



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill # SB0171

Title: Generally revise taxation of income, including the corporate income tax

Primary Sponsor: Tutvedt, Bruce

Status: As Amended in Free Conference Committee

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|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$94,500	(\$413,554)	(\$740,820)	(\$753,129)
Revenue:				
General Fund	(\$9,463,000)	(\$18,865,000)	(\$11,107,000)	(\$12,298,000)
Net Impact-General Fund Balance:	<u>(\$9,557,500)</u>	<u>(\$18,451,446)</u>	<u>(\$10,366,180)</u>	<u>(\$11,544,871)</u>

Description of fiscal impact: This bill would restructure the individual income tax, eliminate several credits, and expand two credits. Revenue reductions would begin in FY 2016, while revenue increases from eliminating credits and cost savings would not begin until FY 2017 and would not be fully phased-in until FY 2019. The general fund balance would be reduced by \$9.6 million for FY 2016 and by \$18.1 million for FY 2017.

FISCAL ANALYSIS

Assumptions:

Department of Revenue

1. This bill would revise the structure of the individual income tax, eliminate several credits in 2016, eliminate several more credits in 2017, expand eligibility for the elderly homeowner/renter credit in 2015 and 2016, and re-enact the film credits.
2. This bill would make federal taxable income, with a short list of adjustments, the base for the individual income tax. It would make taxable income subject to two rates, 4.7% and 6.1%, with separate rate tables for taxpayers who file a joint return, who file as head of household, and who file as single or married separate. It would require taxpayers to use the same filing status as on their federal returns. This bill also would replace the 2% capital gains credit with a 1.5% rate reduction for net capital gains.
3. The income tax forecasting model was modified to reflect these provisions of the bill. The following table shows the difference between calendar year tax liability from the modified model and the model output under current law.

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Tax Year	Difference in Tax Liability (\$ million)
2016	(\$17.899)
2017	(\$17.410)
2018	(\$18.736)
2019	(\$20.634)

- Changes to the definition of taxable income and income tax rates would take effect at the beginning of tax year 2016, which is the middle of FY 2016. Thus, tax liability would be reduced for half of FY 2016. The department would issue new withholding schedules in the fall of 2015, but both employers and taxpayers would probably take some time to adjust withholding and estimated payments. Some taxpayers would end up with unplanned over-payments in the second half of FY 2016, but others would end up with unplanned under-payments. Since the net change in tax liability is about 1%, the net of unplanned over- and under-payments also is likely to be small. Thus, the change in revenue in the second half of FY 2016 is expected to be half the change in tax liability for tax year 2016.
- For later fiscal years, the change in revenue will equal half the change in tax liability for the tax year that overlaps the first half of the fiscal year plus half the change in tax liability for the tax year that overlaps the second half of the fiscal year. For example, the revenue change for FY 2017 will be half the change for tax year 2016 plus half the change for tax year 2017. The following table shows the revenue differences by fiscal year.

Fiscal Year	Revenue Change (\$ million)
FY 2016	(\$8.949)
FY 2017	(\$17.654)
FY 2018	(\$18.073)
FY 2019	(\$19.685)

- This bill would eliminate several credits and deductions that taxpayers are allowed against individual and corporate income tax. The following table shows provisions that are eliminated and the amount that each reduced revenue in the latest year for which all returns have been filed. The bill also eliminates several corporate deductions that are not reported on separate lines on the return. The impact of these deductions is unknown but is expected to be small. Credits that would be eliminated after tax year 2016 are marked with an asterisk. The other credits would be eliminated after tax year 2015.

Credits and Deductions Eliminated	Individual	Corporate
Empowerment Zone Credit	\$0.000	\$0.000
Energy Conservation Credit *	\$4.536	n/a
Alternative Fuel Conversion Credit	\$0.008	\$0.000
New and Expanded Industry Credit	n/a	\$0.000
Geothermal Heating System Credit *	\$0.314	\$0.000
Alternative Energy Production Credit	\$0.000	\$0.000
Mineral Exploration Credit	\$0.000	\$0.000
Biodiesel Production Facility Credit	\$0.000	\$0.000
Biodiesel Blending and Storage Credit	\$0.002	\$0.000
Alternative Energy System Credit *	\$0.633	n/a
Total	\$5.493	\$0.000

* Eliminated After Tax Year 2016

- This bill re-enacts the film credits and makes them permanent and expands eligibility for the elderly homeowner/renter credit to residents of tax-exempt housing for 2015 and 2016. The following table shows the annual amount of these additional credits.

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Credits Extended or Expanded (\$ million)

Film Credits	\$0.154
Expanded Homeowner/Renter Credit Eligibility **	\$0.360
Total	\$0.514

** Through Tax Year 2016

8. Some taxpayers who claim a credit do not have enough tax liability to use the whole credit. With some credits, taxpayers are allowed to carry unused credits forward to offset tax liability in later years. For the last year of returns, credits carried forward were approximately 4.3% of individual income tax credit claims. This fiscal note assumes that the same percentage of the repealed credits will be carried forward from the last year that the credits are available and that two-thirds of those carry-forwards will be used the next year and one-third will be used the second year.
9. The revenue impact of extending the film credits and expanding eligibility for the homeowner/renter credit would first show up when taxpayers file their 2015 returns in FY 2016. The revenue impact of eliminating credits and deductions would first show up when taxpayers file their 2016 returns in FY 2017. In HJ2, income tax credits are forecast as a group and corporate license tax credits are not explicitly forecast. The following table shows the revenue impacts of changes to credits and deductions assuming that the eliminated income tax credits would grow at the rates forecast in HJ2 and that corporate credits and deductions would be constant.

