

Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT

(replaces fiscal note dated April 29, 2009)

Drafting Number: LLS 09-0862

Date: May 4, 2009

Prime Sponsor(s): Rep. Gagliardi
 Sen. Boyd

Bill Status: Senate Appropriations

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TITLE: CONCERNING INCENTIVES FOR EFFICIENT MOTOR VEHICLES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue General Fund	\$1.8 million	\$5.2 million
State Expenditures Cash Funds Alternative Fuels Rebate Fund	See State Expenditures Section	
FTE Position Change		
Effective Date: Upon signature of the governor or becoming law without his signature.		
Appropriation Summary for FY 2009-2010: See State Appropriations Section.		
Local Government Impact: See Local Government Section.		

This fiscal note is revised to reflect amendments adopted by the Senate State, Veterans and Military Affairs Committee.

Summary of Legislation

This reengrossed bill, as amended by the Senate State, Veterans and Military Affairs Committee, makes changes to the types of vehicles that qualify for the existing state income tax credit for the purchase of alternative fuel vehicles, conversion of existing vehicles to allow for the use of alternative fuels, or replacement of a vehicle's power source with a power source that uses an alternative fuel. It also changes the tax credit amount for certain types of alternative fuel vehicles. The credit, like under current law, expires after the 2011 tax year. The bill creates a new tax credit for tax years 2012 through 2015 for the same types of alternative fuel vehicles. The bill makes similar changes to the state's alternative fuel rebate program available to governmental and nonprofit entities.

Tax Credit for Alternative Fuel Vehicles. Under current law, the amount of the alternative fuel vehicle tax credit available for purchases of alternative fuel vehicles is a percentage of the difference between the cost of the vehicle and the cost of the same or most similar vehicle (the incremental cost) that uses a traditional fuel. For vehicles converted to an alternative fuel vehicle, the credit is a percentage of the cost of the conversion. For vehicles that have their power source replaced, the credit is a percentage of the incremental cost of such replacement. The

percentages used to calculate the amount of the credit depend on the emissions level of the vehicle and the year in which the purchase is made. In FY 2007-08, the alternative fuel vehicle tax credit resulted in a reduction of state income tax revenue of \$12.5 million, increasing from \$1.8 million in FY 2003-04.

This bill changes the types of vehicles and fuel technologies that are eligible for the credit and creates a new credit for tax years 2012 through 2015 that will be applicable to the same alternative fuel-related purchases. In general, compared with current law, the bill makes less fuel-efficient and higher emitting alternative fuel vehicles ineligible for a tax credit and makes other types of highly fuel-efficient, low emitting vehicles eligible that are currently not in widespread use.

Table 1 shows the categories of vehicles and fuel efficient technologies that will qualify for a tax credit under the bill. Vehicles in some of the categories must meet certain emissions standards established by the Environmental Protection Agency (EPA) in order to qualify.

Table 1: Categories of Alternative-Fuel Vehicles and Fuel-Efficient Technologies Eligible for a Tax Credit under HB 09-1331

Category	Types of Vehicles and Fuel-Efficient Technologies
1	Must meet EPA Tier 2 Bin 1 Standard Example(s): Electric Vehicles, Plug-in Hybrid Vehicles, Conversions of Hybrids to Plug-in Hybrid Vehicles, Hydrogen Fuel Cell Vehicles
2	Diesel-electric hybrid passenger vehicles with a minimum fuel economy of 70 mpg
3	Conversions of passenger vehicles and light and medium duty trucks to diesel-electric hybrid vehicles that increase the vehicle's fuel economy by 40% or more and, for tax years 2010 and 2011 only, new medium duty trucks that have 30% better fuel economy than a comparable traditional fuel truck
4	Passenger vehicles and light and medium duty trucks that use compressed natural gas (CNG) or that are converted to use CNG
5	Idling reduction technologies which allow heavy-duty diesel engines to refrain from idling over long periods when stationary
6	Vehicles with a minimum fuel economy of 40 mpg or mile per gallon gasoline equivalent (mpgge) that meet EPA Tier 2 Bin 2 or Bin 3 Standard Example(s): Toyota Prius, Honda Civic Hybrid
7	Vehicles with a minimum fuel economy of at least 30 mpg or mpgge but less than 40 mpg or mpgge that meet EPA Tier 2 Bin 2 or Bin 3 Standard Example(s): Ford Escape Hybrid, Toyota Camry Hybrid

