PREPARED BY: DATE PREPARED: PHONE: Doug Gibbs February 17, 2017 402-471-0051

LB 312

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)										
	FY 2017-18 FY 2018-19									
	EXPENDITURES	REVENUE	EXPENDITURES REVENUE							
GENERAL FUNDS	\$71,722	(\$35,267,000)	\$453,988	(\$110,600,000)						
CASH FUNDS		\$135,623,000		\$321,514,000						
FEDERAL FUNDS										
OTHER FUNDS										
TOTAL FUNDS	\$71,722	\$100,356,000	\$453,988	\$210,914,000						

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 312 amends the Nebraska Revenue Act of 1967 regarding sales and use taxes and tax credits.

Section 77-2701.16 is amended to impose sales and use tax on the following services:

- > Repair or maintenance of motor vehicles;
- Pet related services which would now include veterinary services, specialty services performed on livestock, animal grooming performed by a licensed veterinarian or a licensed veterinary technician in conjunction with medical treatment;
- Cleaning of tangible personal property;
- Storage and moving services;
- Investment advice:
- > Personal care services, including hair care, massage, nail services, spa services, and tattoo services;
- Maintenance, painting, repair, and interior decoration services for single-family housing;
- Limousine, taxi, and other transportation services;
- Services of travel agents and tour operators;
- Lawn care, gardening, and landscaping services;
- Parking lot services;
- Swimming pool cleaning and maintenance services;
- Dating and escort services;
- > Instruction in music, dance, golf, and other recreational activities;
- Custom meat slaughtering services;
- Legal services; excluding legal services performed in the furtherance of a for-profit business enterprise;
- > Accounting services, excluding accounting services performed in the furtherance of a for-profit business enterprise;
- > Real estate services relating to the sale of single-family housing;
- Architectural services for single-family housing;
- > Telefloral delivery services;
- Labor of a contractor for any major addition, remodeling, restoration, repair, or renovation of owner-occupied residential housing.

Section 77-2701.35 is amended to remove from the exclusion of "sales price" and therefore impose the sales tax on the trade-in value of motor vehicles, motorboats, all-terrain vehicles, and utility-type vehicles.

Section 77-2703 is amended regarding the trade-in value of motor vehicles, semitrailers, and trailers; motorboats, all-terrain vehicles, and utility-type vehicles.

Section 77-2704.10 is amended to remove the sales tax exemption for the following:

- School lunches:
- > Fees and admissions for political events:
- Fees and admissions to school events;
- Fees and admissions charged participants in any activity provided by a nonprofit organization which conducts statewide sports events with multiple sports for both adults and youth;
- Fees and admissions charged participants in any activity provided by a nonprofit organization affiliated with a national organization primarily dedicated to youth development and healthy living offering sports instruction and sports leagues or sports events.

Section 77-2704-24 is amended to remove the sales tax exemption for soft drinks, candy, and bottled water.

Section 77-2715.07 is amended regarding the earned income tax credit, to increase the credit to 17% of the federal credit for tax years beginning on or after January 1, 2018.

Section 77-27,132 is amended to add new language that provides that the amount of net tax increase as a result of the provisions of LB 312 shall be credited to the Excess Revenue Property Tax Credit Fund. This amount to be determined annually by the Tax Commissioner.

New language in the bill creates the Excess Revenue Property Tax Credit Fund. The Fund is to be used to provide a property tax credit to owners of real property.

The amount to be disbursed to each county is equal to the amount in the Fund multiplied by the ratio of the real property valuation in each county to the real property valuation in the state. To determine the amount of the credit, the county treasurer is to multiply the amount disbursed to the county by the ratio of the real property valuation of the parcel to the total real property valuation in the county.

If a property owner qualifies for the homestead exemption, they shall also be qualified for the property tax credit to the extent of any remaining liability after receiving the homestead exemption tax relief. Any unused amounts are to be returned to the State Treasurer and credited to the Excess Revenue Property Tax Credit Fund.

