

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2772/1	Introduction Number AB-0313
Description Sales and use tax exemption for building materials that become a part of a facility for a local unit of government or nonprofit organization	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriations <input checked="" type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriations <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs 4. <input checked="" type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input checked="" type="checkbox"/> Others <u>Stadium Districts</u> <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Agency/Prepared By DOR/ Travis Arthur (608) 266-8565	Authorized Signature Robert Schmidt (608) 266-5773
Date 8/21/2015	

Fiscal Estimate Narratives

DOR 8/21/2015

LRB Number	15-2772/1	Introduction Number	AB-0313	Estimate Type	Original
Description Sales and use tax exemption for building materials that become a part of a facility for a local unit of government or nonprofit organization					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, school districts, municipalities, counties, and certain nonprofit organizations do not pay sales or use tax on their purchases of tangible personal property. However, construction contractors pay sales or use tax on purchases of tangible personal property used in real property construction regardless of whether the construction is for an entity that is exempt from sales and use tax.

Under the bill, tangible personal property that becomes a component of a facility owned by a school district, municipality, county or nonprofit organization would be exempt from sales and use taxes when purchased by a construction contractor pursuant to a contract with a school district, municipality, county, or nonprofit organization. A facility under the bill would include any building, shelter, parking lot, parking garage, athletic field, athletic park, storm sewer, or water supply system but would not include a highway, street, or road.

For this fiscal note, it is assumed that 80% of the value of the building materials used in construction activities for all affected local governments (towns, villages, cities, counties, and school districts) and all affected nonprofit entities are currently exempt. This assumption reflects that most major construction projects, especially those of larger governmental and nonprofit entities, are of sufficient magnitude and undertaken with sufficient lead time to induce government or nonprofit entities to use their current law authority to purchase building materials directly to reduce costs. Given the wide scope and variety of construction projects; including many smaller and/or unique projects, projects undertaken under short timelines, and those undertaken by smaller entities; 20% of the value of the building materials for all construction relevant to this bill are assumed to be subject to tax under current law.

Local Government Construction: Based on information from the United States Census Bureau, construction expenditures listed under this exemption for local governments in Wisconsin totaled \$1.12 billion in 2012. IHS Global Insight currently forecasts that state and local government construction will increase 4.8% from 2012 to 2016. Assuming Wisconsin local government construction increases by the same percentage, 2016 construction expenditures for Wisconsin local governments are estimated to reach \$1.19 billion. Based on information from the Economic Census; materials, supplies, and components used in construction are estimated to make up 30% of the value of construction. Assuming that 80% of these purchases are made directly by the exempt body, it is estimated that \$71.5 million ($\$1.19 \text{ billion} \times 30\% \times 20\%$) of construction material purchases by contractors pursuant to contracts with local governments will be taxable in 2016.

Nonprofit Construction: Nonprofit organizations affected by the bill would include hospitals, religious organizations, private schools, and a variety of interest groups and associations.

Based on information in DOR's Towns, Village and City Taxes reports and the Tax Exemption Devices reports for the last several years, private real property owned by exempt organizations represents, on average, 4.43% of the value of taxable real estate. According to the Census Bureau, private construction expenditures in Wisconsin totaled \$20.15 billion in 2012. IHS Global Insight currently forecasts that nonresidential construction will increase approximately 6.2% from 2012 to 2016. Assuming the share of Wisconsin nonprofit construction is reflective of real property owned by exempt organizations versus taxable property, and that nonprofit organization construction will reflect changes in national trends in nonresidential construction, Wisconsin nonprofit organization construction is estimated to be \$947.9 million ($4.43\% \times \$20.15 \text{ billion} \times 106.2\%$) in 2016. Assuming that 80% of these purchases are made directly by the exempt body, it is estimated that \$56.8 million ($\$947.9 \text{ million} \times 30\% \times 20\%$) of construction material purchases by contractors pursuant to contracts with nonprofit organizations will be taxable in 2016.

Total Expenditures for Construction Materials Affected under the Bill: Total annual expenditures for taxable

construction materials for local government, school, and nonprofit construction are an estimated \$128.3 million (\$71.5 million + 56.8 million) in 2016.

Revenue Impact: It is estimated that state sales and use tax collections will decrease under the bill by \$6.4 million (5% x \$128.3 million), on an annual basis. County and stadium district sales taxes were 8.2% of state sales tax revenues in FY14. Assuming this percentage does not change, county and stadium district sales taxes will decrease by about \$526,000 per year.

Local Government Savings: To the extent that local government construction contracts would not include state, county, and stadium district sales and use taxes under the bill, construction expenditures could decrease by up to \$4.1 million, assuming all tax savings are passed on to the local governments, including school districts. Administrative costs related to materials purchasing and project management of entities that currently purchase materials directly may decrease under the bill.

State administrative costs would be minimal and absorbed by the department.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2772/1	Introduction Number AB-0313	
Description Sales and use tax exemption for building materials that become a part of a facility for a local unit of government or nonprofit organization		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs Decreased Costs	
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$-6,400,000
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$-6,400,000
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$	\$see text
NET CHANGE IN REVENUE	\$-6,400,000	\$526,000
Agency/Prepared By	Authorized Signature	Date
DOR/ Travis Arthur (608) 266-8565	Robert Schmidt (608) 266-5773	8/21/2015