Table 2 shows the percentages used to calculate the credit for each category of alternative-fuel vehicle or fuel-efficient technology under HB 09-1331 from tax years 2010 through 2015. The percentages are used in the same way to determine the credit amount as under current law, except under the reengrossed bill, the percentages are applied to the cost incurred for alternative fuel-related purchases after any credits, grants, or rebates, such as a federal tax credit, are applied. Under current law, such credits or rebates are not deducted from the cost to determine the amount of the tax credit. This change will reduce the amount of the state tax credit when a consumer obtains other rebates or credits for alternative-fuel related purchases.

Table 2: Percentages used to Calculate the Tax Credit under HB 09-1331

Category	Tax Years 2010 and 2011	Tax Year 2012	Tax Year 2013	Tax Year 2014	Tax Year 2015
1	85%	75%	75%	75%	75%
2	65%	45%	25%	15%	15%
3	75%*	55%	35%	25%	25%
4	75%*	55%	35%	25%	25%
5	25%	25%	25%	25%	25%
6	75%	10%	10%	0%	0%
7	50%	0%	0%	0%	0%

* For the 2010 and 2011 tax years only, the percentages used to determine the credit amount for category 3 or 4 medium duty trucks that permanently displace vehicles that are 12 years old or older are increased to 94 percent (75 percent multiplied by 1.25).

Under the bill, the tax credit is refundable, meaning that any credit amount that exceeds a taxpayer's income tax liability is refunded to the taxpayer. Under current law the credit is nonrefundable, but any excess credit amount can be carried forward and used on future tax returns for five years. The amount of each credit that can be claimed is capped at \$6,000, except for purchases of compressed natural gas (CNG) vehicles or conversions to CNG vehicles – in which case there is no credit cap in tax years 2010 and 2011, but the credit is capped at \$6,000 starting with tax year 2012. Also, the amount of the cap for a credit claimed for converting vehicles to plug-in hybrid vehicles increases from \$6,000 to \$7,500 starting in tax year 2012. Only one tax credit can be claimed per vehicle, except a credit can be claimed both for the purchase of a hybrid vehicle and on the same vehicle if the vehicle is later converted to a plug-in hybrid vehicle. To be eligible for the tax credit, the vehicles must be titled and registered in the state.

Rebate Program for Alternative Fuel Vehicles. Under current law, the state provides a rebate to governmental entities and nonprofit entities for the same types of alternative fuel-related costs that are eligible for the alternative fuel tax credit. The Department of Revenue administers the program. The program is funded from the Alternative Fuels Rebate Fund. The primary revenue source of this fund is the estimated amount of sales tax revenue received from alternative fuel vehicles sales above the amount received in FY 1997-98. The rebates are available on a first come, first served basis.

Starting with FY 2009-10, HB 09-1331 changes the types of alternative-fuel vehicles eligible for the rebate to the same as those that are eligible under the tax credit provided by the bill, except Category 7 vehicles are not eligible for a rebate, nor are new medium duty hybrid trucks classified under Category 3. Also, the bill extends the rebate program through FY 2014-15.

Like the tax credit, the rebate amounts are calculated based on a percentage of alternative fuel-related costs after deducting any credits, grants, or rebates, such as federal grants. Table 3 shows the percentages used to calculate the rebate for each category of alternative-fuel vehicle or fuel-efficient technology under HB 09-1331. The categories include the same types of vehicles as under the tax credit. Unlike the tax credit, there is no cap on the amount of each rebate that can be provided. As under current law, the amount of rebates that can be provided to any one entity is capped at \$350,000 per fiscal year.

