

DEPARTMENT OF TAXATION

2005 Fiscal Impact Statement

1. **Patron** John H. Chichester

2. **Bill Number** SB 708

House of Origin:

 Introduced

 Substitute

 Engrossed

3. **Committee** Passed House and Senate

4. **Title** Retail Sales and Use Tax: Food Tax
Reduction Program

Second House:

 In Committee

 Substitute

 X **Enrolled**

5. **Summary/Purpose:**

This bill accelerates the food tax reduction relief by reducing the state sales and use tax rate on food for human consumption to 1.5 percent effective July 1, 2005. Current law provides that the state sales and use tax on food shall be imposed at the rate of 2.5 percent beginning July 1, 2005; 2 percent beginning July 1, 2006; and 1.5 percent beginning July 1, 2007. This bill does not affect the 1 percent local sales and use tax rate.

The effective date of this bill is not specified.

6. **No Fiscal Impact:** See Line 8.

7. **Budget amendment necessary:** No.

8. **Fiscal implications:**

Revenue Impact

The budget assumes the impact of this accelerated phase-out of the unrestricted portion of the state sales tax on food. Therefore, there is no revenue loss associated with this bill.

Administrative Costs Impact

As a result of legislation enacted in 2004, the sales tax rate on food was already scheduled to be reduced by ½ of 1% on July 1, 2005. To implement this bill, the Department would incur minimal administrative costs to change the amount of the rate reduction.

9. Specific agency or political subdivisions affected:

Department of Taxation

10. Technical amendment necessary: No.

11. Other comments:

Original Food Tax Reduction Program

The 1999 General Assembly established the Food Tax Reduction Program to reduce the state sales and use tax rate on food for human consumption by $\frac{1}{2}\%$ per year over a four-year period, beginning January 1, 2000 and extending through April 1, 2003. Effective April 1, 2003, when fully implemented, the state sales and use tax rate on food for human consumption would have been $1\frac{1}{2}\%$.

The January 1, 2000 $\frac{1}{2}\%$ reduction was implemented. However, in order for the remaining reductions to be implemented, the law required the following:

- The next level of the Car Tax Relief had to be implemented for the fiscal year; and
- General Fund revenue growth of at least 1% from the preceding fiscal year.

When these conditions were not met, the initial $\frac{1}{2}\%$ reduction was the only reduction to take effect.

Current Food Tax Reduction Schedule

As a result of legislation enacted by the 2004 General Assembly, the state sales and use tax on food for human consumption is to be reduced $\frac{1}{2}\%$ per year for a period of three years beginning July 1, 2005 and ending July 1, 2007.

This Proposal

This bill would eliminate the entire $1\frac{1}{2}\%$ remaining general fund portion of the state sales tax on July 1, 2005. This bill does not affect the 1% local sales and use tax rate. As under current law, the 1% local option sales tax, the 1% portion of the state sales tax redistributed to localities on the basis of school age population, and the $\frac{1}{2}\%$ tax allocated to the Transportation Trust Fund remain in effect.

House Bill 1638 is identical to this bill.

cc : Secretary of Finance

Date: 3/9/2005 WBSIII
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