

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1207-02
Bill No.: Truly Agreed To and Finally Passed HCS for SB 231
Subject: Boats and Watercraft; Taxation and Revenue - Sales and Use; Motor Fuel; Waste
- Hazardous
Type: Original
Date: May 29, 2015

Bill Summary: This proposal modifies the types of fire extinguishers required for class two motorboats and modifies provisions related to motor fuel for watercraft. The proposal would also authorize an exemption from the motor fuel tax and sales tax on motor fuel used in watercraft in this state.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$9,177)	(\$11,012)	(\$11,012)
Total Estimated Net Effect on General Revenue	(\$9,177)	(\$11,012)	(\$11,012)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Conservation Commission	(\$383)	(\$459)	(\$459)
Parks, and Soil and Water	(\$306)	(\$367)	(\$367)
School District Trust	(\$3,059)	(\$3,671)	(\$3,671)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$3,748)	(\$4,497)	(\$4,497)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	(\$438,984)	(\$526,781)	(\$526,781)

FISCAL ANALYSIS

ASSUMPTION

§§142.815 & 144.030 - Taxation of Motor Fuel:

Officials from the **Department of Conservation (MDC)** state this proposal would authorize an exemption from the motor fuel tax for motor fuel used in watercraft in this state.

MDC officials also stated the Conservation Sales Tax funds are derived from a one-eighth of one percent sales and use tax pursuant to the Missouri Constitution. Exempting motor fuel used in watercraft in this state from tax would reduce sales tax collected and thus would reduce revenue to the Conservation Sales Tax funds. Department officials assume this proposal would have an unknown but greater than \$100,000 negative fiscal impact on the Department. Department officials also assume the Department of Revenue would be better able to estimate the anticipated fiscal impact that would result from this proposal.

Officials from the **Department of Natural Resources (DNR)** state this would authorize an exemption for motor fuel used exclusively for watercraft in this state from the motor fuel tax and any state or local sales and use taxes. DNR officials assume the Department of Revenue and Office of Administration - Division of Budget and Planning would provide a more detailed account of the fiscal impact.

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assume this proposal would impact Total State Revenue (TSR) but would not impact the calculation required under Article X, Section 18(e) of the state constitution.

BAP officials noted this proposal would exempt motor fuel used in watercraft from the motor fuel excise tax, and assume this could reduce motor fuel revenues to the extent consumers are not already claiming refunds for such tax from the Department of Revenue (DOR). BAP officials stated DOR reports indicated \$900,000 in marine fuel tax refunds in FY 2014, but part of that refund amount was unclaimed and distributed to municipalities.

ASSUMPTION (continued)

Therefore, **BAP** officials concluded this proposal would have an unknown impact on TSR and on local governments. BAP officials noted the fuel is currently exempt from sales tax and would remain so under this proposal.

Officials from the **Department of Revenue (DOR)** noted Section 142.815 would exempt motor fuel delivered to marinas and sold solely for use in watercraft from the motor fuel tax. In addition, Section 144.30.2(43) would provide a sales tax exemption for motor fuel sold for use in watercraft. DOR officials commented that under current provisions, if the fuel sold at the marina was exempted from excise tax, it would then be subject to sales tax under current statutes. Since this proposal would also exempt these purchases from sales tax, no tax would be paid.

Excise Tax - Current statutes exempt motor fuel used for non-highway purposes, including marine-use fuel, from motor fuel tax and a refund may be claimed by the purchaser of the fuel.

This legislation makes motor fuel delivered to any marina in the state solely for use in watercraft exempt from motor fuel tax. This will allow consumers to purchase fuel for watercraft at a marina without the fuel tax. This will reduce the number of refunds processed by the Excise Tax Section. If motor fuel is purchased at other locations, they will need to file a refund claim for the motor fuel tax they paid.

Currently, distributors that deliver gasoline to marinas located in counties with a lake that has 100 miles or more of shoreline, file monthly reports reflecting those deliveries. Before August 15th of each year, the Department compares that number of gallons of gasoline claimed by consumers for marine use in each qualifying county to the number of gallons of gasoline delivered to the marinas in that county. The fuel tax on any unclaimed gallons is then refunded to the county. The Department assumes that if distributors are allowed to claim a refund on the gallons they deliver to marinas this will reduce the amount of unclaimed gallons. The Department assumes counties will receive reduced disbursements of fuel tax on unclaimed gallons. Currently, refunds are issued for motor fuel tax and subject to sales tax. In fiscal year 2014, the Department refunded \$879,605.78 in marine refunds. This amount includes the refunds to qualifying counties which were not claimed by consumers.

DOR officials did not provide an estimate of cost for the potential reduction in refund claims filed, and **Oversight** assumes this would not result in a significant reduction of the DOR workload.

ASSUMPTION (continued)

Oversight notes that under current provisions, the Department of Revenue refunds motor fuel tax paid on fuel for watercraft but collects sales tax on that fuel. This proposal would provide an exemption from motor fuel tax and sales and use tax for motor fuel delivered to a marina. Oversight assumes this exemption would reduce the amount of motor fuel tax collected on motor fuel sold to consumers and used in watercraft. This would reduce the number and amount of refund claims filed for motor fuel tax by marinas and consumers as well as the amount of unclaimed motor fuel tax, and would reduce the sales tax collected on motor fuel tax refund claims as well as the unclaimed motor fuel tax distribution.

