

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4514-06
Bill No.: HCS for SCS for SB 861
Subject: Aircraft and Airports; Boats and Water craft; Economic Development; Economic Development Department; Lakes, Rivers and Waterways; Tax Credits
Type: Original
Date: May 2, 2016

Bill Summary: This proposal modifies provisions relating to transportation facilities.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$365,424 to Unknown)	(\$108,792) or (Could exceed \$483,792)	(\$109,838) or (Could exceed \$484,838)
Total Estimated Net Effect on General Revenue	(\$365,424 to Unknown)	(\$108,792) or (Could exceed \$483,792)	(\$109,838) or (Could exceed \$484,838)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Port Authority AIM Zone*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

*Revenues and costs net to zero.

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 13 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

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 2017	FY 2018	FY 2019
Local Government*	\$0	\$0	\$0

*Transfers In and Costs net to zero.

FISCAL ANALYSIS

ASSUMPTION

§68.075

Officials at the **Office of the State Treasurer (STO)** assume this bill would result in a fiscal impact, specifically the language found in §68.075.5. Concerning this language for direct fund administration, STO does not currently undertake this type of responsibility so STO would require the hiring of additional personnel. We estimate this would require an additional 1.5 FTE (.5 FTE Accountant I and 1 FTE Account Clerk II).

FY 17: \$98,867.13

FY 18: \$78,519.55

FY 19: \$79,304.74

These costs would be from General Revenue.

Oversight assumes the responsibilities outlined in this section can be handled with 1 FTE Account Clerk II. Should STO see an increase in duties to justify additional FTE, they can seek that FTE through the appropriation process.

Oversight has, for fiscal note purposes only, changed the starting salary for the Account Clerk II (\$25,152) to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees over the last six months and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials at the **Department of Revenue** assume this legislation authorizes a port authority to establish an "Advanced Industrial Manufacturing Zone." Additionally, the proposed legislation allowed for a deposit to the fund created in Subsection 5 of 50 percent of the state tax withholdings imposed by Sections 143.191 to 143.265 attributed to new jobs created in the zone. Subsection 5 created the Port Authority AIM Zone Fund consisting of money collected under this section. The port authority approves projects, distributes money, and submits a budget to the Department of Economic Development. The proposal prohibits debt from being incurred using AIM zone revenue after August 28, 2023.

This section requires new forms be developed to be submitted with Form 941s to substantiate the amount of employment tax not remitted to General Revenue. The Department reconciles what the taxpayer reports on the Form W-2 to the actual remittance to the state.

ASSUMPTION (continued)

Officials at **Office of Administration's Division of Budget and Planning (BAP)** assume the proposal created Advanced Industrial Manufacturing (AIM) Zones within port authorities. Fifty percent (50%) of the state tax withholdings on any new jobs created in these AIM zones will be deposited into the Port Authority AIM Zone Fund instead of being deposited into general revenue.

This proposal would also create the Port Authority AIM Zone Fund in the state treasury. Monies are collected from 50% of the state tax withholdings on new jobs created within Port Authority AIM zones and will be used by the port authorities to continue to expand, develop, and redevelop identified AIM zones. BAP does not have any data to estimate the amount of state tax withholdings that may be deposited into the fund.

The proposal would not impact current General and Total State Revenues, but future General Revenues may be forgone.

Officials at the **Department of Economic Development (DED)** assume for every new job created in the AIM zone, 50% of state tax withholdings imposed by §143.191-143.265 shall not be remitted to the general fund but shall be put into the Port Authority AIM Zone Fund to be used by the board of commissioners for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds, and any other expenses.

§68.120 explains how commissioners will be added to the Mid-America port commission.

Oversight notes §68.075 of this proposal creates the Advanced Industrial Manufacturing Zones Act. This also creates the Port Authority AIM Zone Fund. It requires "fifty percent of the state tax withholdings" to go directly to the new fund created in this proposal. Oversight will assume a loss to General Revenue of the withholding tax and a gain to the Port Authority AIM Zone Fund of the withholding tax. Since there is no way to determine if additional jobs will come to these regions, Oversight will reflect the impact as \$0 (no new jobs created) to Unknown.

§143.2100, §143.2105, §143.2110 and §143.2115

Officials at the **Office of Administration's Division of Budget and Planning (BAP)** assume this proposal also creates a series of deductions for taxpayers and facilities using Missouri's ports, rail, and air transportation systems that can be claimed each calendar year beginning January 1, 2017 and ending December 31, 2022.

§143.2105 provides a deduction that can be claimed by certain taxpayers who manufacture or

ASSUMPTION (continued)

distribute goods using the state's water port facilities or airports. No one taxpayer may claim more than \$250,000 in deductions per calendar year, and no more than \$3,500,000 may be deducted per calendar year.