The following sections are outright repealed, which removes the sales tax exemption for those items:

- > 77-2704.07 Newspapers;
- > 77-2704.14 Coin-operated laundering and cleaning machines;
- > 77-2704.38 State Lottery tickets;***
- > 77-2704.52 Prepaid calling service or prepaid wireless calling service;
- > 77-2704.55 Certain contract labor;
- > 77-2704.56 Purchase of fine art by a museum;
- > 77-2704.65 Purchases by a historic automobile museum;
- > 77-2704.67 Membership or admissions to or purchases by a zoo or aquarium.

***Technical Note:

Removing the sales tax exemption for state lottery ticket purchases could raise constitutional issues regarding the distribution of proceeds to beneficiaries and violate provisions of the Multi-state lottery compact. In addition, the Department of Revenue indicates that repeal of the statutory exemption for lottery tickets would not necessarily impose a sales tax on lottery tickets, which represent intangible rights and do not constitute tangible personal property or taxable services. Lottery tickets were not included in the Department's calculation of fiscal impact.

The bill has an operative date of January 1, 2018.

The Department of Revenue estimates the following fiscal impact of LB 312:

Fiscal Year:	Excess Revenue Property Tax Credit	Highway Cash	Highway Allocation	Game and Parks Commission Capital	
	Fund:	Fund:	Fund: (Local)	Maintenance Fund:	General Fund:
2017-18:	\$ 118,761,000	\$ 16,258,000	\$ 18,405,000	\$ 604,000	(\$ 35,267,000)
2018-19:	\$ 279,588,000	\$ 40,439,000	\$ 45,397,000	\$ 1,487,000	(\$ 110,600,000)
2019-20:	\$ 297,191,000	\$ 41,834,000	\$ 46,603,000	\$ 381,000	(\$ 111,922,000)
2020-21:	\$ 315,306,000	\$ 43,285,000	\$ 47,844,000	\$ 0	(\$ 114,522,000)

LB 312 required any increase in sales tax revenue to be applied to the Excess Revenue Property Tax Credit Fund. Current law requires all sales tax on motor vehicles, All-terrain vehicles, Utility-type vehicles, and motorboats to be applied to the Highway Allocation Fund, the Highway Cash Fund, and the Game and Parks Commission Capital Maintenance Fund. The repeal of the trade-in exclusion for motor vehicles, motorboats, ATVs and UTVs will increase the amounts deposited in those cash funds. The estimate increased sales tax revenues associated with these sales for FY2018-19, for example, of \$87,300,000 will also be applied to the Excess Revenue Property Tax Credit Cash Fund resulting in an \$87,300,000 loss to the General Fund. The negative impact to the General Fund also includes the increase in the Earned Income Tax Credit.

The Department of Revenue estimates that they will require 1.0 FTE Revenue Tax Specialist to make changes to tax forms, instructions, information guides, regulations, website information, and other areas and continued administration in subsequent years. Additionally, 8.0 FTE Auditors necessary to provide the same audit coverage and 3.0 FTE Attorneys III. PSL for FY2017-18 would be \$50,167 and \$318,788 for FY2018-19.

We have no basis to disagree with the Department of Revenue's estimate of fiscal impact and cost.

The Coordinating Commission for Postsecondary Education estimates a loss of Cash Fund revenue of \$1,500,000 in FY2017-18 and \$3,000,000 in FY2018-19, if the sales tax exemption for lottery tickets is removed. (Please see technical note above)

IMPACT TO POLITICAL SUBDIVISIONS: The fiscal impact to the Highway Allocation Fund is as follows:

FY2017-18: \$ 18,405,000 FY2018-19: \$ 45,397,000 FY2019-20: \$ 46,603,000 FY2020-21: \$ 47,844,000

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT, SUB, RESPONSE

LB: 312 AM: AGENCY/POLT. SUB: NE Environmental Trust

REVIEWED BY: Lyn Heaton DATE: 2/21/2017 PHONE: (402) 471-4181

COMMENTS: Assuming that the sales tax can be applied to lottery ticket sales in a way as is assumed by the Environmental Trust in their fiscal note, the requirement in 9-812 (2) that no less than 22% of the dollar amount of annual lottery sales must be distributed to the various "beneficiary funds", including the Nebraska Environmental Trust Cash Fund, may limit the reduction in revenue to an amount that is less than estimated in the Trust's fiscal note and, consequently, have a smaller negative impact on the amount of grants that can be awarded.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 312 AM: AGENCY/POLT. SUB: Coord. Comm. for Postsecondary Education

