



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 8** HLS 243ES 9
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: November 22, 2024 2:54 PM	Author: BRASS
Dept./Agy.: Revenue	Analyst: Benjamin Vincent
Subject: Sales Tax Base Expansion: Digital Products	

TAX/SALES & USE REF +\$37,000,000 RV See Note Page 1 of 1
 Levies sales and use taxes on certain digital products and services (Items #8 and 13)

Assumed posture of proposed law includes proposed amendments that are not adopted, possibly not in final form, and not time-stamped. They include Proposed Senate Floor Amendment set #178. These amendments appear to be primarily technical, with new minor exemptions for certain business purchases of digital products.

Current law generally excludes services from the sales and use tax base, and subjects a number of specific services to taxation explicitly by listing them as taxable services. Certain digital items are not treated as tangible personal property or taxable services, although some digital items are taxed as goods.

Proposed law adds a list of items to be included into the sales and use tax base as digital products, beginning on January 1, 2025. Newly-taxable digital products include, but are not limited to, audio or audiovisual works, books, games, applications, periodicals, other information services, and access to certain software services.

Effective upon governor's signature.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$21,000,000	\$37,000,000	\$37,000,000	\$37,000,000	\$37,000,000	\$169,000,000
Agy. Self-Gen.	\$200,000	\$400,000	\$400,000	\$400,000	\$400,000	\$1,800,000
Ded./Other	\$200,000	\$400,000	\$400,000	\$400,000	\$400,000	\$1,800,000
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	

Annual Total

EXPENDITURE EXPLANATION

LDR anticipates a one-time cost to accommodate required updates to returns, exemption certificates, LDR software, and the web-filing application, amounting to approximately \$80,000. LDR anticipates no need for additional positions or resources, despite a significant increase in likely demand for taxpayer assistance. LFO notes that increased collections will rely on taxpayer compliance and likely require increased education and enforcement. Any expenditure increases would be financed via SGR out of current collections, reducing SGF revenues mechanically.

REVENUE EXPLANATION

Data for activities related to all items included in the proposal imply a range of \$1.1-\$1.3 billion dollars in sales that would potentially be taxable due to proposed law. It is unclear to what extent these data overlap with activities that are already taxed, but it is possible that a significant portion of digital media transactions may already be frequently taxed and remitted voluntarily, in anticipation by firms of this potential trend in state taxation.

Assuming the current-law 4.0% tax rate (except for the 4.45% for the partial-year impact in FY25), these figures would imply a range of revenue impacts of \$44-\$62 million. LFO's preferred estimate in this range, adjusted by an additional assumption of existing voluntary compliance of 35%, results in an **approximately +\$37 million annual revenue impact** overall, following a partial-year impact of approximately +\$21 million in FY 25.

A minor portion of the revenue impact will accrue to non-SGF revenues. The Dedicated and Self-generated revenue figures in the table above reflect impacts on certain minor sales tax dedications, as well as the 1% of certain collections that LDR is permitted to retain as SGR.

The expanded base will additionally serve to increase local sales tax revenues by an indeterminable amount that will vary for each taxing authority.

Draft proposed Senate Floor Amendments specifically exempt digital products, certain software access services, and information services when purchased by certain financial institutions and certain healthcare providers. LFO assumes that this reduces the revenue gain approximately \$3 million annually, relative to prior postures of the bill, as reflected in table above.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger
 Alan M. Boxberger
 Legislative Fiscal Officer