Table 3: Percentages used to Calculate Rebate under HB 09-1331

Category	Costs incurred in FY 2009-10	Costs incurred in FY 2010-11	Costs incurred in FY 2011-12	Costs incurred in FY 2012-13	Costs incurred in FY 2013-14 and FY 2014-15
1	85%	75%	75%	75%	75%
2	65%	45%	25%	15%	15%
3	75%	55%	35%	25%	25%
4	75%	55%	35%	25%	25%
5	25%	25%	25%	25%	25%
6	75%	10%	10%	0%	0%

State Revenue

The reengrossed bill will increase General Fund revenue by \$1.8 million in FY 2009-10, \$5.2 million in FY 2010-11, and \$1.9 million in FY 2011-12. It will reduce General Fund revenue in subsequent fiscal years through FY 2015-16. The revenue impacts are the estimated net change in income tax revenue to the state as a result of changing the types of vehicles and fuel-efficient technologies that are eligible for the existing tax credit as well as the reengrossed bill's requirement that the credit be calculated after deducting any other credits or rebates, which serves to lower the state credit in some cases. Table 4 shows the estimated revenue impacts of the tax credit available under HB 09-1331 compared to the estimated revenue impacts of the credit under current law through FY 2015-16.

Table 4. Estimated General Fund Revenue Impact of Alternative Fuel Tax Credit under Current Law and HB 09-1331, in millions

	FY 2009-10 (half year- impact)	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Current Law*	(\$10.7)	(\$31.1)	(\$22.6)	(\$2.4)	(\$0.1)	0	0
HB 09-1331	(\$8.9)	(\$25.9)	(\$20.7)	(\$7.8)	(\$6.6)	(\$9.1)	(\$6.6)
Difference	\$1.8	\$5.2	\$1.9	(\$5.4)	(\$6.5)	(\$9.1)	(\$6.6)

* Although the current tax credit expires after the 2011 tax year, it is anticipated that income tax revenue will continue to be impacted by the credit through FY 2013-14 as taxpayers carryforward unused credit amounts to tax years beyond 2011.

These estimates were derived from data on the state's alternative fuel tax credit and on sales of existing alternative fuel vehicles, which currently are mostly hybrid vehicles. Further, the estimates were derived through discussions with fuel efficient vehicle technology experts regarding the costs of fuel efficient vehicles and technologies and projections regarding the sales of such vehicles and technologies.

It is important to note that the revenue impact of the bill could end up being higher or lower than the estimates depending on the speed and extent to which more fuel-efficient vehicles enter the marketplace as well as the costs of such vehicles. This will be influenced by several factors, most notably the level of gas prices, the state of the economy, consumer tastes, and the introduction of new technology that may lower the cost of fuel-efficient vehicles. It will also be impacted by the capacity of future infrastructure to support more fuel-efficient vehicles, such as the amount of alternative-fueling facilities and the ability of the electrical grid to support the widespread use of electric vehicles and plug-in hybrid vehicles.

Other General Fund revenue impacts. In addition to these revenue impacts, General Fund revenue from sales taxes will decrease starting with FY 2012-13. This will occur as a result of extending the Alternative Fuel Rebate Program through FY 2014-15 because the Alternative Fuel Rebates Fund receives estimated sales tax revenue collected from the sale of alternative fuel vehicles. Under current law, this revenue would be deposited in the General Fund instead of the Alternative Fuel Rebate Fund starting in FY 2012-13 after the program expires. It is estimated that General Fund revenue will decrease by about \$2.0 million in FY 2012-13 and \$2.4 million in FY 2013-14.