Oversight requested information from DOR regarding actual amounts distributed from refunds and unclaimed fuel tax, and DOR officials provided those amounts; \$512,539 in unclaimed motor fuel tax was distributed to counties and \$367,067 was refunded to consumers. Oversight will include $(\$512,539 \times 10/12) = \$427,116$ in unclaimed motor fuel tax distributions to local governments for ten months of FY 2016 and \$512,539 for FY 2017 and FY 2018.

ASSUMPTION (continued)

Oversight has calculated the sales tax on \$367,067 as shown in the following table.

		Revenue Reduction	
Fund or entity	Sales Tax Rate	Ten months	Full year
General Revenue	3.000%	\$9,177	\$11,012
Conservation Commission	0.125%	\$383	\$459
Parks, and Soil and Water	0.100%	\$306	\$367
School District Trust	1.000%	\$3,059	\$3,671
Total state	4.225%	\$12,925	\$15,509
Local governments *	3.880%	\$11,868	\$14,242
* The 3.88% local sales tax rate is an average calculated by Oversight based on collections reported by the Department of Revenue.			

Oversight also notes sales tax revenues in the School District Trust Fund are distributed to local school districts along with other revenues in the fund but will not include those transfers in this fiscal note.

Oversight assumes the State Road Fund would have no impact since the proposal would change the disposition of motor fuel tax that is not currently used for road purposes.

§306.100 - Fire Extinguishers:

Officials from the **Department of Public Safety - Missouri Highway Patrol** and **Division of Fire Safety** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

§306.910 - Brochures:

Officials from **DOR** state they may be asked to have input for the informational brochures. The Department, if requested to assist, will absorb any costs incurred under this section.

In response to a similar proposal from this year, HB 827, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated they already produce the Handbook of Missouri Boating Laws and Responsibilities which is distributed through area lake marinas, sporting goods stores such as Bass Pro Shops and Cabelas, Missouri Department of Conservation offices, USCG Auxiliary, parks, and to individuals upon request. MHP states they purchase approximately 100,000 of these handbooks each year through Kalkomey Enterprises, Incorporated from Dallas, Texas. Therefore, no additional fiscal impact from this proposal is anticipated.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
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GENERAL REVENUE FUND

<u>Revenue reduction - DOR</u> Motor Fuel and Sales Tax Exemptions Sections 142.815 and 144.030	<u>(\$9,177)</u>	<u>(\$11,012)</u>	<u>(\$11,012)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$9,177)</u>	<u>(\$11,012)</u>	<u>(\$11,012)</u>
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**CONSERVATION COMMISSION
FUND**

<u>Revenue reduction - DOR</u> Motor Fuel and Sales Tax Exemptions Sections 142.815 and 144.030	<u>(\$383)</u>	<u>(\$459)</u>	<u>(\$459)</u>
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ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUND	<u>(\$383)</u>	<u>(\$459)</u>	<u>(\$459)</u>
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<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
PARKS, AND SOIL AND WATER FUND			
<u>Revenue reduction - DOR</u>			
Motor Fuel and Sales Tax Exemptions Sections 142.815 and 144.030	<u>(\$306)</u>	<u>(\$367)</u>	<u>(\$367)</u>
ESTIMATED NET EFFECT ON PARKS, AND SOIL AND WATER FUND	<u>(\$306)</u>	<u>(\$367)</u>	<u>(\$367)</u>
SCHOOL DISTRICT TRUST FUND			
<u>Revenue reduction - DOR</u>			
Motor Fuel and Sales Tax Exemptions Sections 142.815 and 144.030	<u>(\$3,059)</u>	<u>(\$3,671)</u>	<u>(\$3,671)</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND	<u>(\$3,059)</u>	<u>(\$3,671)</u>	<u>(\$3,671)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL GOVERNMENTS			
<u>Revenue reduction</u>			
Unclaimed gallonage distribution Section 142.815 RSMO -	(\$427,116)	(\$512,539)	(\$512,539)
<u>Revenue reduction - Sales tax</u>			
Motor Fuel and Sales Tax Exemptions Sections 142.815 and 144.030	<u>(\$11,868)</u>	<u>(\$14,242)</u>	<u>(\$14,242)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>(\$438,984)</u>	<u>(\$526,781)</u>	<u>(\$526,781)</u>

FISCAL IMPACT - Small Business

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

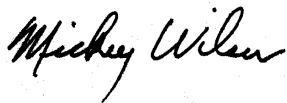
FISCAL DESCRIPTION

The proposed legislation would create an exemption from motor fuel tax and sales tax for motor fuel delivered to marinas and used in watercraft in this state.

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 Revenue
Office of Administration - Division of Budget and Planning
Department of Conservation
Department of Natural Resources
Department of Public Safety



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Director
May 29, 2015

Ross Strobe
Assistant Director
May 29, 2015