

§ 312. TAX EXPENDITURE REPORT

(a) As used in this section, "tax expenditure" shall mean the actual or estimated loss in tax revenue resulting from any exemption, exclusion, deduction, ~~or credit,~~ preferential rate, or deferral of liability applicable to the tax. Tax expenditures shall not include the following:

(1) revenue outside the taxing power of the state

(2) provisions outside the normal structure of a particular tax, or taxed under an alternative tax structure;

(3) revenue foregone as unduly burdensome to administer,

(4) and to avoid government taxing itself.

(b) Tax expenditure reports. Biennially, as part of the budget process, beginning January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and Appropriations and the Senate Committees on Finance and Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, and meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, motor vehicle purchase and use tax, ~~and such other tax expenditures for which the Joint Fiscal Office and the Department of Taxes jointly have produced revenue estimates.~~ The Office of Legislative Council shall also be available to assist with this tax expenditure report. The report shall include, for each tax expenditure, the following information:

(1) A description of the tax expenditure.

(2) The most recent fiscal information available on the direct cost of the tax expenditure in the past two years.

(3) The date of enactment of the expenditure.

(4) A description of and estimate of the number of taxpayers directly benefiting from the expenditure provision.

(5) A description of the statutory purpose explaining the policy goal behind the expenditure as required by subsection (d) of this section and 2013 Acts and Resolves No.73, Sec. 5.

(6) A compilation of the items excluded under subsection (a).

(c) Every tax expenditure, as defined in subsection (a), in the tax expenditure report required by this section shall be accompanied in statute by a statutory purpose explaining the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. The statutory purpose shall appear as a separate subsection or subdivision in statute and shall bear the title "Statutory Purpose." Notwithstanding any other provision of law, a tax expenditure listed in the tax expenditure report that lacks a statutory purpose in statute shall not be implemented or enforced until a statutory purpose is provided.