REVIEWED BY: Lyn Heaton DATE: 2/21/2017 PHONE: (402) 471-4181

COMMENTS: Assuming that the sales tax can be applied to lottery ticket sales in a way as is assumed by the Commission in their fiscal note, the requirement in 9-812 (2) that no less than 22% of the dollar amount of annual lottery sales must be distributed to the various "beneficiary funds", including the Nebraska Opportunity Grant Fund and the Community College Gap Assistance Program Fund, may limit the reduction in revenue to an amount that is less than estimated in the Commission's fiscal note and, consequently, have a smaller negative impact on the amount of financial aid that can be awarded.

LB 312 Revised Fiscal Note 2017

		State Agency	Estimate			
State Agency Name: Department	of Revenue				Date Due LFA:	2/17/2017
Approved by: Tony Fulton		Date Prepared:	Date Prepared: 2/16/2017			
	FY 2017	FY 2017-2018		8-2019	FY 2019-2020	
	Expenditures	Revenue	Expenditures	Revenue	Expenditures	Revenue
General Funds	\$71,722	(\$35,267,000)	\$453,988	(\$110,600,000)	\$674,758	(\$111,922,000)
Cash Funds		\$135,623,000		\$321,514,000		\$339,406,000
Federal Funds						
Other Funds		\$18,405,000		\$45,397,000		\$46,603,000
Total Funds	\$71,722	\$118,761,000	\$453,988	\$256,311,000	\$674,758	\$274,087,000

LB 312 would expand the sales tax base by repealing several exemptions and extending the tax to include many services. The revenue generated would be deposited in a new fund called the Excess Revenue Property Tax Credit Fund and distributed as property tax credits in the same way the current property tax credit is distributed. The bill would also amend Neb. Rev. Stat. § 77-2715.07 to increase the refundable earned income tax credit from 10 percent of the federal credit amount to 17 percent beginning with taxable year 2018.

The repealed sales tax exemptions are: Trade-in exclusions from sales price for motor vehicles, motorboats, ATVs, and UTVs; Prepared food and food ingredients served by schools, student organizations, PTOs, etc. in primary, secondary, or higher educational institutions; Fees and admissions to school events; Fees and admissions to multi-sport events for youth and adults; Fees and admissions for youth sports; Soft drinks, candy, and bottled water currently within the definition of exempt food and food ingredients; Newspapers; Coin-operated laundries; Prepaid calling or prepaid wireless services; Lottery tickets; Museums and historic automobile museums; and Purchases by and admissions to zoos and aquariums.

The new services to be subject to sales taxes are: Veterinary services; Cleaning tangible personal property; Storage and moving services; Investment advice: Personal care, including hair care, massage, nail services, spa services, and tattoo services; Painting, repair, and interior decorating of single-family houses; Limousine, taxi, and other transportation services; Travel agent services and tour operators; Lawn care, gardening, and landscaping services; Automobile parking; Swimming pool cleaning and maintenance; Dating and escort services; Personal instruction; Custom meat slaughtering; Legal and accounting services, except for for-profit businesses; Real estate services and architectural services relating to single-family housing; Telefloral delivery services; and Construction labor for major additions, remodeling, restoration repair or renovation of owner-occupied residential housing.

Overall, LB 312 would have the following impact on the General Fund and Cash Fund Revenues.

Fiscal Year	Excess Revenue Property Tax Credit Fund	Highway Cash Fund	Highway Allocation Fund	Game and Parks Commission Capital Maintenance Fund	General Fund
FY17-18	\$118,761,000	\$16,258,000	\$18,405,000	\$604,000	(\$35,267,000)
FY18-19	\$279,588,000	\$40,439,000	\$45,397,000	\$1,487,000	(\$110,600,000)
FY19-20	\$297,191,000	\$41,834,000	\$46,603,000	\$381,000	(\$111,922,000)
FY20-21	\$315,306,000	\$43,285,000	\$47,844,000	\$0	(\$114,522,000)

Repeal of the statutory exemption for lottery tickets would not necessarily impose a sales tax on lottery tickets, which represent intangible rights and do not constitute tangible personal property or taxable services. For this reason, lottery tickets are not included in the above calculations.

