

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4581-01
Bill No.: Perfected SB 816
Subject: Taxation and Revenue - General
Type: Original
Date: March 23, 2010

Bill Summary: Would reduce the time period before interest is paid on overpayments of tax from 4 months to 90 days.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
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 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

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 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Treasurer** assume this proposal would have no fiscal impact on their organization.

Officials from the **Office of Administration, Division of Budget and Planning** (BAP) assume there would be no added cost to their organization as a result of this proposal. BAP officials stated that the proposal would require the Department of Revenue (DOR) to refund tax overpayments within 90 days, instead of 4 months. The proposal would have no impact on total state revenues, but could result in cash flow issues if resources are insufficient to pay refunds within the specified time frame. BAP officials assume that DOR should provide the estimate of possible increased costs to GR as a result of the reduced time before interest is paid on overpayments of tax from four months to 90 days.

Officials from the **Department of Revenue** (DOR) noted that this proposal would require their organization to pay interest on overpaid taxes if overpayments are not refunded within 90 days instead of the 120 days allowed by current provisions.

Corporate Tax:

For tax year 2007 refunds issued in 2008, DOR issued 779 refunds between ninety (90) and one hundred and twenty (120) days with no interest paid. If this proposal had been enacted, DOR would have paid \$197,366 in interest.

For tax year 2008 refunds issued in 2009, DOR issued 2,028 corporate refunds between ninety (90) and one hundred and twenty (120) days with no interest paid. If this proposal had been enacted, DOR would have paid \$257,213 in interest.

To ensure refunds are issued in less than 90 days, the Department would need to hire one additional FTE Revenue Processing Technician I (Range 10, Step L).

Individual Income Tax:

For refunds issued in 2008, DOR issued 12,462 refunds between ninety (90) and one hundred and twenty (120) days with no interest paid. If this proposal had been enacted, DOR would have paid \$294,130 in interest.

ASSUMPTION (continued)

For refunds issued in 2009, DOR issued 34,728 refunds between ninety (90) and one hundred and twenty (120) days with no interest paid. If this proposal had been enacted, DOR would have paid \$315,415 in interest.

To ensure refunds are issued in less than 90 days, the Department would need to hire two additional FTE Revenue Processing Technician I (Range 10, Step L).

DOR officials summarized the cost to implement the proposal at the approximate amount of interest that would have been paid in 2008, \$491,000, to the approximate amount that would have been paid in 2009, \$573,000. DOR officials also stated that the average interest rate for refunds in 2009 was 3.225%, the current interest rate for 2010 refunds is 1.6%, and that depending on the interest rate, the total impact may be more or less than calculated.

DOR officials included an estimate of the cost to implement the proposal including three additional employees with related benefits, equipment, and expense totaling \$118,954 for FY 2011, \$126,244 for FY 2012, and \$130,032 for FY 2013.

IT Systems Cost

DOR officials stated that their organization and OA-ITSD (DOR) would need to make programming changes to the Corporation Income Tax System (COINS), the Corporate and Franchise (Tax) Entry System (CAFÉ), the Case Audit Management System (CAMS), the Withholding System (DWIT) and the individual income tax system (MINITS). The DOR estimate of IT costs was \$17,808 based on 672 hours of programming to make adjustments to the various DOR systems.

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

Oversight notes that the DOR estimate of interest that would be paid, as well as the DOR estimate of additional employees, benefits, equipment, and expense to implement the proposal exceed \$100,000 per year. Oversight assumes this proposal would be implemented with existing staff and will indicate a revenue reduction of more than \$100,000 per year for this proposal beginning with FY 2011. Oversight assumes that a full year impact would be incurred in FY 2011 since this proposal would become effective in August of 2010 and substantially all refunds for filings in FY 2011 would be subject to the new provisions.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
Revenue reduction - DOR			
Additional interest on refunds	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

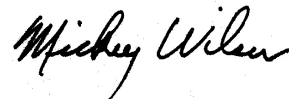
FISCAL DESCRIPTION

This proposal would reduce the time period before interest is paid on overpayments of tax from 4 months to 90 days.

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
Office of Administration
 Division of Budget and planning
Department of Revenue



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Director
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