§143.2110 provides a deduction for qualifying international trade facilities. There is a cap on the deductions of \$2,000,000 per fiscal year.

§143.2115 provides a deduction equal to either \$3,500 per qualified full-time employee resulting from increased qualified trade activities by the taxpayer or an amount equal to 2% of the capital investment made by the taxpayer to facilitate increased qualified trade activities. Both deductions may not be claimed by a single taxpayer in one calendar year. No more than \$500,000 in these deductions can be claimed in a single fiscal year.

Assuming a 6% income tax rate, these combined deductions of \$6,000,000 could therefore negatively affect General and Total State Revenues up to \$360,000 annually, beginning FY18 and ending in FY23.

The impacts may vary in the future due to the impact of SB 509 (2014).

This program may encourage other economic activity, but BAP does not have the data to estimate the induced revenues.

Officials at the **Department of Economic Development (DED)** assume §143.2100 requires a biannual report on the deductions claimed under this legislation.

§143.2105 a taxpayer engaged in the manufacturing of goods or the distribution of manufactured goods that uses water port facilities or airports in this state and increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume shall be allowed to claim a deduction. The annual cap of the deduction is \$3.5 million. \$3,500,000 in deductions is equal to \$210,000 in General Revenue.

§143.2110 a company that is an international trade facility shall be allowed a twenty-five-dollar deduction per TEU or equivalent of noncontainerized cargo moved by airplane, barge, or rail. The annual cap of the deduction is \$2 million. \$2,000,000 in deductions is equal to \$120,000 in General Revenue.

§143.2115 a taxpayer satisfying the requirements of this section shall be allowed to claim a deduction in an amount equal to either three thousand five hundred dollars per qualified full-time

ASSUMPTION (continued)

employee that results from increased qualified trade activities by the taxpayer or an amount equal to two percent of the capital investment made by the taxpayer to facilitate the increased qualified trade activities. The annual cap of the deduction is \$500,000. \$500,000 in deductions is equal to \$30,000 in General Revenue.

Officials at the **Department of Revenue (DOR)** assume §143.2100-143.2105 allows taxpayers engaged in manufacturing goods or distributing manufactured goods using port facilities or airports that increase their port cargo by at least five percent are eligible to claim a deduction in an amount determined by the Department of Economic Development. The maximum deduction in a given fiscal year is \$3.5 million.

§143.2110 allows an international trade facility a deduction of \$25 per TEU (20-foot equivalent unit) or 16 tons of non-containerized cargo moved by barge or rail rather than truck or other motor vehicle. The maximum deduction in a given fiscal year is \$2 million.

§143.2115 allows a taxpayer meeting the requirements of this section a deduction of \$3,500 per qualified full-time employee that results from increased qualified trade activities or two percent of the capital investment made by the taxpayer to facilitate the increased qualified trade activities. Deductions under this section cannot exceed \$500,000 in any fiscal year.

In response to similar legislation from last year (HB 110), officials at the **Joint Committee on Administrative Rules** assumed no fiscal impact from this proposal to their organization.

In response to similar legislation from last year (HB 110), officials at the **Office of the Secretary of State (SOS)** stated 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 recognized that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognized 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 reserved 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

ASSUMPTION (continued)

regulations at substantial costs, the SOS could request funding through the appropriation process.

Oversight assumes §143.2105, §143.2110 and §143.2110 of this proposal creates three new tax deductions; 1. increased cargo volume with an annual cap of \$3,500,000 (§143.2105), 2. international trade facility with an annual cap of \$2,000,000 (§143.2110), and 3. increased qualified trade with an annual cap of \$500,000 (§143.2115). Each of these tax deductions begin on January 1, 2017; a taxpayer would not be able to claim this tax deduction on their tax return until January 1, 2018. Therefore, Oversight will show the fiscal impact as \$0 (no deductions claimed) to the annual cap for each deduction beginning in FY18.

Based on a corporate tax rate of 6.25 percent, the following deduction would have the full maximum fiscal impact:

<u>Section</u>	<u>Deduction</u>	<u>Tax</u>
§143.2105	\$3,500,000	\$218,750
§143.2110	\$2,000,000	\$125,000
§143.2110	\$500,000	\$ 31,250

§227.600

Officials at the **Office of Administration's Division of Budget and Planning (BAP)** assume this legislation also changes the definition of "project" in the Missouri Public-Private Partnerships Transportation Act (§227.600 to 227.669) to include port facilities, water facilities, water ways, fuel supply facilities or pipelines, water supply facilities or pipelines, public works, wastewater or wastewater treatment facilities, public buildings, vehicle parking facilities, mass transit facilities, and similar facilities currently available for government entities for public use. This will extend the Missouri Highways and Transportation Commission's ability to establish a public/private partnership with these facilities for government use. The commission may impose user fees/tolls for these projects to be collected by the private partner to reimburse costs associated with building the facilities. The proposal also states that all financing for the projects shall be determined and agreed upon by the commission and the private partner. This portion of the legislation should have no direct impact on General or Total State Revenues.

