



**Colorado  
Legislative  
Council  
Staff**

**SB17-188**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 27, 2017)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0936  
**Prime Sponsor(s):** Sen. Marble

**Date:** March 2, 2017  
**Bill Status:** Senate Appropriations  
**Fiscal Analyst:** Greg Sobetski (303-866-4105)

**BILL TOPIC:** REPEAL INCOME TAX CREDIT INNOVATIVE MOTOR VEHICLES

<b>Fiscal Impact Summary</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>State Revenue</b>	<b><u>\$2.2 million</u></b>	<b><u>\$4.4 million</u></b>	<b><u>\$4.8 million</u></b>	<b><u>\$4.2 million</u></b>	<b><u>\$1.6 million</u></b>
General Fund	2.2 million	4.4 million	4.8 million	4.2 million	1.6 million
<i>State Diversions</i>					
General Fund	(2.2 million)	(4.4 million)	(4.8 million)	(4.2 million)	
Hwy Users Tax Fund	2.2 million	4.4 million	4.8 million	4.2 million	
<b>State Expenditures</b>	<b><u>(\$70,000)</u></b>	<b><u>(\$18,652)</u></b>	<b><u>(\$18,690)</u></b>	<b><u>(\$24,789)</u></b>	<b><u>(\$24,789)</u></b>
General Fund	(70,000)	(13,511)	(13,549)	(17,934)	(17,934)
Centrally Appropriated		(5,141)	(5,141)	(6,855)	(6,855)
<b>TABOR Impact</b>	See TABOR Impact Section.				
<b>FTE Position Change</b>		(0.3 FTE)	(0.3 FTE)	(0.4 FTE)	(0.4 FTE)
<b>Appropriation Required:</b> (\$70,000) - Colorado Energy Office (FY 2017-18).					
<b>Future Year Impacts:</b> None.					

**Summary of Legislation**

This bill, *as amended by the Senate Finance Committee*, refers a ballot measure to voters at the November 2017 election. Conditional on approval of the measure, the bill repeals state income tax credits for purchases of innovative motor vehicles and trucks earlier than these credits would be repealed under current law. The following credits are repealed at the end of tax year 2017:

- all credits for innovative passenger motor vehicles, including those for electric, plug-in hybrid electric, compressed natural gas, and liquefied petroleum gas vehicles, and for vehicles with idling reduction technologies; and
- some credits for innovative trucks, including those for electric, plug-in hybrid electric, liquefied natural gas, and hydrogen trucks, and for trucks with idling reduction technologies or aerodynamic improvements.

All credits for innovative trucks in effect after tax year 2017 are repealed at the end of tax year 2019. These include credits for:

- compressed natural gas trucks;
- liquefied petroleum gas trucks;
- clean fuel refrigerated trailers; and
- hydraulic hybrid trucks.

For each fiscal year between FY 2017-18 and FY 2020-21, the amount by which state revenue increases as a result of these credits' repeal is diverted to the Highway Users Tax Fund (HUTF) and distributed to the state, counties, and municipalities for transportation project construction and maintenance. Distributions from the HUTF are made in the following shares:

- 60 percent to the State Highway Fund;
- 22 percent to counties, following the current county allocation formula; and
- 18 percent to municipalities, following the current municipal allocation formula.

The increase in revenue resulting from repeal of the credits is exempt from the state's TABOR limit as a voter-approved revenue change.

The bill also repeals the requirement that the Colorado Energy Office conduct a study of life-cycle emissions produced by heavy duty trucks. Under current law, the study is required to be completed in 2018.

## **Background**

The state has allowed an income tax credit for the purchase of certain alternative fuel or innovative vehicle types since tax year 1993. Under current law, the credit is available for the purchase or lease of new vehicles, including trucks, powered using certain fuel sources or using certain innovative technologies. Under current law, the amount of credit available for most qualifying vehicles will be reduced in 2020 and again in 2021. All innovative vehicle credits are set to repeal at the end of tax year 2021.

