

**REVENUE IMPACT OF
PROPOSED LEGISLATION**
79th Oregon Legislative Assembly
2018 Regular Session
Legislative Revenue Office

Bill Number:	SB 1528 - B14
Revenue Area:	Income/Cigarette/Nicotine
Economist:	Kyle Easton
Date:	2/28/2018

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Measure Description:

Makes available credit against personal or corporate income/excise taxes to taxpayers that make certified Opportunity Grant contributions to the Opportunity Grant Fund. Requires Department of Revenue, in cooperation with Higher Education Coordinating Commission to conduct auction of tax credits. Limits fiscal year certifications of tax credits to no more than \$14 million. Allows unused portion of tax credit to be carried forward up to three succeeding tax years. Applies to tax years beginning on or after January 1, 2018 and before January 1, 2024.

Effective for tax years beginning on or after January 1, 2018, requires addition to taxable income for amount allowable as a deduction under section 199A(a) of the Internal Revenue Code (IRC). Section 199A(a) is a federal deduction available to certain pass through entities that was newly enacted in December 2017 as part of the Tax Cuts and Jobs Act.

Beginning January 1, 2019, increases cigarette tax by \$0.30 per pack of twenty cigarettes. Imposes floor tax upon dealers and distributors of cigarettes effective January 1, 2019. Modifies distributions of cigarette tax receipts as prescribed in ORS 323.457 to require 15/45 of tax cigarette tax imposed under ORS 323.031 to be appropriated to Department of Human Services to provide immediate relief to the child protective services system by funding a rapid response team.

Beginning January 1, 2019, imposes tax upon inhalant-form nicotine. Tax imposed at rate of \$0.05 on each container of inhalant-form nicotine with a volume of two milliliters or less and or \$0.10 on each container with volume greater than two milliliters. Tax is imposed upon nicotine retailer or consumer at the point of first sale in this state. Specifies administration and collection responsibilities of inhalant wholesalers, nicotine retailers and Department of Revenue. Allows nicotine retailers to deduct and retain 2% of amount of taxes that are collected. Specifies first \$2 million per biennium of tax receipts after deducting administrative and enforcement expenses, to be transferred to the Oregon Department of Administrative Services to provide funding for CASA Volunteer Programs. Remaining tax receipts appropriated to Department of Human Services to provide immediate relief to the child protective services system by funding a rapid response team.

Revenue Impact (in \$Millions):

	Biennium		
	2017-19	2019-21	2021-23
Oregon addition of IRC 199A(a) deduction	\$258.4	\$404.7	\$455.4
Opportunity Grant Credit	-\$14.0	-\$28.0	-\$28.0
Total General Fund	\$244.4	\$376.7	\$427.4

Estimates of revenue impact reflect changes in revenue as compared to current law (see impact explanation).

Impact Explanation:

Revenue impact figures represent current law revenue impact estimates on General Fund revenues. Current law reflects changes to federal definition of taxable income as changed in December 2017 by Tax Cuts and Jobs Act. As such, disconnect from deduction from taxable income allowable under section 199A(a) is reflected as an increase in general fund revenue.

Multiple sources were relied upon to estimate impact of disconnection from federal deduction allowable under section 199A(a), including tax return data and estimates made by the Joint Committee on Taxation regarding the federal impact of the deduction.

Estimate of impact to general fund resulting from allowing credit for certified Opportunity Grant contributions auctioned by Department of Revenue in cooperation with Higher Education Coordinating Commission, was based upon recent performance of similar tax credit auctions. Estimated impact on revenue assumes full \$14 million worth of credits auctioned, however, it is worth noting that changes to federal tax liability resulting from the recent federal Tax Cuts and Jobs Act along with increased competition among auctioned Oregon credits, could result in less than the full \$14 million credit allowance being sold.

Impact of increasing the cigarette tax by \$0.30 per pack is estimated to raise roughly \$70 million per biennium with the floor tax imposed in January 1, 2019 expected to raise \$2 million. At this time, more analysis is required to prepare an estimate relating to the proposed tax on inhalant-form nicotine. The measure as amended has a subsequent request to the Joint Ways and Means Committee. Further analysis will be done at that time.

Creates, Extends, or Expands Tax Expenditure: Yes No

The policy purpose of the credit for certified Opportunity Grant contributions is to establish an additional funding source to be used to support the Oregon Opportunity Grant program thereby expanding support to Oregon higher education students in need of financial assistance.

Further Analysis Required