LB 312 requires any increase in sales tax revenues to be applied to the Excess Revenue Property Tax Credit Fund. Current law requires all sales tax on motor vehicles, ATVs, UTVs and Motor Boats to be applied to the Highway Allocation Fund, the Highway Cash Fund, and the Game and Parks Commission Capital Maintenance Fund. The repeal of the trade-in exclusion for motor vehicles, motorboats, ATVs and UTVs will increase the amounts deposited in those cash funds. The estimated increased sales tax revenues associated with these sales for FY 2018-19, for example, of \$87,300,000 will also be applied to the Excess Revenue Property Tax Credit Fund resulting in an \$87,300,000 loss to the General Fund. The negative impact to the General Fund also includes the increase in the Earned Income Tax Credit.

The bill will require the addition of one full time Revenue Tax Specialist to make changes to tax forms, instructions, information guides, regulations, website information and other areas and to continue the effective administration of these changes in the years following. Additionally, eight full time Auditors would be needed in order to keep the same audit coverage as well as 1.5 Attorneys III.

The bill would be operative January 1, 2018.

	Major O	bjects of I	Expendit	ure			
		17-18	18-19	19-20	17-18	18-19	19-20
Class Code	Classification Title	FTE	FTE	FTE	Expenditures	Expenditures	Expenditures
A29621	Revenue Tax Specialists	1.0	1.0	1.0	\$50,167	\$50,794	\$51,556
A21212	Auditor	0	4.0	8.0	\$0	\$166,234	\$337,456
G31113	Attorney III	0	1.5	1.5	\$0	\$101,760	\$103,287
					\$16,555	\$105,200	\$162,459
					\$5000	\$30,000	\$20,000
Capital Improvem	ents						
Total					\$71,722	\$453,988	\$674,758

TOTAL.....

LB ⁽¹⁾	312								i	FISCAL NOTE
State Age	Political	Subdivision Name: (2)	Coordinating Commission for Postsecondary Education							
Prepared	l by: ⁽³⁾	Gary	Timm	Da	te Prepa	red: ⁽⁴⁾	2/2/17	P	hone: ⁽⁵⁾	402-471-0020
]	ESTIMATE PROVI	DED BY	STATE	AGENCY	OR PO	OLITICAL SUI	BDIVISIO	N
				2017-1	_				<u>FY 2018-</u>	
			EXPENDITURES	<u>S</u>	<u>REVE</u>	<u>NUE</u>	<u>E</u> :	XPENDITURE	<u>ES</u>	REVENUE
GENERA	AL FUN	DS					_		_	
CASH FU				- -	-\$1,50	0,000	_			-\$3,000,000
FEDERA	AL FUNI	OS					_		_	
OTHER	FUNDS		-				_			
TOTAL	FUNDS		0	= =	-\$1,50	0,000	=	0	_	-\$3,000,000
Explanat	tion of E	stimate:	:							
tickets c amount, estimate loss, it w collectio The Con students NOG pro	ould eitle or state es do no vas assu ens woul mmissio s from lo ogram.	ner be to sales of take in take in take in the deciration of the d	from the price of the treated in the same tax could be collected in the effected prices for all local tests. The tax is the Nebrask me families to atter the 2015-16 fiscal an average schola	e manner ted on the ect of an ottery tick alue of the ka Oppor nd colleg year, the	as the race volume face volumetricket. Tunity Green A core	multi-stat alue of tl lar amou ld remair rant (NOo mbinatior	e game he ticke nt on s in eve G) prog n of Ge rtunity	es with the coset, with a \$1 tides ales. To arrive and dollar incressoration which program which program funds ar Grant received	et kept at a cket costing e at our e ments and ovides sch ad lottery of d \$10.5 m	an even dollar ng \$1.06. Our stimated revenue d any sales tax nolarships to proceeds fund the
iottery w	ould de	crease	\$2.6 million and wo ary 1, 2018, FY201	ould resu	ılt in 2,13	30 fewer	studen	ts receiving a	NOG sch	olarship. With an
commun could lea Pell gran in lottery	nity colle ad to job nts or ot procee	eges to os in hiç her fina ds. It is	ancial aid. During t	o low-ind cause th he 2015 ssistance	come con ese stud -16 fisca e Progra	mmunity lents are I year, th m fundin	college taking e Gap g from	e students taki non-credit cou Assistance Pr the lottery wo	ng non-crurses, the ogram recould decreased	edit courses that y are not eligible for ceived \$1.5 million ase \$400,000. With
			BREAKDO	WN BY N	MAJOR (BJECTS	OF EX	PENDITURE		
Personal	Service	S:	N	UMBER	OF POS	ITIONS		2017-18		2018-19
	POSIT	ION TI	TLE	<u>17-18</u>		<u>18-19</u>	<u>E</u>	XPENDITURI	<u>ES</u>	<u>EXPENDITURES</u>
							_		_	
Benefits.							_			
Operatin	ıg						_		<u> </u>	
Travel							_			
_	-						_			
Aid							_		<u> </u>	
Capital in	mproven	nents								