Bill As A Whole

In response to a previous version, officials at the **Department of Revenue (DOR)** assumes the overall impact of this proposal will require form changes and programming support. The Integrated Tax System incurs costs of \$245,981 to implement the provisions of this legislation.

ASSUMPTION (continued)

Personal Tax requires two (2) Revenue Processing Technicians I for error correction and correspondence. Corporate Tax requires two (2) Revenue Processing Technicians I for error correction and correspondence.

Collections & Tax Assistance (CATA) will see additional customer contact on these deductions, notice of adjustments and billing notices. Collections & Tax Assistance requires one (1) Tax Collection Technician for every additional 15,000 contacts annually on the non-delinquent tax line with CARES equipment and one (1) Tax Collection Technician for every additional 15,000 contacts annually on the delinquent tax line with CARES equipment.

Oversight assume DOR's Personal and Corporate Tax Divisions could absorb the responsibilities of these tax deductions with existing resources. Should DOR experience the number of additional tax deduction redemptions to justify another FTE, they could seek that FTE through the appropriation process.

Officials at the **Department of Economic Development (DED)** assume this proposed legislation creates three new tax deductions for DED to administer. One for taxpayers that use water port facilities or airports and increases that ports' cargo volume. A second tax deduction for an international trade facility that moves cargo by airplane, barge, or rail. And a third tax deduction for an international trade facility that creates a new job. Each new tax deduction has an annual cap. The total annual cap of the three combined is \$6 million. Assuming the deductions are utilized against taxpayers in the highest tax bracket, and the highest tax bracket remains 6%, each dollar of deduction is equal to six cents in lost revenue. A lower top tax bracket will cause a lower fiscal impact to the program.

The total General Revenue impact for these deductions is negative \$360,000 assuming the cap is met for each deduction. DED will need to hire 1 FTE to administer these new programs.

The negative impact will be \$360,000 per tax year plus any unknown negative impact from section §68.075 plus the cost of 1 FTE.

Officials at the **Office of the Governor** assume no fiscal impact from this proposal to their organization.

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** and the **Department of Transportation** each assume no fiscal impact from this proposal to their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Revenue Reduction</u> - §68.075 - loss of withholding tax	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs - STO - administration of §68.075</u>			
Personal Service	(\$20,960)	(\$25,404)	(\$25,658)
Fringe Benefits	(\$14,136)	(\$17,032)	(\$17,102)
Equipment and Expenses	<u>(\$26,949)</u>	<u>(\$5,882)</u>	<u>(\$5,941)</u>
<u>Total Cost - STO</u>	(\$62,045)	(\$48,318)	(\$48,701)
FTE Change - STO	1 FTE	1 FTE	1 FTE
<u>Revenue Reduction</u> - §143.2105 tax deduction for increased cargo volume	\$0	\$0 to (\$218,750)	\$0 to (\$218,750)
<u>Revenue Reduction</u> - §143.2110 tax deduction for international trade facility	\$0	\$0 to (\$125,000)	\$0 to (\$125,000)
<u>Revenue Reduction</u> - §143.2115 tax deduction for increased qualified trade	\$0	\$0 to (\$31,250)	\$0 to (\$31,250)
<u>Costs - DOR - computer programming §143.2105, §143.2110, §143.2115</u>	(\$245,981)	\$0	\$0
<u>Costs - DED</u>			
Personal Service	(\$30,744)	(\$37,262)	(\$37,635)
Fringe Benefits	(\$15,988)	(\$19,378)	(\$19,572)
Equipment and Expenses	<u>(\$10,666)</u>	<u>(\$3,834)</u>	<u>(\$3,930)</u>
<u>Total Costs - DED</u>	<u>(\$57,398)</u>	<u>(\$60,474)</u>	<u>(\$61,137)</u>
FTE Change - DED	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$365,424 to <u>Unknown</u>)	(\$108,792) or (Could exceed <u>\$483,792</u>)	(\$109,838) or (Could exceed <u>\$484,838</u>)
Estimated Net FTE Change on General Revenue	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2017	FY 2018	FY 2019
(continued)	(10 Mo.)		

**PORT AUTHORITY AIM ZONE
 FUND**

<u>Revenue</u> - withholding tax collected from new jobs §68.075.4	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
--	----------------	----------------	----------------

<u>Transfer Out</u> - to local port authorities	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
---	---------------------	---------------------	---------------------

ESTIMATED NET EFFECT ON PORT AUTHORITY AIM ZONE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
---	-------------------	-------------------	-------------------

<u>FISCAL IMPACT - Local Government</u>	FY 2017	FY 2018	FY 2019
	(10 Mo.)		