## **State Revenue**

Conditional upon approval of the ballot measure, state General Fund revenue will increase by the following amounts on an accrual accounting basis:

- \$2.2 million for FY 2017-18;
- \$4.4 million for FY 2018-19;
- \$4.8 million for FY 2019-20;
- \$4.2 million for FY 2020-21; and
- \$1.6 million for FY 2021-22.

The amounts for FY 2017-18 and FY 2021-22 represent half-year impacts for tax years 2018 and 2021, respectively.

**Assumptions.** The Department of Revenue reports that innovative vehicle and innovative truck credits allowed for FY 2015-16 totaled \$6.8 million. This amount is assumed to be representative of the volume of vehicle transactions that will qualify for the credit in future years under current law. Of this amount, 67.2 percent is assumed to represent passenger vehicles for which the credit is repealed after 2017, and 32.8 percent of credit is assumed to represent trucks for which the credit is repealed after 2019, based on tax and survey data for 2014. The total amount allowed for the credit is expected to be 20 percent and 50 percent lower in tax years 2020 and 2021, respectively, than in prior years as the amounts of credit awarded are scheduled to fall by these percentages in these years under current law.

**State diversions.** For FY 2017-18 through FY 2020-21, the state controller is required to deposit in the HUTF the amount by which state revenue increases as a result of repeal of the tax credits. The amount of the increase for FY 2021-22 is not diverted under the bill and is assumed to be collected in the General Fund and expended at the discretion of the General Assembly. Total diversion amounts, as well as these amounts' approximate allocations to the State Highway Fund, counties, and municipalities, are shown in Table 1.

<b>Table 1. HUTF Diversions and Distributions under SB17-188*</b>				
	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
Total Diversion to HUTF	\$2.2 million	\$4.4 million	\$4.8 million	\$4.2 million
<i>State Highway Fund</i>	<i>1.3 million</i>	<i>2.6 million</i>	<i>2.9 million</i>	<i>2.5 million</i>
<i>Counties</i>	<i>0.5 million</i>	<i>1.0 million</i>	<i>1.1 million</i>	<i>0.9 million</i>
<i>Municipalities</i>	<i>0.4 million</i>	<i>0.8 million</i>	<i>0.9 million</i>	<i>0.8 million</i>

\*Totals may not sum due to rounding.

Revenue distributed from the HUTF may be expended only for improvements to highways and other transportation-related projects, including construction, safety improvements, maintenance, and capacity improvements. These moneys may not be expended for administrative purposes.

**TABOR Impact**

This bill has no net impact on the state's TABOR refund obligation. Under current law, the innovative vehicles and innovative trucks credits reduce state revenue during FY 2017-18 and FY 2018-19, both years for which the state is expected to collect a TABOR surplus. Conditional on approval of the ballot measure, these credits are repealed and General Fund revenue will increase. The bill exempts the resulting revenue from the state TABOR limit.

**State Expenditures**

Conditional upon approval of the ballot measure, the bill will reduce General Fund expenditures for the Colorado Energy Office by \$70,000 in FY 2017-18 only, and for the Department of Revenue by the following amounts:

- \$18,652 and 0.3 FTE for FY 2018-19;
- \$18,690 and 0.3 FTE for FY 2019-20; and
- \$24,789 and 0.4 FTE for each of FY 2020-21 and FY 2021-22.

Changes to state expenditures are summarized in Table 2 and described below.

<b>Table 2. Expenditures Under SB17-188</b>					
<b>Cost Components</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>
Vehicle Emissions Study	(\$70,000)				
Personal Services		(\$13,032)	(\$13,032)	(\$17,377)	(\$17,377)
FTE		(0.3 FTE)	(0.3 FTE)	(0.4 FTE)	(0.4 FTE)
Document Management		(479)	(517)	(557)	(557)
Centrally Appropriated*		(5,141)	(5,141)	(6,855)	(6,855)
<b>TOTAL</b>	<b>(\$70,000)</b>	<b>(\$18,652)</b>	<b>(\$18,690)</b>	<b>(\$24,789)</b>	<b>(\$24,789)</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Colorado Energy Office.** Under current law, the Colorado Energy Office in the Office of the Governor is required to complete a study of life-cycle emissions produced by heavy duty trucks using alternative fuel sources. The bill repeals this study requirement. It is assumed that, under current law, the office would require a \$70,000 General Fund appropriation to contract for the study during FY 2017-18; the bill is therefore assumed to reduce costs by this amount.

