LOW-EMITTING VEHICLES AND COMMERCIAL VEHICLES USED IN INTERSTATE COMMERCE EXEMPTIONS

EVALUATION SUMMARY | JULY 2022 | 2022-TE29

Expenditure	Low-Emitting Vehicles Exemption	Commercial Vehicles Used in Interstate Commerce Exemption
Tax Type	Sales and Use	Sales and Use
Year enacted	1999	2009
Repeal/Expiration date	None	None
Revenue impact (Tax Year 2019)	$2.2 million	$0
Number of Taxpayers	Could not determine	0

KEY CONCLUSION: The Low-Emitting Vehicles Exemption is not incentivizing the purchase of qualifying low-emitting gas and diesel fueled commercial trucks because federal emission requirements have made such vehicles the standard since 2014. The Commercial Vehicles Used in Interstate Commerce Exemption is not being used, and duplicates the Low-Emitting Vehicles Exemption.

WHAT DO THESE TAX EXPENDITURES DO?

Low-Emitting Vehicles Exemption [Section 39-26-719, C.R.S.]—Provides a sales and use tax exemption for the purchase, storage, or use of a new or used medium- or heavy-duty vehicle that is a qualifying alternatively fueled vehicle or a heavy-duty vehicle that meets Environmental Protection Agency's emissions standards. The exemption is also available for parts to convert a vehicle into a low-emitting vehicle.

Commercial Vehicles Used in Interstate Commerce Exemption [Section 39-26-113.5, C.R.S.]—Provides a proportional state sales and use tax exemption for the purchase, leases of 3 years or more, storage, or use of a model year 2010 or newer truck-tractor or semitrailer with a gross vehicle weight rating of 54,000 pounds or greater. The vehicle must be registered in the state and used in interstate commerce.

WHAT IS THE PURPOSE OF THESE TAX EXPENDITURES?

Statute and the enacting legislation for the exemptions do not explicitly state their purpose; therefore, we considered the following potential purposes:

Low-Emitting Vehicles Sales and Use Tax Exemption—To increase the sale of low-emitting heavy-duty vehicles, and alternatively fueled medium- and heavy-duty vehicles.

Commercial Vehicles Used in Interstate Commerce Sales and Use Tax Exemption—To increase the sale of newer model year heavy-duty commercial vehicles.

WHAT POLICY CONSIDERATIONS DID THE EVALUATION IDENTIFY?

The General Assembly may want to consider:

- Amending statute to no longer allow gas or diesel fueled vehicles to qualify for the Low-Emitting Vehicles Exemption.
- Establishing a statutory purpose and performance measures for the Low-Emitting Vehicles Exemption.
- Repealing the Commercial Vehicles Used in Interstate Commerce Exemption.
- If the General Assembly does not repeal the Commercial Vehicles Used in Interstate Commerce Exemption, it may want to consider establishing a statutory purpose and performance measure(s) for the exemption.

LOW-EMITTING VEHICLES AND COMMERCIAL VEHICLES USED IN INTERSTATE COMMERCE EXEMPTIONS

EVALUATION RESULTS

WHAT ARE THESE TAX EXPENDITURES?

This report covers the following two sales and use tax exemptions for medium- and heavy-duty vehicles:

LOW-EMITTING VEHICLES EXEMPTION [Section 39-26-719, C.R.S.]—Provides a sales and use tax exemption for the purchase, storage, or use of eligible new or used medium- or heavy-duty vehicles. To be eligible, vehicles that have a gross vehicle weight rating (gvwr) of more than 26,000 pounds, commonly referred to as heavy-duty vehicles (e.g., semi-tractors, trash trucks, busses, and dump trucks) must meet the U.S. Environmental Protection Agency's (EPA) greenhouse gas emission standards outlined in the Heavy-Duty National Program. Vehicles with over 10,000 and up to 26,000 gvwr, commonly referred to as medium-duty vehicles (e.g., delivery trucks and vans, and larger pick-up trucks) and heavy-duty vehicles can also qualify if they are alternative fuel vehicles that operate either solely or partially on one of the following alternative fuels:

- Compressed natural gas
- Liquefied petroleum gas
- Liquefied natural gas
- Electricity (battery electric or plug-in hybrid electric)

Additionally, the expenditure provides an exemption from sales and use tax for the purchase, storage, or use of a power source (e.g., engine or motor) or parts (e.g., wiring, fuel lines, fuel storage and control systems) for converting a vehicle to a qualifying low-emitting vehicle.