PORT AUTHORITY FUNDS

<u>Transfer In</u> - from Port Authority AIM Zone Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
--	----------------	----------------	----------------

<u>Cost</u> - administration of port authority development	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
--	---------------------	---------------------	---------------------

ESTIMATED NET EFFECT ON PORT AUTHORITY FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
---	-------------------	-------------------	-------------------

FISCAL IMPACT - Small Business

Small businesses that qualify for the programs in the bill would be impacted.

FISCAL DESCRIPTION

This act modifies provisions relating to transportation facilities.

ADVANCED INDUSTRIAL MANUFACTURING ZONES (68.075)

This act creates the Advanced Industrial Manufacturing Zones Act. Port authorities located in Missouri are authorized to establish an advanced industrial manufacturing ("AIM") zone, which is an area that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. A zone may include any portion of the area located in the authority's jurisdiction, and its boundaries must be determined by the authority. More than one zone may exist within the authority's jurisdiction.

The act creates the Port Authority AIM Zone Fund consisting of 50% of the state withholding tax from new jobs within the zone after development or redevelopment has begun. The money in the fund must be used for expenses to continue expanding, developing, and redeveloping zones identified by the port authority board of commissioners. No more than 10% of the total amount collected within the zones of a port authority may be appropriated by the legislature for the administration of a port authority. The authority must approve any projects, disperse money in the fund, and submit an annual budget for the collected funds to the Department of Economic Development explaining how and when the money will be spent.

No new AIM zones may be established after August 28, 2023. Existing AIM zones shall expire when any obligations being funded by the AIM zone are retired.

MID-AMERICA PORT COMMISSION (68.120)

Current law specifies that two commissioners of the Mid-America Port Commission will be appointed by county commissioners in the jurisdiction of the commission. This act requires that the appointed person be a member of certain regional port authorities. The Governor is also authorized to appoint a commissioner from such regional port authorities. The act also requires appointed commissioners to be residents of the counties served by the Mid-America Port Commission.

This provision is identical to HB 536 (2015).

TRANSPORTATION FACILITIES TAX INCENTIVE (143.2100-143.2115)

This act creates three types of income tax deductions for entities transporting cargo through water

FISCAL DESCRIPTION (continued)

port facilities and airports in Missouri. The deductions will be administered by the Department of Economic Development.

Beginning January 1, 2017, manufacturers or distributors shipping cargo by waterborne vessel through a water port facility or by airplane through an airport located in Missouri may be eligible for a deduction. The taxpayer must increase by 5% the volume of cargo they transport through a port facility over the prior year's total. The 5% increase requirement will be waived if the cargo is transported through a new port facility that is expected to transport at least 25,000 twenty-foot equivalent units (TEUs) in its first calendar year. Taxpayers must have transported at least 75 net tons of noncontainerized cargo or ten loaded TEUs in the prior year to be eligible for the deduction.

The deduction will be \$50 per TEU over the prior year's cargo volume. For cargo transported through a new port facility in its first year, the deduction will be \$50 per TEU. Taxpayers are limited to \$250,000 in deductions per year. No more than \$3.5 million deductions shall be allowed in a calendar year. The \$250,000 taxpayer limit may be exceeded if the \$3.5 million calendar year cap is not met by March fifteenth in a given year. No deductions may be claimed for tax years beginning after December 31, 2022.

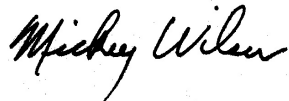
Beginning January 1, 2017, taxpayers operating an international trade facility may qualify for a deduction based on the amount of cargo transported by airplane, rail, or barge. The deduction will be equal to \$25 per TEU or 16 tons of noncontainerized cargo. No more than \$2 million in deductions may be claimed in a fiscal year. No deductions may be claimed for tax years beginning after December 31, 2022.

Beginning January 1, 2017, taxpayers operating an international trade facility and increasing the volume of cargo by 10% over the prior year may qualify for a deduction. The deduction shall be in an amount equal to \$3,500 per new full-time employee or 2% of the capital investment made in the facility. The new employees or capital investments must be related to an increase in trade activities through international shipping to qualify for the deduction. No more than \$500,000 in deductions may be claimed in any fiscal year. No deductions shall be claimed for tax years beginning after December 31, 2022. The tax deduction amount cannot exceed 50% of a taxpayer's Missouri adjusted gross income in a tax year. The deduction may be recaptured if the number of full-time employees falls below the average number of full-time employees during the tax year.

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
Department of Revenue
Office of Administration's Division of Budget and Planning
Department of Transportation
Department of Economic Development
Office of the Governor
Department of Insurance, Financial Institutions, and Professional Registration
Joint Committee on Administrative Rules
Office of the Secretary of State



Mickey Wilson, CPA
Director
May 2, 2016

Ross Strobe
Assistant Director
May 2, 2016