

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0749-03
Bill No.: HCS for HB's 186 & 172
Subject: Business and Commerce; Revenue Dept.; Taxation and Revenue - General, Sales and Use
Type: Original
Date: April 10, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$2,186,425)	\$0	\$0
School District Trust	(\$704,405)	\$0	\$0
Conservation	(\$88,051)	\$0	\$0
Parks and Soil	(\$70,441)	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	(\$3,049,322)	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0 to (\$1,056,608)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Administration - Division of Budget and Planning (BAP)** assume this proposal would allow for a sales tax "holiday" on the purchase of clothing and shoes.

BAP estimates the annual consumer spending in Missouri on clothing and shoes based on national estimates from the U.S. Department of Commerce - Bureau of Economic Analysis. BAP staff assumes Missouri represents 1.9% of U.S. totals. BAP staff estimates taxable sales for FY2002 to be \$6,427,700,000, taxable sales for FY 2003 to be \$6,686,100,000 and taxable sales for FY 2004 to be \$6,953,544,000.

BAP states, as was the case with similar proposals from last year, there is no information available that addresses what percent of these expenditures would qualify for the exemption or how effective this program would be in so far as motivating the public to shop for clothing during the tax "holiday".

Officials of the **Department of Revenue (DOR)** state this legislation creates a state sales and use tax holiday for all retail sales of clothing with a taxable value of one hundred dollars or less from August 9, 2001 to August 12, 2001. Legislation will also allow a city or county imposing a sales tax to exempt with notification to DOR.

DOR will have to notify all sales tax accounts of the holiday period. 127,000 notification letters will have to be sent to the registered accounts at a cost of \$43,910. The legislation also gives city/county the option to exempt clothing sales for the same holiday period by ordinance. This will impact the processing of the sales tax returns. DOR will need one Tax Processing Tech I for every additional 34,000 errors generated, one Clerk II in pre-edit for every 184,000 additional returns impacted and one Data Entry Operator I for every 170,000 returns impacted. DOR will need to create a new item tax; however, it should be noted that this could be confusing and difficult to explain to taxpayers. DOR's MITS sales tax system will need to be programmed to recognize the new item tax. DOR estimates 727 hours of programming at a total cost of \$24,569. The state data center charges will be \$4,730.

Oversight, for purposes of this fiscal note, has reflected the loss in sales tax revenue based upon the estimate provided by the Office of Administration, Budget and Planning and the actual impact similar legislation had on other states. The revenue estimate was based on 4/365 of the FY 2002 taxable sales, resulting in a total revenue loss of \$3 million in FY 2002 to state funds due to the sales tax holidays. Oversight made no adjustment for the \$100 cap. Also, no adjustment was made for any incentive effect this proposal might have on spending habits. Oversight assumes the mailing costs would be incurred in July before the August sales tax holiday.

ASSUMPTIONS (continued)

For a similar prior proposal, Oversight contacted three states that enacted similar legislation, the **State of Texas**, the **State of Florida** and the **State of New York**. Texas had a Sales Tax Holiday on clothing and footwear during a three day period in August, 1999. Florida had a nine day sales tax holiday period on clothing and footwear in August, 1998, and New York has had several such "holidays" in 1997, 1998 and 1999. Oversight assumes that similar impacts would occur in Missouri and have applied their taxable sales during the holidays to the Gross State Product in Chained (1992) Dollars, by industry from the U.S. Census Bureau, the Official Statistics, Statistical Abstract of the United States: 1998 to determine what Missouri's taxable sales in a similar period might be. The comparison reveals that by using the Office of Administration, Budget and Planning's estimated sales of clothing and footwear in Missouri for a given fiscal year, a reasonable estimate could be made to the actual impact a sales tax holiday would have. Oversight assumes that the same impact will occur whether the exemption applied to clothing or shoes under \$500 as it would for clothing under \$100. Oversight also assumes that the results could be applied over a three day exemption as it would for a seven day exemption, as it would for a thirty-one day exemption.

This proposal would result in a decrease in Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Cost to General Revenue Fund</u>			
<u>Department of Revenue (DOR)</u>			
Programming costs	(\$29,299)	\$0	\$0
Postage	<u>(\$43,910)</u>	<u>\$0</u>	<u>\$0</u>
Total costs - DOR	(\$73,209)	\$0	\$0
<u>Loss to General Revenue Fund</u>			
Clothing sales tax exemption	<u>(\$2,113,216)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON			
GENERAL REVENUE FUND	<u>(\$2,186,425)</u>	<u>\$0</u>	<u>\$0</u>
<u>Loss to School District Trust Fund</u>			
Clothing sales tax exemption	(\$704,405)	\$0	\$0
<u>Loss to Conservation Fund</u>			
Clothing sales tax exemption	(\$88,051)	\$0	\$0

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
<u>Loss to Parks and Soil Funds</u>			
Clothing sales tax exemption	<u>(\$70,441)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO ALL STATE FUNDS	<u>(\$3,049,322)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2002	FY 2003	FY 2004
<u>Loss to Cities</u>	\$0 to		
Clothing sales tax exemption	(\$633,965)	\$0	\$0
<u>Loss to Counties</u>	\$0 to		
Clothing sales tax exemption	<u>(\$422,643)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO LOCAL GOVERNMENT	\$0 to <u>(\$1,056,608)</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses who sell clothing would be expected to be fiscally impacted to the extent that they would no longer collect and pay sales tax on these taxable items. Small businesses who would purchase clothing would pay less for such items.

Sales tax paperwork will be increased for the month that the "holiday" sales tax days are exempt.

DESCRIPTION

This bill exempts from state sales and use tax the sale of certain clothing when sold during four designated days in the month of August. Each individual item must sell for \$100 or less to qualify for the exemption. This legislation contains an emergency clause so that the effective dates for this exemption are August 9, 2001 to August 12, 2001.

This substitute removes local sales tax from the holiday unless approved by city or county.

DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not

require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Office of Administration
Division of Budget and Planning
State of Texas
State of Florida
State of New York



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Director

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