Colorado Legislative Council Staff

HB16-1372

FINAL FISCAL NOTE

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

Drafting Number:	LLS 16-1149	**Date:**	July 6, 2016
Prime Sponsor(s):	Rep. Primavera	**Bill Status:**	Postponed Indefinitely
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BILL TOPIC: COLORADO WORK OPPORTUNITY INCOME TAX CREDIT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020
State Revenue		**($11.4 million)**	**($24.0 million)**	**($12.6 million)**
General Fund		(11.4 million)	(24.0 million)	(12.6 million)
State Expenditures			**$102,309**	**$59,379**
General Fund			95,491	43,886
Centrally Appropriated Costs			6,818	15,493
TABOR Impact		($11.4 million)	Not estimated	Not estimated
FTE Position Change			0.4 FTE	0.9 FTE
Appropriation Required: None.				
Future Year Impacts: Ongoing state revenue decrease through FY 2024-25.				

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill creates the Colorado Work Opportunity Tax Credit (WOTC), a state income tax credit similar to the federal WOTC. For tax years 2018 and 2019, the credit is available to businesses who hire certain targeted employees who often encounter obstacles in obtaining employment and who typically claim one or more forms of government support. Employers may receive a tax credit per targeted employee hired, based on the employee's first-year (and in limited cases second-year) wages up to certain amounts. The credit is nonrefundable, meaning it is limited to a taxpayer's income tax liability. Any credits above the taxpayer's liability may be claimed in future tax years for up to five years.

To receive the credit, businesses must be eligible for the federal WOTC and provide, with their income tax return, certification of eligibility from the WOTC coordinator at the Colorado Department of Labor and Employment (CDLE).

Background

The federal WOTC was extended through tax year 2019 with the passage of the Protecting Americans from Tax Hikes Act of 2015. Target employee groups under the federal WOTC and under this bill include the following:

- unemployed and disabled veterans;
- individuals receiving long-term unemployment benefits;
- long- and short-term Temporary Assistance for Needy Families (TANF) recipients;
- food stamp (SNAP) recipients;
- vocational rehabilitation referred individuals;
- ex-felons;
- supplemental security income (SSI) recipients;
- designated community residents living in empowerment zones or rural renewal counties; and
- summer youth employees living in empowerment zones.

Based on current designations, no areas of Colorado are designated as empowerment zones, but Cheyenne, Kiowa, and San Juan counties are designated as rural renewal counties.

Table 1 summarizes the allowable federal WOTC and the credit under HB16-1372. Both credits are calculated as a percentage of up to a certain amount of an employee's first-year wages based on the duration of employment. In the case of long-term TANF recipients, the credit may be claimed for both first- and second-year wages.

Table 1. Allowable Tax Credits Under Federal Law and HB16-1372

Target Group	Federal Credit	HB16-1372 Credit
Veterans	Percent of Employee's **First Year** Wages	
120 to 400 hours worked	25% of up to $24,000*	25% of up to $4,800
400+ hours worked	40% of up to $24,000*	40% of up to $4,800
Cap per employee	Up to $9,600*	Up to $1,920
All Other Targeted Employees	Percent of Employee's **First Year** Wages	
120 to 400 hours worked	25% of up to $6,000	25% of up to $4,500
400+ hours worked	40% of up to $6,000	40% of up to $4,500
Cap per employee	Up to $2,400**	Limited to $1,800
Long-Term TANF Recipients	Percent of Employee's **First and Second Year** Wages	
120 to 400 hours worked	None	25% of up to $10,000
400+ hours worked	50% of up to $18,000	50% of up to $10,000
Cap per employee	Up to $9,000	Up to $5,000

* *Credit limitations differ depending on a veteran's disability and unemployment status.*
** *The credit is limited to $1,200 for summer youth.*

State Revenue

This bill is estimated to reduce General Fund revenue by $11.4 million in FY 2017-18 (half-year impact), $24.0 million in FY 2018-19, and $12.6 million in FY 2019-20 (half-year impact). To the extent that credits exceed taxpayers' income tax liabilities and these amounts are carried forward, the revenue impact may be carried forward through FY 2024-25.

Data and assumptions. Data from the CDLE show that for calendar year 2015, 2,528 employers obtained certifications for 23,240 employees under the federal WOTC. Veterans represent 24.9 percent of these certified employees and long-term TANF recipients represent 6.9 percent. This fiscal note makes the following assumptions:

- The number of employers claiming the credit will grow to 2,800 in tax year 2018 and to 3,100 in tax year 2019. Employers will average 9.2 certified employees during these years, the same average as the data show for 2015;
- The maximum allowable credit is assumed for two-thirds of certified employees. This assumption accounts for employees who do not fulfill the retention requirement of the federal credit or who work fewer than 400 hours at a low hourly wage; and
- Employers' income tax liabilities will limit the amount claimed by a factor of 72 percent. This assumption accounts for the assumed composition of employers claiming the credit (corporate versus other types of filers) and the average income tax liabilities of these filers.