The Low-Emitting Vehicles Exemption was created in 1999 by House Bill 99-1271. However, the exemption has been amended multiple times, with the most significant amendment occurring in 2014 by House Bill 14-1326. The 2014 amendment changed the eligibility criteria for medium- and heavy-duty vehicles by: 1.) allowing only alternatively fueled, medium-duty vehicles to qualify (originally gas and diesel fueled medium-duty vehicles could qualify), and 2.) allowing heavy-duty vehicles to qualify if they use an alternative fuel or qualify as a low-emitting vehicle, as defined in statute. The qualification for a low-emitting vehicle was also changed to being certified by the EPA as meeting the mandatory emission standards for medium- and heavy-duty vehicles under the Heavy-Duty National Program. Originally, the exemption was allowed only if the vehicle was certified as a low-emitting vehicle by meeting the EPA's or another state's, as authorized under the Clean Air Act, low-emitting vehicle emission standards.

Vendors apply the exemption by not charging sales or use tax at the time of sale. Vendors are required to report the value of exempt sales to the Department of Revenue (Department) on their Colorado Retail Sales Tax Return Form (Form DR 0100) or Retailer's Use Tax Return Form (Form DR 0173), if applicable. Additionally, the vendor should submit the Colorado State Sales and Use Tax Exemption for Low-Emitting Heavy Vehicles Affidavit (Form DR 1369) verifying the vehicle meets the statutory eligibility requirements, and provide the purchaser with the gross vehicle weight rating and EPA certification to provide their county clerk to ensure that they are not assessed sales tax when registering the vehicle. If a purchaser is charged tax by a vendor at the time of sale, they can file a Claim for Refund Form (Form DR 0137B) with the Department to apply for a refund of the sales taxes they paid.

COMMERCIAL VEHICLES USED IN INTERSTATE COMMERCE EXEMPTION (Commercial Vehicles Exemption) [Section 39-26-113.5, C.R.S.]—Provides a partial state sales and use tax exemption for the purchase, lease of more than 3 years, storage, or use of a model year 2010 or newer truck-tractor or semitrailer with a gvwr of 54,000 pounds or more registered in the state to be used in interstate commerce. The availability of the exemption is contingent on the availability of funds in the Commercial Vehicle Enterprise Fund.

The exemption is administered as a refund paid over 3 years and is calculated in proportion to the percentage of miles a vehicle travels outside the state. For example, for a qualifying vehicle with a purchase price of $100,000 for which the purchaser pays $2,900 in state sales tax and which travels 100,000 miles each year with 20,000 occurring out-of-state, the purchaser would be eligible for a total refund of 20 percent of the sales tax paid, or $580. This amount would be refunded over 3 years, at $193.33 per year. Taxpayers claim the exemption by submitting the State Sales Tax Refund for Vehicles Used in Interstate Commerce form (Form DR 0202) to the Department.

