposal includes an emergency clause. The proposal would become effective on approval by the General Assembly and the Governor, and substantially all refunds for filings in FY 2011 would be subject to the new provisions.

DOR officials stated that their organization and OA-ITSD (DOR) would need to make programming changes to the Corporation Income Tax System (COINS), the Corporate and Franchise (Tax) Entry System (CAFÉ), the Case Audit Management System (CAMS), the Withholding System (DWIT) and the individual income tax system (MINITS).

ASSUMPTION (continued)

DOR officials estimated that the IT portion of the fiscal impact to implement the proposal would be \$17,808 based on 672 programming hours for modifications to the department's tax systems. In response to a prior version of the proposal, DOR officials estimated that the IT portion of the fiscal impact would be \$4,441 based on one FTE for one month, for modifications to the department's tax systems.

Oversight assumes OA-ITSD (DOR) is provided with core funding to handle a certain amount of normal activity each year. Oversight assumes OA-ITSD (DOR) could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OA-ITSD (DOR) could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
Revenue reduction - DOR			
Additional interest on refunds	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

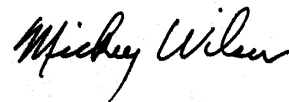
FISCAL DESCRIPTION

This proposal would reduce the time period before interest is paid on overpayments of tax from 4 months to 45 days.

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 the State Treasurer
Office of Administration
 Division of Budget and Planning
Department of Revenue



Mickey Wilson, CPA
Director
February 19, 2010