

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1886-01
Bill No.: SB 389
Subject: Department of Revenue
Type: Original
Date: March 10, 2015

Bill Summary: This proposal modifies provisions relating to competitive bidding.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2020)
General Revenue	(\$48,168)	(\$102,246)	(\$538,986)	(\$1,379,101)
Total Estimated Net Effect on General Revenue	(\$48,168)	(\$102,246)	(\$538,986)	(\$1,379,101)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2020)
Total Estimated Net Effect on Other State Funds	\$0	\$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 2016	FY 2017	FY 2018	Fully Implemented (FY 2020)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2020)
Total Estimated Net Effect on FTE	0	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	Fully Implemented (FY 2020)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to a similar proposal (HB 137) from this year, officials from the **Department of Revenue (DOR)** stated during fiscal year 2014, the Department collected \$1,217,938 in General Revenue funds due to license office contractors committing to return a percentage of their processing fees to the state. These contractors were awarded points during the request for proposal (RFP) evaluation process based on the percentage of return they pledged.

DOR officials assumed this legislation eliminates awarding points to bidders for offering a return to state, which may result in a decrease in General Revenue funds for each office that is awarded a new contract on or after August 28, 2015 that may have otherwise proposed to return a percentage of their processing fees to the state. The average return to state percentage for offices currently awarded and those soon to be awarded is 4.85%.

Applying this average to the processing fees collected by those offices that will be up for rebid that currently offer a return to state may result in the following decrease in revenue (based on their FY '14 processing fees collected).

DOR officials assumed in FY '16 there will be 6 offices rebid, all of which currently have a return to state. The decrease for the full fiscal year will be a loss of \$57,802 (average return to state for the 6 offices) to the General Revenue Fund. Since this legislation would not be effective until August 28, 2016, the revenue decrease for 10 months ($\$57,802 \times 10/12$) equals \$48,168.

DOR officials assumed in FY '17 there will be 6 offices rebid, 5 of which currently have a return to state of \$44,444. The revenue decrease for the full fiscal year will be a loss of \$102,246 ($\$57,802 + \$44,444$).

DOR officials assumed in FY '18 there will be 68 offices rebid, 33 of which currently have a return to state of \$436,740. The revenue decrease for the full fiscal year will be a loss of \$538,986 ($\$102,246 + \$436,740$).

ASSUMPTION (continued)

DOR officials assumed in FY `19 there will be 55 offices rebid, 26 of which currently have a return to state of \$269,297. The revenue decrease for the full fiscal year will be a loss of \$808,283 (\$538,986 + \$269,297).

DOR officials assumed in FY `20 there will be 44 offices rebid, 39 of which currently have a return to state of \$570,818. The revenue decrease for the full fiscal year will be a loss of \$1,379,101 (\$808,283 + \$269,297). This loss represents an ongoing annual loss to the General Revenue Fund.

In response to a similar proposal (HB 137) from this year, officials from the **Joint Committee on Administrative Rules** stated this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a similar proposal (HB 137) from this year, officials from the **Office of Administration - Purchasing and Materials Management Division** and the **Department of Natural Resources** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal (HB 137) from this year, officials from the **Office of the Secretary of State (SOS)** assumed 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 Secretary of State's Office 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, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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.

Currently there are 178 contract license offices. **Oversight** assumes the decrease in revenue will be on-going until all license offices are issued new contracts, therefore eliminating the return to state revenue. Since contracts are typically renewed roughly every 3 to 5 years, Oversight will reflect a compounding decrease in revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018	Fully Implemented (FY 2020)
GENERAL REVENUE				
Loss - DOR Return-to-State - process assumed to be discontinued	<u>(\$48,168)</u>	<u>(\$102,246)</u>	<u>(\$538,986)</u>	<u>(\$1,379,101)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$48,168)</u>	<u>(\$102,246)</u>	<u>(\$538,986)</u>	<u>(\$1,379,101)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2016 (10 Mo.)	 FY 2017	 FY 2018	 Fully Implemented (FY 2020)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business licensing offices would be expected to be impacted as a result of this proposal.

FISCAL DESCRIPTION

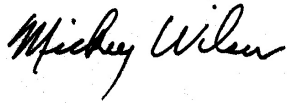
This bill prohibits the Commissioner of the Office of Administration from awarding points to a bidder for a contract license office that proposes a return-to-the-state provision offer. The bill also requires the Director of the Department of Revenue to follow the bidding procedures provided by law and establish the rules necessary to implement those procedures.

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

Office of Administration
Department of Revenue
Office of the Secretary of State
Joint Committee on Administrative Rules
Department of Natural Resources



Mickey Wilson, CPA
Director
March 10, 2015

Ross Strobe
Assistant Director
March 10, 2015