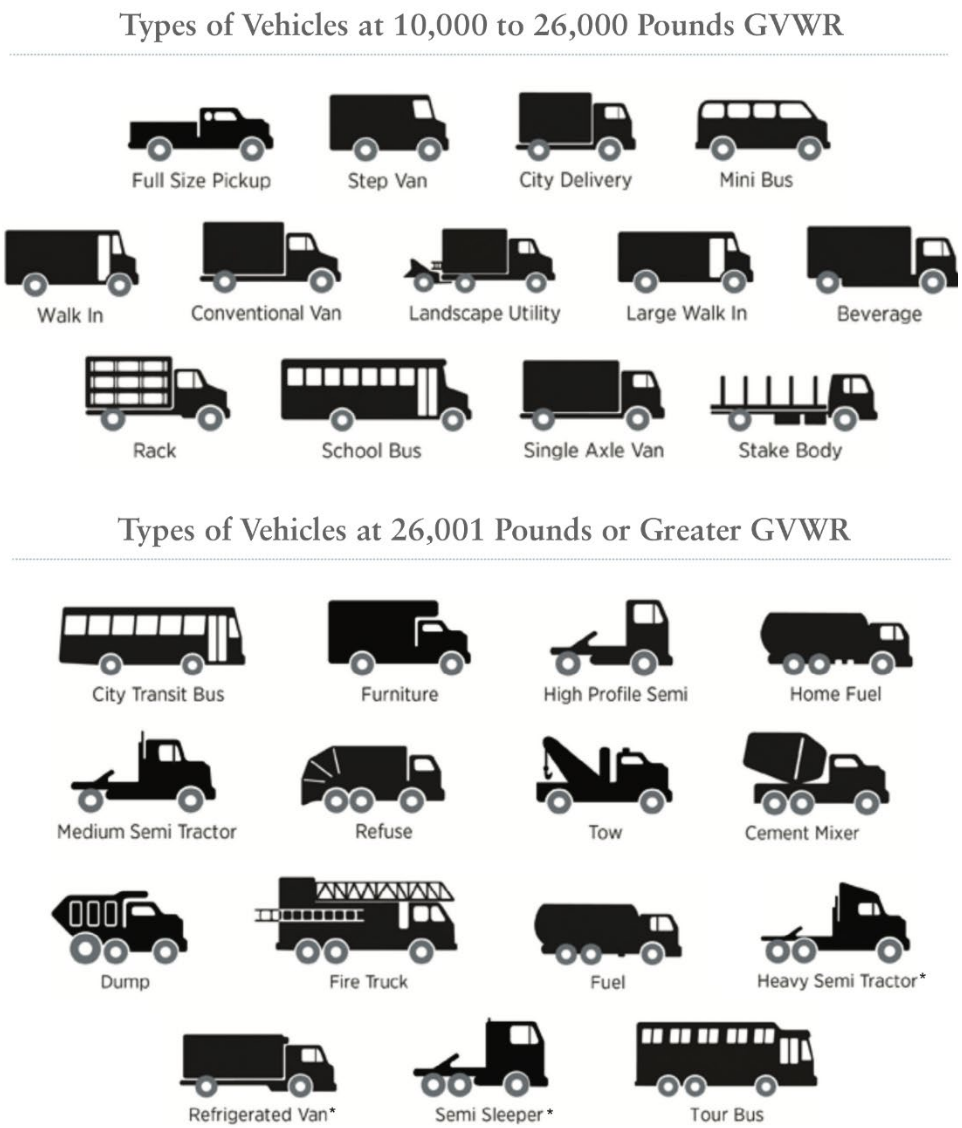
The exemption was created in 2009 by House Bill 09-1298 and amended once by House Bill 10-1285, which changed the refund timeline from 5 years to 3 years.

WHO ARE THE INTENDED BENEFICIARIES OF THE TAX EXPENDITURES?

Statute does not explicitly state the intended beneficiaries of either the Low-Emitting Vehicles Exemption or the Commercial Vehicles Exemption. Based on language in statute, and the operation of the exemptions, we inferred that the intended direct beneficiaries are businesses and individuals who use medium- and heavy-duty vehicles, typically for commercial purposes. As of 2019, there were roughly 246,000 medium- and heavy-duty vehicles registered in the state, according to the Transportation Energy Data Book, published for the U.S. Department of Energy by the Oak Ridge National Laboratory.

Exhibit 1 provides examples of medium- and heavy-duty vehicles and their typical weights.

EXHIBIT 1. EXAMPLES OF COMMERCIAL VEHICLES AND WEIGHTS



**Denotes a vehicle that is commonly 54,000 gvwr or greater.*

SOURCE: Office of the State Auditor analysis of Alternative Fuels Data Center Information.

The general public also appears to be intended to indirectly benefit from the exemptions to the extent that they reduce air pollution by encouraging the use of lower emissions vehicles. According to the Colorado Energy Office, transportation is the largest contributor of pollution in the state and nation; medium- and heavy-duty vehicles tend to emit substantially more pollution on a per vehicle basis than passenger vehicles, accounting for 10 percent of all transportation pollution, but representing only 5 percent of all vehicle registrations in the state.

WHAT IS THE PURPOSE OF THESE TAX EXPENDITURES?