Using these assumptions, credit amounts were calculated for first year wages for veterans and non-veterans, and for second year wages for long-term TANF recipients separately using the population shares of these respective populations from data for 2015. Table 2 summarizes the number of employers, certified employees, and credit amounts projected for tax years 2018 and 2019.

Table 2. Estimated Qualifying Employers and Credits Claimed Under HB16-1372

Tax Year	Qualifying Employers	Certified Employees	Total Credits Claimed	Average Credit per Employer
2018	2,800	25,741	$22.8 million	$8,136
2019	3,100	28,498	$25.2 million	$8,136

TABOR Impact

This bill reduces state revenue to the General Fund, which will reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. Table 3 shows the projected impact on the mechanisms used to refund the TABOR surplus in current law. Revenue is refunded in the year following the year in which it is collected. Since the bill reduces both revenue to the General Fund and the refund obligation by equal amounts, there is no net impact on the amount of money available in the General Fund for the budget. However, the bill will reduce money available for the General Fund budget in the future during years the state does not collect money above the TABOR limit. This bill is expected to reduce the TABOR surplus by $11.4 million in FY 2017-18, reducing the amount of revenue refunded through the Six Tier Sales Tax Refund by an equal amount.

Table 3. Impact of HB16-1372 on Current Refund Mechanisms	
	FY 2017-18 Surplus FY 2018-19 Refund Tax Year 2018
Current Law	
Revenue above the TABOR limit	$246.1 million
Income Tax Rate Reduction	230.1 million
Sales Tax Refund	16.0 million
HB 16-1372	
Revenue above the TABOR limit	234.7 million
Income Tax Rate Reduction	230.1 million
Sales Tax Refund	4.6 million
Change from Current Law	
Revenue above the TABOR limit	(11.4 million)
Income Tax Rate Reduction	0
Sales Tax Refund	(11.4 million)

Source: Legislative Council Staff March 2016 forecast.

State Expenditures

This bill will increase state General Fund expenditures by $102,309 and 0.4 FTE in FY 2018-19 and $59,379 and 0.9 FTE in FY 2019-20 for the Department of Revenue and Department of Labor and Employment. Costs to administer this bill include personal services, programming, testing, and form change costs, as summarized in Table 4 and explained below.

Table 4. Expenditures Under HB16-1372

Cost Components	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Personal Services			$17,034	$38,328
FTE			0.4 FTE	0.9 FTE
Operating Expenses and Capital Outlay Costs			$380	$5,558
GenTax Programming			65,600	
GenTax Testing			7,677	
Form Change Costs			4,800	
Centrally Appropriated Costs*			6,818	15,493
TOTAL			**$102,309**	**$59,379**

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

The state may experience savings to certain programs that could offset the fiscal impact of this bill. This would occur only to the extent that solely because of the passage of this bill a new job is created, a person is hired into a qualifying job that would not have otherwise found employment, this person is able to be removed from state-funded programs, and does not obtain the job at the cost of another individual whose employment would have resulted in removal from state-funded programs of equal or greater value.

Department of Revenue (DOR). This bill requires changes to DOR's GenTax software system. Changes are programmed by a contractor at a rate of $200 per hour. The changes in this bill are expected to increase General Fund expenditures by $65,600 representing 328 hours of programming. GenTax testing for this bill will require the expenditures for contract personnel totaling $7,677, representing 320 hours of testing at a rate of $24 per hour. This fiscal note assumes a 15 percent review rate for all taxpayers claiming the credit, which will require 0.4 FTE in FY 2018-19 accounting for the payday shift, and 0.9 FTE in FY 2019-20.

Personnel and Administration (DPA). Scanning and imaging software will require modification to implement changes under the bill. This will require $1,200 per income tax form for four forms (104CR, 106CR, 112CR, and a new schedule for employee information), totaling $4,800 in FY 2018-19. These funds will be reappropriated from DOR to the document management line for DPA. Review and auditing will also result in document management costs for an estimated 15 percent of filers. These costs are expected to be accomplished within existing appropriations.

Department of Labor and Employment (CDLE). CDLE receives federal funds to administer the federal WOTC. While this bill may increase the number of employers claiming the federal credit, this fiscal note assumes that any additional workload created can be accomplished within existing appropriations. To the extent that this fiscal note underestimates the number of employers or certified employees, an FTE allocation may be required if additional federal funds are not provided. Should this occur, this analysis assumes CDLE will request FTE through the annual budget process.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 5.

Table 5. Centrally Appropriated Costs Under HB16-1372

Cost Components	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Employee Insurance (Health, Life, Dental, and Short-term Disability)			$3,200	$7,199
Supplemental Employee Retirement Payments			1,458	3,434
Leased Space			2,160	4,860
TOTAL			**$6,818**	**$15,493**

Effective Date

This bill was postponed indefinitely in the House Finance Committee on April 20, 2016.

State and Local Government Contacts

Information Technology   Labor and Employment   Personnel   Revenue