LB ⁽¹⁾ 3	12						FISCAL NOTE				
State Agency	y OR P	olitical Subdivision Name: (Nebra	Nebraska Environmental Trust c/o NGPC							
Prepared by	y: (3)	Patrick H. Cole Mark Brohman	Dat	e Prepared: ⁽⁴⁾	2/9/17	Phone: (5)	(402) 471-5523				
		ESTIMATE PRO	VIDED BY S	STATE AGENO	CY OR POLIT	CICAL SUBDIVISIO	<u>ON</u>				
		I	FY 2017-18			FY 2018	-19				
		EXPENDITUR		<u>REVENUE</u>	EXPE	NDITURES	REVENUE				
GENERAL	FUNI	OS		*			*				
CASH FUN	DS			(4,400,000)			(4,400,000)				
FEDERAL	FUND	os	<u></u>								
OTHER FU	JNDS										
TOTAL FU	JNDS		<u> </u>								
Education operating Nebraska however, s The Nebra from the e FY16 sale to \$12.6 m \$9.9 figure There are that should	Fund expended Games similar aska Exxemples and hillion exill to 44 stand this	distributed in part to f , Nebraska Environments and prizes. Since e and Parks Commission proportional impacts Department of Revenuention status at \$9.9 mill expense figures estimat average 7% rate (state used. The lotteries in the US, bill pass, the sales taxe e sales themselves.	ental Trust the the Nebra on, only the would be es 2016 Ne ion dollars nate that the tate and low none of whether the the tate of which the tate of tate of the tate of ta	Fund and the aska Environme impact asso expected to the ebraska Tax E. Officials from e taxes could cal) (details or thich adds sale	Nebraska St. ental Trust is ciated with the other bene xpenditure R n the Commi be between n next pages	ate Fair) in additions administratively the Trust will be additional ficiaries. Report estimated the sission on Problem \$9.9 million (at 5.1). For purposes of sales of lottery ticks	on to covering its placed under the ddressed here, the 'lost sales taxes' Gambling, using 5% state rate only) of this analysis the kets. It is presumed				
Continued	on ne	ext page(s)									
Personal Se	ervices		OWN BY M	AJOR OBJECT	S OF EXPEN	DITURE					
		ON TITLE	NUMBER <u>17-18</u>	OF POSITIONS 18-19		017-18 NDITURES	2018-19 EXPENDITURES				
D					-						
					-						
	•										
Capital imp	rovem	ents									
TOTAL	ച										

The distribution formula for the beneficiaries' portion (after prizes paid, operating expenses covered and an initial \$500,000 to the Compulsive Gamblers Assistance Fund) has the Environmental Trust Fund and Nebraska Education Fund each receiving 44.5% (plus 10% to State Fair and additional 1% to Gamblers Assistance Fund). IF the taxes were entirely deducted from the beneficiaries portion, and in a similar proration the Environmental Trust Fund loss could be \$4.4 million (44.5% of \$9.9 million tax estimate). This would be 23.4% of the Trust's total FY16 share reducing the amount of grant awards accordingly.