Statute and the enacting legislation for the exemptions do not state their intended purpose; therefore, we could not definitively determine the General Assembly's original intent for either exemption. Based on the operation of the exemptions, statutory language, and their legislative history, we considered the following potential purposes:

LOW-EMITTING VEHICLES EXEMPTION—To increase the sale of low-emitting heavy-duty vehicles, and alternatively fueled medium- and heavy-duty vehicles.

During legislative hearings, the bill sponsor for the Low-Emitting Vehicles Exemption's enacting legislation indicated the exemption was intended to incentivize the purchase of low-emitting medium- and heavy-duty vehicles. When the exemption was amended in 2014, bill sponsors indicated that the intent was still to incentivize the purchase of low-emitting vehicles, but that due to changes to national emissions requirements and improvements in vehicle technology, nearly all new vehicles greater than 10,000 gvwr were meeting the requirements to qualify for the exemption, and therefore, it was no longer providing an incentive to purchase vehicles that emit less pollution relative to other vehicles. Further, the sponsors wanted to encourage the use of alternatively fueled vehicles, which can also emit less pollution. Thus, the exemption was amended to create different eligibility requirements for medium- and heavy-duty vehicles, with medium-duty vehicles

(10,000+ lbs gvwr – 26,000 lbs gvwr) qualifying only as an alternatively fueled vehicle and updating the standards used to qualify heavy-duty vehicles (26,000+ lbs gvwr) as an eligible low-emitting vehicle.

COMMERCIAL VEHICLES EXEMPTION—To increase the sale of newer model year heavy-duty commercial vehicles.

The Commercial Vehicles Exemption was created alongside the State's Green Trucks Grant Program in 2009 by House Bill 09-1298. The legislative declaration in the enacting legislation for the Green Trucks Grant Program highlighted that older vehicles emit greater levels of pollution and consume more fuel and that the program was intended "to encourage the retirement and scrapping of older trucks in the interests of the state's environment." Although this language is related specifically to the Green Trucks Grant Program, we inferred that the Commercial Vehicles Exemption shared a similar purpose and was intended to work in tandem with the program, since the exemption was also created during the 2009 legislative session and only applied to 2010 and newer model year vehicles when created.

ARE THE TAX EXPENDITURES MEETING THEIR PURPOSE AND WHAT PERFORMANCE MEASURES WERE USED TO MAKE THIS DETERMINATION?

We could not definitively determine whether the Low-Emitting Vehicles Exemption or the Commercial Vehicles Exemption are meeting their purposes because their purposes are not provided in their respective sections of statute or enacting legislation. However, we found that the Low-Emitting Vehicles Exemption is not meeting the potential purpose we considered for this evaluation as it relates to gas and diesel fueled heavy-duty vehicles because, under EPA regulations, all new heavy-duty vehicles sold must meet the requirements of the Heavy-Duty National Program and are, therefore, eligible for the exemption. Although the exemption may provide an additional incentive to purchase alternatively fueled vehicles, we lacked sufficient data to determine the exemption's impact on these purchases.

We also found that the Commercial Vehicles Exemption is not meeting the potential purpose we considered for this evaluation because it provides a duplicative benefit to the Low-Emitting Vehicles Exemption and is not being used.

Statute does not provide quantifiable performance measures for the exemptions. Therefore, we created and applied the following performance measures to determine if the exemptions are meeting the potential purposes we used for this evaluation.

PERFORMANCE MEASURE #1: *To what extent has the Low-Emitting Vehicles Exemption increased the sale of eligible low-emitting vehicles, and alternatively fueled vehicles?*

RESULTS: We found that all sales of new heavy-duty vehicles are eligible for the Low-Emitting Vehicles Exemption since the EPA standards under the Heavy-Duty National Program become mandatory in 2014. Vehicles that qualify for the exemption have become the norm, and the exemption appears largely obsolete since it no longer provides an incentive to purchase lower-emitting vehicles. Additionally, stakeholders stated that they are aware of the exemption and use it, but also mentioned that it is their understanding that heavy-duty vehicles have qualified for the exemption since 2014, when federal emission standards became mandatory, so it is not a significant factor for them in determining which vehicle to purchase.