Revenue Impacts of Changes to Credits and Deductions (\$ million)

	FY 2016	FY 2017	FY 2018	FY 2019
Growth From 2013	21.2%	27.7%	33.5%	39.2%
Expanded Credits	(\$0.514)	(\$0.514)	(\$0.154)	(\$0.154)
Repealed Credits		(\$0.500)	\$7.330	\$7.650
Carry-Over of Repealed Credits		\$0.000	(\$0.212)	(\$0.106)
Total	(\$0.514)	(\$1.015)	\$6.965	\$7.387

10. Under current law, individual taxpayers are required to make a number of adjustments to federal adjusted gross income. Some of these require taxpayers to carry adjustments made in one year forward to a future year. This bill would allow taxpayers who have adjustments carried forward from previous years to use them in 2016, but not in later years. Taxpayers with net adjustments that would decrease taxable income are assumed to take advantage of this option. If this option had applied to 2013 returns, total taxable income would have been reduced by \$2.906 million. HJ2 assumes that these adjustments will increase by 12.7% from 2013 returns to 2016 returns. Assuming that taxpayers who use this option will be in the new top rate bracket, this transition provision will reduce tax liability on 2016 returns by \$0.196 million. This effect will occur in FY 2017 when taxpayers file their returns for tax year 2016.
11. The following table shows the revenue impact of each component of this bill and the total.

Net Change in General Fund Revenue (\$ million)

	FY 2016	FY 2017	FY 2018	FY 2019
Individual Income Tax Restructuring	(\$8.949)	(\$17.654)	(\$18.073)	(\$19.685)
Changes to Credits and Deductions	(\$0.514)	(\$1.015)	\$6.965	\$7.387
Individual Income Tax Transition		(\$0.196)		
Net Change	(\$9.463)	(\$18.865)	(\$11.107)	(\$12.298)

Department Expenditures

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12. Changes to tax forms and instructions would be made as part of the annual update process with no additional costs. One-time costs to have the vendor make changes to the department’s data processing systems would be \$94,500 in FY 2016.
13. With a shorter, simpler form and instruction booklet, the department would be able to reduce costs in several areas. Ongoing costs for annual form updates would be lower, with one-fourth an employee’s time being saved. There would be fewer taxpayer calls with questions, and the department would be able to reduce call center staffing by 1.00 FTE. The costs of processing returns will be reduced, and processing staff would be reduced by 3.00 FTE. With a much smaller number of lines on the return, less work would be required to maintain and update the department’s data processing system. The department would eliminate 1.00 FTE in information technology in FY 2017. Taxpayers would make fewer mistakes on returns, and with fewer credits and adjustments to income and no itemized deductions, there would be fewer items to verify and audit. The department would be able to reduce auditing staff by 2.00 FTE in FY 2017 and by an additional 3.00 FTE in 2018. With fewer potential areas for disputes between the department and taxpayers, the department would be able to eliminate 1.00 FTE lawyer beginning in FY 2018. The following table shows costs and cost savings by function.

DOR Costs	FY 2016	FY 2017	FY 2018	FY 2019
Information Technology				
FTE		(1.00)	(1.00)	(1.00)
Personal services		(74,830)	(76,114)	(77,423)
Operating costs		(6,704)	(6,805)	(6,907)
Contracted services	\$94,500			
Forms Design and Call Center				
FTE		(1.00)	(1.00)	(1.00)
Personal services		(56,866)	(57,791)	(58,733)
Operating costs		(6,704)	(6,805)	(6,907)
Return Processing				
FTE		(3.00)	(3.00)	(3.00)
Personal services		(111,054)	(112,637)	(114,252)
Operating costs		(20,112)	(20,415)	(20,721)
Legal				
FTE			(1.00)	(1.00)
Personal services			(96,951)	(98,890)
Operating costs			(6,805)	(6,907)
Return Auditing				
FTE		(2.00)	(5.00)	(5.00)
Personal services		(126,876)	(322,472)	(327,854)
Operating costs		(13,408)	(34,025)	(34,535)
Total	\$94,500	(413,554)	(740,820)	(753,129)
Totals				
FTE	0.00	(7.00)	(11.00)	(11.00)
Personal services	\$0	(\$369,626)	(\$665,965)	(\$677,152)
Operating costs	\$94,500	(\$46,928)	(\$74,855)	(\$75,977)

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<u>Fiscal Impact:</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
FTE	0.00	(7.00)	(11.00)	(11.00)
<u>Expenditures:</u>				
Personal Services	\$0	(\$366,626)	(\$665,965)	(\$677,152)
Operating Expenses	\$94,500	(\$46,928)	(\$74,855)	(\$75,977)
TOTAL Expenditures	\$94,500	(\$413,554)	(\$740,820)	(\$753,129)
<u>Funding of Expenditures:</u>				
General Fund (01)	\$94,500	(\$413,554)	(\$740,820)	(\$753,129)
TOTAL Funding of Exp.	\$94,500	(\$413,554)	(\$740,820)	(\$753,129)
<u>Revenues:</u>				
General Fund (01)	(\$9,463,000)	(\$18,865,000)	(\$11,107,000)	(\$12,298,000)
TOTAL Revenues	(\$9,463,000)	(\$18,865,000)	(\$11,107,000)	(\$12,298,000)
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$9,557,500)	(\$18,451,446)	(\$10,366,180)	(\$11,544,871)

Sponsor's Initials

Date

Budget Director's Initials

Date