

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6109-01
Bill No.: SB 881
Subject: Agriculture and Animals; Energy; Tax Credits; Taxation and Revenue- Income
Type: Original
Date: April 6, 2012

Bill Summary: This proposal creates a tax credit for purchases of processed biomass engineered fiber fuel.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	\$0	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE			

- 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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Agriculture, Department of Natural Resources** and the **Joint Committee on Administrative Rules** assume there is no fiscal impact from this proposal.

Officials at the **Budget and Planning (BAP)** assume the proposed legislation should not result in additional costs or savings to BAP. This proposal provides a tax credit for purchasing qualified processed biomass engineered fiber fuel. Officials at DNR suggest this fuel may be similar in nature and usage to wood pellets. However, BAP does not have data on the supply of or demand for wood pellets in MO. This proposal will reduce General and Total State Revenues by an unknown amount.

Officials from the **Department of Revenue (DOR)** state the proposal begins January 1, 2013, and is a tax credit for using processed biomass engineered fiber fuel. The credit can not exceed the state tax liability and is not refundable, nor can it be transferred, sold or assigned, but it can be carried forward four subsequent years.

The credit will be based on the following percentages:

- The year the fuel was purchased and used: 30%
- The 2nd year the fuel was purchased and used: 25%
- The 3rd year the fuel was purchased and used: 20%
- The 4th year the fuel was purchased and used: 15%
- The 5th year the fuel was purchased and used: 10%
- The 6th year the fuel was purchased and used: 5%

DOR's Personal Tax section assumes the need for one Revenue Processing Technician I per 4,000 credits claimed. DOR assumes the cost of this additional FTE to be roughly \$40,000 per year.

DOR assumes DOR and ITSD-DOR will need to make form changes and will need to make programming changes. The IT portion of the fiscal impact is estimated with a level of effort valued at \$4,452 (168 FTE hours) to make the needed updates.

Oversight assumes OA-ITSD (DOR) is provided with core funding to handle a certain amount of 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.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state 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 \$2,500. 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 the 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.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

This proposal defines Processed biomass engineered fiber fuel as any fuel derived from substances produced in this state that were changed from their original form and combined in a manufacturing process in this state of three or more biomass inputs, resulting in a fuel product with a heat value of at least 7,500 BTUs per pound. **Oversight** is unaware of the quantity of this product produced in the state, what the product costs the end user (who actually gets the credit) and how quickly additional manufacturers could start producing a qualifying product. There is no annual limit to this program; therefore, Oversight will assume an UNKNOWN amount of tax credits will be issued from this new program. The start date for the credit is for taxable years beginning on or after January 1, 2013; therefore, Oversight will assume the credits may be claimed starting in January 2014, or FY 2014.

Oversight assumes that since it is unclear how many individuals would qualify for the tax credit the DOR could absorb this proposal with existing resources. Should the number of credits reach the level where a new FTE would be necessary (4,000 credits) then DOR could make the request through the appropriation process.

Oversight assumes this proposal would have some positive economic benefits to processed biomass engineered fiber fuel producers and users; however, Oversight considers these benefits to be an indirect effect of the proposal and have not reflected them in the fiscal note.

This proposal would reduce Total State Revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2013	FY 2014 (6 MONTHS)	FY 2015
GENERAL REVENUE			
<u>Revenue Reduction</u> - Dept of Revenue			
Tax credit for using processed biomass engineered fiber fuel - for all taxable years beginning on or after 1/1/2013			
	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE			
	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business owners who consumer or produce biomass engineered fiber fuel may receive a positive fiscal impact from this proposal.

FISCAL DESCRIPTION

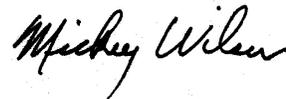
Beginning January 1, 2013, this bill authorizes an income tax credit for any taxpayer who uses “processed biomass engineered fiber fuel”. The credit will be 30% of the purchased price of the fuel for the first year; 25% the second year; 20% the third year; 15% the fourth year; 10% the fifth year; and 5% the sixth year. The credit is not refundable and cannot be transferred, but can be carried forward for four years.

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

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SOURCES OF INFORMATION

Budget and Planning
Department of Agriculture
Department of Natural Resources
Department of Revenue
Joint Committee on Administrative Rules
Office of the Secretary of State



Mickey Wilson, CPA
Director
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