The exemption could encourage the purchase of alternatively fueled vehicles, in particular medium-duty vehicles, which, unlike heavy-duty vehicles, can only qualify for the exemption if they run on an alternative fuel source. However, we could not determine the extent to which taxpayers have purchased these vehicles and claimed the exemption. Specifically, the exemption is available for low-emitting vehicles, alternatively fueled vehicles, and parts for conversion, but the Department's data do not indicate which type of transaction the exemption was applied to. Therefore, we were unable to determine how many alternatively fueled vehicles were purchased under the exemption.

Additionally, we did not receive feedback from stakeholders we contacted who may purchase alternatively fueled vehicles.

PERFORMANCE MEASURE #2: *To what extent has the Commercial Vehicle Exemption increased the sale of model year 2010 and newer commercial vehicles?*

RESULTS: Based on data and discussions with the Department, we determined that the exemption is not increasing the sale of eligible vehicles because it is not being used and has not been used since at least 2017. Department staff specified that most, if not all, vehicles eligible for the Commercial Vehicle Exemption have also been eligible for the Low-Emitting Vehicles Exemption, which provides a full exemption from sales tax at the time of purchase instead of a partial refund for sales tax paid over the course of 3 years in proportion to the miles a vehicle travels outside the state. Therefore, taxpayers do not appear to have a need to use the exemption, which has more administrative requirements to claim, and provides a delayed, and likely lower, benefit amount.

WHAT ARE THE ECONOMIC COSTS AND BENEFITS OF THE TAX EXPENDITURES?

Based on Department data, the Low-Emitting Vehicles Exemption had a revenue impact to the State of $2.2 million in Calendar Year 2019 and provided a corresponding benefit to taxpayers. For Calendar Year 2019, there were 53 accounts of vendors who filed forms to utilize the exemption. Although we were unable to determine the extent to which taxpayers received the benefit by purchasing an alternatively fueled vehicle, low-emitting vehicle, or parts for converting a vehicle, based on data from the Department, there were at least 465 submissions where the Low-Emitting Vehicles Exemption was used in Calendar Year 2019.

Additionally, the Low-Emitting Vehicles Exemption likely has a revenue impact to some local governments that have their sales taxes collected by the State. Statute [Section 29-2-105(1)(d)(I), C.R.S.] provides that local governments for which the State collects sales taxes may adopt the Low-Emitting Vehicles Exemption. Therefore, the exemption reduces local sales tax revenues and provides a corresponding savings in the amount of local sales taxes in these jurisdictions. However, as of January 2022, only 18 local governments had adopted the exemption and we lacked data necessary to quantify the impact in these jurisdictions.

In addition, home rule cities established under Article XX, Section 6 of the Colorado Constitution that collect their own sales taxes have the authority to set their own tax policies independent from the State. The top five most populated home rule cities—Aurora, Colorado Springs, Denver, Fort Collins, and Lakewood—do not have similar exemptions, but Fort Collins exempts the sales of vehicles used in interstate commerce and their parts from sales tax.

We found that the Commercial Vehicles Exemption does not have a revenue impact or provide any economic costs or benefits because it is not being used.

WHAT IMPACT WOULD ELIMINATING THE TAX EXPENDITURES HAVE ON BENEFICIARIES?

Eliminating the Low-Emitting Vehicles Exemption would result in the State's 2.9 percent sales tax, and local sales taxes of the 18 local jurisdictions that have adopted it, being applied to purchases that currently benefit from the exemption. Based on Calendar Year 2019 data from the Department, and assuming that all 465 filings were for individual vehicle purchases as opposed to vehicle parts, the average cost per vehicle that was sold under the exemption was $165,000, and the average state sales tax that would otherwise have been due on the purchase was roughly $4,800.

As previously stated, the Commercial Vehicles Exemption is not being used so there would be no impact if it was repealed. However, it could be used in the future if it was not repealed and the Low-Emitting Vehicle Exemption were to be repealed. If both exemptions were repealed, purchasers with operations in other states could choose to register their vehicle in another state in order to avoid paying sales tax, if it is possible for them to do so. By registering their vehicle outside the state, these vehicles may qualify for the State's Commercial Trucks and Trailers Licensed Out-of-State Exemption [Section 39-26-712, C.R.S.], which exempts vehicles registered in another state and used in interstate commerce from Colorado sales and use tax. However, if the vehicle is relocated to Colorado prior to it being registered and used outside of the state for at least 6 months, use tax will be due.