**Department of Revenue.** Departmental expenditures will be reduced for tax compliance and document management. Beginning in FY 2018-19, the bill is expected to reduce department tax audit and compliance workload by approximately 770 hours, or 0.3 FTE, at the Tax Examiner I level. The workload reduction is expected to accelerate through FY 2020-21 as the bill repeals a broader subset of tax credits in subsequent years. Estimates are based on the assumption that the credits are claimed for an annual average of 1,150 passenger vehicles and 200 trucks, respectively, under current law, and that 100 percent of credit claims are reviewed by department personnel. Document management costs are assumed to be reduced annually beginning in FY 2018-19; these amounts are reappropriated to the Department of Personnel and Administration for document preparation, scanning, and mailing costs.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. Leased space is included to show the incremental impact of the reduction in FTE, and calculated at the Department of Revenue's rate of 200 square feet per FTE at a rate of \$27 per square foot. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 3.

<b>Table 3. Centrally Appropriated Costs Under SB17-188</b>					
<b>Cost Components</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>
Employee Insurance		(\$2,353)	(\$2,353)	(\$3,138)	(\$3,138)
Supplemental Employee Retirement Payments		(1,168)	(1,168)	(1,557)	(1,557)
Leased Space		(1,620)	(1,620)	(2,160)	(2,160)
<b>TOTAL</b>	<b>\$0</b>	<b>(\$5,141)</b>	<b>(\$5,141)</b>	<b>(\$6,855)</b>	<b>(\$6,855)</b>

***Election expenditure impact (existing appropriations).*** This bill includes a referred measure that will appear before voters at the November 2017 general election. Although no additional appropriation is required in this bill, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet (Blue Book) mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department. Table 4 estimates the costs for a single ballot measure in 2017. These costs will increase by approximately \$100,000 per measure beyond this base amount for any additional referred or initiated measures placed on the ballot.

<b>Cost Component</b>	<b>Amount</b>
County Reimbursement for Statewide Ballot Measures	\$2,700,000
Ballot Information Booklet (Blue Book) and Newspaper Publication	700,000
<b>TOTAL</b>	<b>\$3,400,000</b>

### **Local Government Impact**

Conditional upon approval of the ballot measure, counties and municipalities will receive increased distributions from the HUTF for FY 2017-18 through FY 2020-21. Estimates of these distributions are presented in Table 1 on page 3. Distributed amounts are allocated to individual counties and municipalities following an existing statutory formula. Revenue allocated to local jurisdictions is assumed to increase local expenditures for transportation projects.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. If approved by voters, the referred portion of the bill takes effect after the date of the official declaration of the vote by proclamation of the Governor, not later than 30 days after the votes have been canvassed.

### **State Appropriations**

For FY 2017-18, the bill requires that the General Fund appropriation to the Colorado Energy Office in the Office of the Governor be reduced by \$70,000.

### **Departmental Difference**

The Department of Revenue assesses the bill as reducing departmental expenditures for tax audit and compliance by a minimal amount. The department projects that most reviews of tax returns that claim the innovative vehicle and truck credits will continue to be reviewed under the bill,

based on the assumption that these returns will require review for other reasons. Further, because the responsibility for administering individual credits is dispersed among various staff, it is the department's position that the workload reduction resulting from the repeal of the credits cannot be quantified as a reduction in the number of taxpayer service personnel required. This fiscal note assumes that the bill's effect on departmental expenditures will be the inverse of the increase that would be expected if a similarly complex pair of tax credits were enacted into law.

**State and Local Government Contacts**

Colorado Energy Office  
Information Technology  
Personnel and Administration  
Transportation

Counties  
Municipalities  
Revenue