

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 13** HLS 201ES 33  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 30, 2020 3:59 PM	<b>Author:</b> WRIGHT
<b>Dept./Agy.:</b> Economic Development	<b>Analyst:</b> Greg Albrecht
<b>Subject:</b> Enterprise Zone Program	

TAX CREDITS EN DECREASE GF RV See Note Page 1 of 1  
 Authorizes certain retail businesses to participate in the Enterprise Zone incentive (Item #18)

Present law allows five-year contracts to provide a choice of a sales tax rebate on construction and equipment expenditures or a refundable credit of 1.5% of qualifying capital expenditures, and one-time tax credits of \$1,000 or \$3,500 per participating job, with both options capped at \$100,000 per participating job. Participating jobs must exceed the median job count of the business in the state, and not exist in the enterprise prior to the contract effective date. Businesses classified as retail trade, restaurants & bars, and accommodations are not eligible for the program. Advance notification filings are allowed up to July 1, 2021.

Proposed law allows businesses classified as retail trade, restaurants & bars, and accommodations, that have no more than 50 employees nationwide including affiliates, into the program with advance notification filings from July 1, 2020 to December 31, 2021. Eligibility to earn benefits terminates after June 30, 2023. The program as a whole is extended to allow advance notification filings up to July 1, 2026. Effective July 1, 2020.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>						
REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	(\$5,150,000)	(\$15,300,000)	(\$22,725,000)	(\$25,075,000)	<b>(\$68,250,000)</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>(\$5,150,000)</b>	<b>(\$15,300,000)</b>	<b>(\$22,725,000)</b>	<b>(\$25,075,000)</b>	<b>(\$68,250,000)</b>

**EXPENDITURE EXPLANATION**

Extension of the existing program will require the continuation of current resources devoted to program administration. The expansion of the eligibility of the program to retail trade, restaurants & bars, and accommodations businesses will result in additional applications within the next year and one-half. The workload increase could be material, in that LED would have the additional qualifying determination of employee count, nationwide including affiliates. Depending on the number of applications under the bill's parameters additional resources may be required to administer the program expansion.

**REVENUE EXPLANATION**

The bill has two basic fiscal effects. The first is related to the extension of the program as a whole, without regard to the expansion of eligibility for its benefits. Program costs have come down by approximately one-half after various changes implemented in recent years, and now appears to range near \$25 million per year of credit and rebate realizations. Allowing the program to stop accepting participation as of July 1, 2021 would result in a gradual phase-down of annual revenue costs over a roughly five year period. Extension of the current program would prevent this from occurring. The annual dollar distribution of this phase-down is based on the Dept's assessment of the historical lag time between entry into the program and benefit claims, resulting in cumulative annual revenue losses relative to the baseline that would occur of: 0% or \$0 in FY21, 20% or -\$5M in FY22, 60% or -\$15M in FY23, 90% or -\$22.5M in FY24, and 100% or -\$25M in FY25.

The second effect is related to the expansion of eligibility for program benefits to retail trade, restaurants & bars, and accommodations. Without a maximum employee count limitation, the Dept. of Economic Development estimated that, based on previous participation of the retail trade and accommodations sectors (restaurants & bars have not previously been allowed in the program) as well as subsequent program changes capping the benefits at \$100,000 per participating job, the expansion of eligibility and the 1.5 year window available for these firms to apply for participation as they ramp back up from significantly reduced activity resulting from the Covid-19 pandemic event would increase program credit and rebate benefit costs by a total of \$7.5 million. Limiting the program expansion to firms with not more than 50 employees nationwide, including affiliates, is likely to significantly reduce potential new participation. That likelihood is acknowledged by utilizing only 10% of the initial analysis estimate. Historically, benefit claims lag entry into the program, and the Dept. estimates a distribution of new benefit claims as 0% in FY21, 20% in FY22 (-\$150,000), 40% in FY23 (-\$300,000), 30% in FY24 (-\$225,000), and 10% FY25 (-\$75,000). Based on historical claims, much of this program cost is likely to be the investment credit component (~70+%) rather than the jobs credit. The new inclusion of restaurants & bars works to increase the state's cost exposure beyond the estimates here. The combination of these two effects are contained in the table above as: FY21 \$0, FY22 -\$5.150M, FY23 -\$15.3M, FY24 -\$22.725M, FY25 \$25.075M.

Uncertainty as to the specific annual magnitude and timing of both effects of the bill should be acknowledged. Program benefit realizations can vary materially from year-to-year depending upon the particular participants moving through the program. In addition, the extent of participation of retail trade, restaurants & bars, and accommodations businesses as they return operations toward pre-pandemic levels over the next year and one-half is highly uncertain.

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| <u>Senate</u>  | <u>Dual Referral Rules</u> | <u>House</u>   |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}                  |                            | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input checked="" type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} |                            | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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