The Nebraska Department of Revenues 2016 Nebraska Tax Expenditure Report estimated the 'lost sales taxes' from the deduction of trade-in values of motor vehicles and motorboats purchase prices at \$70,837,000. Since these values don't differentiate between motor vehicles and motorboats, it is difficult to assess the impact of motorboats alone. It is thought that the vast majority of impact lies with motor vehicles. It is thought that the majority of 'used' boats are sold privately as opposed to being traded in, but that is an anecdotal observation. No estimates have been made on the impact/volume of ATV/UTV trade-in volumes.

Currently, through October 1, 2019, the proceeds of the sales and use taxes imposed on motorboats, ATVs and UTVs are credited to the Game and Parks Commission Capital Maintenance Fund. The elimination of deducting trade-in value from the sales price would increase the amount of sales/use taxes collected. A definitive estimate of that impact is not determinable at this time.

The following calculations are from the Commission on Problem Gambling
IMPACT OF 7% SALES TAX ON STATE LOTTERY TICKETS

FYE 2016 results of Lottery operations:

Reported ticket sales year end June 30, 2016: 180,322,444
Prizes paid: 104,524,366
Other operating expenses: 30,919,740
Net operating income: 44,878,338
Cash paid to beneficiary funds: 42,782,923
Cash paid to beneficiaries as percentage of net operations: 95.33%

Projected 7% sales tax on total lottery ticket sales: 12,622,571
Projected net operating income after sales tax: 32,255,767
Beneficiary distributions at 95.33% of net: 30,749,423

Impact on Beneficiary Funds:

Gamblers Assistance Fund: 500,000 + 1% of remainder

Gamblers Assistance Fund distribution FYE 2016 922,830
Projected distribution after subtracting sales tax 802,494
Projected reduction of fund distribution 120,336

Education Programs: 44.5% of remainder after subtraction of first 500,000

Education distributions FYE 2016 18,815,900
Projected distribution after subtracting sales tax 13,460,993
Projected reduction of fund distribution 5,354,907

Environmental Trust: 44.5% of remainder after subtraction of first 500,000

Environmental Trust distributions FYE 2016 18,815,901
Projected distribution after subtracting sales tax 13,460,993
Projected reduction of fund distribution 5,354,908

State Fair: 10% of remainder after subtraction of first 500,000

State Fair distributions FYE 2016 4,228,292
Projected distribution after subtracting sales tax
Projected reduction of fund distribution 1,203,350

IMPACT OF 5.5% SALES TAX ON STATE LOTTERY TICKETS

FYE 2016 results of Lottery operations:

Reported ticket sales year end June 30, 2016: 180,322,444
Prizes paid: 104,524,366
Other operating expenses: 30,919,740
Net operating income: 44,878,338
Cash paid to beneficiary funds: 42,782,923
Cash paid to beneficiaries as percentage of net operations: 95.33%

Projected 5.5% sales tax on total lottery ticket sales: 9,917,734
Projected net operating income after sales tax: 34,960,604
Beneficiary distributions at 95.33% of net: 33,327,944

Impact on Beneficiary Funds:

Gamblers Assistance Fund: 500,000 + 1% of remainder

Gamblers Assistance Fund distribution FYE 2016 922,830
Projected distribution after subtracting sales tax 828,279
Projected reduction of fund distribution 94,551

Education Programs: 44.5% of remainder after subtraction of first 500,000

Education distributions FYE 2016 18,815,900
Projected distribution after subtracting sales tax 14,608,435
Projected reduction of fund distribution 4,207,465

Environmental Trust: 44.5% of remainder after subtraction of first 500,000

Environmental Trust distributions FYE 2016 18,815,901
Projected distribution after subtracting sales tax
Projected reduction of fund distribution 4,207,466

State Fair: 10% of remainder after subtraction of first 500,000

State Fair distributions FYE 2016 4,228,292
Projected distribution after subtracting sales tax
Projected reduction of fund distribution 945,498