Additionally, the upfront cost of alternative vehicles would increase if the exemptions were repealed, which could impact some buyers' decisions when purchasing these vehicles. However, reports on alternatively fueled vehicles, news articles, and information from stakeholders shows that the exemption was likely not the primary reason most current beneficiaries chose to purchase an alternatively fueled vehicle. For example, the adoption of alternatively fueled vehicles may have been in their best interest because alternative fuels tend to be cheaper and have more price stability compared to gasoline and diesel, and the maintenance cost of alternatively fueled vehicles can be less.

ARE THERE SIMILAR TAX EXPENDITURES IN OTHER STATES?

There are no states with a similar Low-Emitting Vehicles Exemption that provide a sales and use tax exemption for alternatively fueled medium- and heavy-duty vehicles or heavy-duty vehicles that meet EPA's Heavy Duty National Program emission standards. Only two other states, New Jersey and Washington, have a sales tax exemption for alternatively fueled vehicles and both of these exemptions are intended for passenger vehicles.

Of the 44 states, excluding Colorado, that have a sales and use tax, there are 15 states that provide an exemption that is similar to the Commercial Vehicles Exemption, with some of these states offering exemptions that apply to a broader range of vehicles. Additionally, there are 16 states that provide an exemption that is more limited than

Colorado's, for example providing only a reduced rate instead of an exemption, requiring that the vehicle be used exclusively in interstate commerce, or only providing an exemption for vehicles that will be registered under the International Registration Plan (a reciprocity agreement recognizing the registration and dividing the registration fees of commercial vehicles between 49 states, the District of Columbia, and select Canadian providences).

ARE THERE TAX EXPENDITURES OR PROGRAMS WITH A SIMILAR PURPOSE IN THE STATE?

We identified the following state tax expenditures that apply to qualifying purchases of medium- and heavy-duty trucks:

INNOVATIVE MOTOR VEHICLE CREDIT [Section 39-22-516.7, C.R.S.]—Provides lessors or purchasers an income tax credit of $1,500 to $2,500 for a car that is either an electric, or plug-in hybrid electric.

INNOVATIVE TRUCKS CREDIT [Section 39-22-516.8, C.R.S.]—Provides lessors or purchasers an income tax credit ranging from $1,500 to $10,000 for an electric or plug-in hybrid electric truck. Eligible trucks range from light-duty passenger trucks to heavy-duty trucks.

ENTERPRISE ZONE COMMERCIAL VEHICLE TAX CREDIT [Section 39-30-104 (1)(b), C.R.S.]—Provides purchasers of new model year vehicles of 54,000 lbs gvwr or greater an income tax credit of 1.5 percent of the total cost, including parts associated with the sale. The credit is allowed only if the vehicle is registered in the state and predominantly housed within an enterprise zone for the 12-month period following its purchase.

COMMERCIAL TRUCKS AND TRAILERS LICENSED OUT-OF-STATE EXEMPTION [Section 39-26-712, C.R.S.]—Exempts the sale or long-term lease of commercial trucks and trailers from sales and use tax if they are used exclusively outside of the state or in interstate commerce, removed from the state within 30 days, and registered outside of the state. Trucks and trailers previously registered in another state for at least 6 months are also exempt from use tax, if relocated and registered in the state.

WHAT DATA CONSTRAINTS IMPACTED OUR ABILITY TO EVALUATE THE TAX EXPENDITURES?

The Department was not able to provide data on the specific types of vehicles that were purchased under the Low-Emitting Vehicles Exemption. Although this data is reported on the Colorado State Sales and Use Tax Exemption for Low-Emitting Heavy Vehicles Affidavit (Form DR 1369), it is not recorded in or retrievable by GenTax, the Department's tax filing and information system. In order for us to more accurately determine the exemption's impact on the sale of alternatively fueled vehicles, the Department would have to capture and house this data, which would require additional resources (see the Tax Expenditures Overview section of the Office of the State Auditor's *Tax Expenditures Compilation Report* for additional details on the limitations of Department data and the potential costs of addressing the limitations).

WHAT POLICY CONSIDERATIONS DID THE EVALUATION IDENTIFY?

