

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HCR 5** HLS 161ES 269  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> February 24, 2016 12:46 PM	<b>Author:</b> JACKSON
<b>Dept./Agy.:</b> Revenue	
<b>Subject:</b> Suspends sales tax exemptions for 4 months	<b>Analyst:</b> Deborah Vivien

TAX/SALES-USE-EXEMPT OR SEE FISC NOTE GF RV See Note Page 1 of 1  
 Suspends various exemptions as to the 2%, 1%, and 0.97% state sales and use tax levys (Item #36)

Current law imposes a 4% state sales and use tax on sales of tangible personal property and certain services with specific exemptions and exclusions. A statutory dedication of 0.4% of remittances with \$2M to the Marketing Fund and the remainder to the LA Economic Development (LED) Fund are required. Business utilities are taxed at 1% for 2015-16 fiscal year.

Proposed law retains current law and expands the existing sales tax base by eliminating exemptions for business utilities, purchases of manufacturing machinery and equipment (MM&E), certain trucks and trailers used 80% in interstate commerce, and purchases during sales tax holidays, among many other transactions. The dedication to the Marketing Fund and LED Fund are retained. Presumably local taxation and hotel dedications are not changed. Effective upon adoption extending for 60 days past the 2016 Regular Session of the Legislature.

EXPENDITURES	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						
REVENUES	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The Department of Revenue indicates that any expense related to this bill will be absorbed in the current budget. However, implementation will require a substantial effort to change forms, systems and provide customer service for such an extensive change to a multitude of items that were not previously taxed and others with a tax rate increase. Costs and human resources required for implementation could be significant.

**REVENUE EXPLANATION**

While the proposal is similar to other legislation filed this session (HB 101) in terms of the base expansion, this bill is only in effect until August, 2016. These tax rate changes would occur presumably April 1 and revert to the original rate four months later. Because most of the base expansion is on items that were not previously taxed (the 1% category and Business Utilities are also expanded), collections are expected to be very low in the early months. This is made more precarious by the temporary nature of the tax increase, where the entire term of the measure is essentially a compliance ramp-up period. Other fiscal notes with this type of base expansion include a current year impact that allows for a slow adoption of the taxable changes. However, those bills show a permanent change in the tax base and allow an entire fiscal year for the implementation to take effect. With the implementation being removed in four months, there is little certainty as to the tax remittances that will result.

However, certain transactions affected by this bill have a reporting and/or collections record. Estimates based on that data are provided for this bill. Those include machinery & equipment (\$26 million), business utilities (\$60), trucks and trailers (\$6 million), and total some \$96 million over the term of this bill. Collections from other currently exempt transactions are speculative and are not included in the short term of this bill. What collections do occur as a result of the bill will presumably be accrued to FY16.

Senate Dual Referral Rules House

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| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}                  | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input checked="" type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

**Gregory V. Albrecht**  
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