State Expenditures

Department of Revenue, Alternative Fuel Rebate Program. This fiscal note assumes that expenditures for the rebate program will be about the same as under current law in FY 2009-10, lower than under current law in FY 2010-11, but higher than current law in FY 2011-12. Further, state expenditures on the program will be incurred in fiscal years 2012-13 through 2014-15 that would otherwise not occur because the bill extends the program. The amount of future expenditures on rebates is unknown as it depends on future purchasing decisions of qualifying entities.

It is assumed that expenditures will be about the same as under current law in FY 2009-10 because although the bill increases the amount of the rebate for costs incurred in this fiscal year for certain commonly-purchased alternative fuel vehicles, such as the Toyota Prius, it makes other commonly-purchased alternative fuel vehicles ineligible for the rebate, such as the Ford Escape. Although the bill makes more types of alternative fuel vehicles and technologies eligible for the rebate, qualifying entities are expected to receive a relatively small amount of rebates from such purchases in FY 2009-10.

It is assumed that expenditures will be lower than under current law for FY 2010-11 because the bill makes commonly purchased vehicles ineligible for the rebate and reduces the rebate amount starting in FY 2010-11 for other commonly-purchased alternative fuel vehicles. Higher expenditures are assumed in FY 2011-12 because the bill extends the rebate program; the current rebate program only allows for rebates for costs incurred through the end of FY 2010-11 (which can be claimed in either FY 2010-11 or FY 2011-12), while the bill will result in additional rebates in FY 2011-12 for costs incurred in FY 2011-12 as well.

It is assumed that purchases of new vehicles and other vehicle-related purchases will be constrained over the next couple years for most governmental entities and nonprofits due to the economic downturn. However, it should be noted that there is the potential that Colorado may receive a grant award from the federal government through the American Reinvestment and Recovery Act that could increase the purchase of alternative fuel and fuel efficient technologies by entities that qualify for the rebate program. Depending on how the federal grant is structured, this could cause an increase in demand for rebates. However, the demand for rebates could decrease if the federal money is used to cover the entire cost of vehicles that would otherwise be eligible for rebates. Also, the amount of any rebates for alternative fuel-related purchases using this grant money will be lower since the percentage used to calculate the rebate would be applied after deducting the federal grant amount used for the purchases.

Other State Impacts

Based on the March 2009 Legislative Council Staff forecast and current law, there is projected to be insufficient revenue to fully fund 6 percent General Fund appropriations growth in FY 2009-10 and FY 2010-11. The amended bill is estimated to increase General Fund revenue in these years, providing additional money for spending.

Further, the amended bill is estimated to reduce General Fund revenue in FY 2012-13 through FY 2015-16 as shown in Table 4. Thus, depending on the budget and revenue situation in these fiscal years, the bill will either reduce HB 02-1310 transfers to capital construction and transportation, SB 97-1 diversions to transportation, or the amount of revenue available for General Fund appropriations subject to the 6 percent limit.

Local Government Impact

The bill changes the types of vehicles eligible for the alternative fuels rebate program and impacts the amount of the rebates. It is assumed that local governments that participate in the program will receive about the same amount in rebates as under current law in FY 2009-10. Although the bill increases the amount of the rebate for certain commonly-purchased alternative fuel vehicles and makes more types of alternative fuel-related purchases eligible, it makes other commonly-purchased vehicles ineligible for the rebate. Starting with FY 2010-11, lower rebates will be available for some commonly-purchased alternative fuel vehicles, but more types of alternative fuel-related purchases will be eligible for a rebate. Local governments will also be eligible for a rebate for alternative fuel vehicle-related purchases for a longer period of time since the bill extends the program through FY 2014-15.

State Appropriations

The Department of Revenue has been appropriated \$310,601 for the Alternative Fuels Rebate program from the Alternative Fuel Rebate Fund in the Long Bill for FY 2009-10. This fiscal note implies that this appropriation level will not need to change as a result of the bill.

Departments Contacted

Governor
Revenue

Local Affairs
Transportation

Personnel and Administration