THE GENERAL ASSEMBLY MAY WANT TO CONSIDER AMENDING STATUTE TO NO LONGER ALLOW GAS- OR DIESEL-FUELED VEHICLES TO QUALIFY FOR THE LOW-EMITTING VEHICLES EXEMPTION. As discussed, federal emissions standards have made the exemption obsolete as an incentive to encourage the purchase of lower-emitting diesel or gas fueled vehicles. Specifically, since 2014, all new model year heavy-duty vehicles qualify for the exemption because they are required to meet the relevant EPA emission standards, and will be required to meet future standards. Thus, the General Assembly may want to consider repealing the specific section of statute, Section 39-26-719(1)(a)(II)(A), C.R.S., that provides gas and diesel fueled heavy-duty vehicles a sales tax exemption, since federal standards have made lower emitting vehicles the norm.

THE GENERAL ASSEMBLY MAY WANT TO CONSIDER AMENDING STATUTE TO ESTABLISH A STATUTORY PURPOSE AND PERFORMANCE MEASURES FOR THE LOW-EMITTING VEHICLES EXEMPTION. Statute and the enacting legislation for the exemption do not state the exemption's purpose or provide performance measures for evaluating its effectiveness. Therefore, for the purposes of this evaluation, we considered a potential purpose for the exemption: to increase the sale of low-emitting heavy-duty and alternatively fueled medium- and heavy-duty vehicles. We identified this purpose based on the operation of the exemption, statutory language, and its legislative history. We also developed a performance measure to assess the extent to which the exemption is meeting this potential purpose. However, the General Assembly may want to clarify its intent for the exemption by providing a purpose statement and corresponding performance measure(s) in statute. This would eliminate potential uncertainty regarding the exemption's purpose and allow our office to more definitively assess the extent to which the exemption is accomplishing its intended goal(s).

THE GENERAL ASSEMBLY MAY WANT TO CONSIDER REPEALING THE COMMERCIAL VEHICLES EXEMPTION. As discussed, we found that the Commercial Vehicles Exemption is not encouraging the purchase of qualifying vehicles because it is not being used, and has not been used since at least 2017. Based on our conversations with Department staff and stakeholders, the exemption is not used because vehicles that would qualify for the exemption also qualify for the Low-Emitting Vehicles Exemption, which is easier to claim and provides a larger benefit. Specifically, the Commercial Vehicles Exemption is structured as a refund that taxpayers must request over a 3-year period in proportion to the vehicle miles traveled outside the state instead of a full sales tax exemption at the time of sale, as is the case for the Low-Emitting Vehicles Exemption.

Further, even if it provided an unduplicated benefit, because the exemption applies to model year 2010 and newer vehicles, it no longer acts as an incentive for purchasing newer vehicles. As discussed, the exemption was implemented concurrently with the Green Trucks Grant

Program, which provided grants in order to encourage the purchase of newer, lower-emitting trucks, and appears to have been intended to work in tandem with this program. However, the program was repealed in 2012, leaving only the exemption in place. Without the addition of the grant, the exemption provides a relatively small benefit to the purchaser. Therefore, the General Assembly may want to consider repealing the Commercial Vehicles Exemption, since it appears obsolete.

IF THE GENERAL ASSEMBLY DOES NOT REPEAL THE COMMERCIAL VEHICLES EXEMPTION, IT MAY WANT TO CONSIDER AMENDING STATUTE TO ESTABLISH A STATUTORY PURPOSE AND PERFORMANCE MEASURES FOR THE EXEMPTION. Statute and the enacting legislation for the exemption do not state the exemption's purpose or provide performance measures for evaluating its effectiveness. Therefore, for the purposes of this evaluation we considered a potential purpose for the exemption: to increase the sale of newer model year heavy-duty commercial vehicles. We identified this purpose based on the operation of the exemption, statutory language, and its legislative history. We also developed a performance measure to assess the extent to which the exemption is meeting this potential purpose. However, the General Assembly may want to clarify its intent for the exemption by providing a purpose statement and corresponding performance measure(s) in statute. This would eliminate potential uncertainty regarding the exemption's purpose and allow our office to more definitively assess the extent to which the exemption is accomplishing its intended goal(s).