

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 459** HLS 19RS 473
 Bill Text Version: **RE-REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 30, 2019	12:06 PM	Author: TALBOT
Dept./Agy.: Public Safety - Gaming Control Board		Analyst: Greg Albrecht
Subject: Fantasy Sports Contests - Taxation		

GAMING RR1 +\$94,000 SG EX See Note Page 1 of 1
 Provides relative to fantasy sports contests

Proposed law provides for fantasy sports contest operators to be licensed in the state, and provides various definitions, procedures, and penalties.

Effective July 1, 2019.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$51,000	\$94,000	\$94,000	\$94,000	\$94,000	\$427,000
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	\$51,000	\$94,000	\$94,000	\$94,000	\$94,000	\$427,000

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
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	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Fantasy sports contests were authorized by Act 322 of 2018, and approved in 47 parishes at the November 6, 2018 statewide election. The operation of fantasy sports contests in parishes that approved is subject to the enactment of laws and regulations for the licensing, regulation, and taxation of such activity. To implement this bill, state police currently anticipates the need for 1 auditor position. The first year costs to operate and equip this position are roughly \$94,000 (\$7,000 in initial equipping and \$87,000 in personnel and operating costs). Full equipping costs and half-year personnel costs are displayed above for FY20 as the regulatory apparatus is set up. Depending on the number of operators and levels of activity, fewer resources may be needed to regulate this industry, and some regulatory effort might be handled by existing resources. However, this is a new and additional activity for the control board and gaming division, and some additional resources seem likely to be needed to adequately regulate the industry. Permitting/licensing fees are typically utilized to offset administrative/enforcement costs. While this bill provides no allocation from any of the proceeds collected for regulation/enforcement, other bills in the legislative process (HB 495 and HB 600) do contain such provisions. Thus, subject to appropriation, these costs are assumed to be financed by self-generated revenue in this fiscal note.

REVENUE EXPLANATION

This bill makes no provisions for tax or fee collections (these provisions are contained in HB 495 and HB 600). Information pertaining to the potential revenue base is discussed here. The magnitude of fantasy sports contests in the state that would be affected by the bill is speculative. Limited information on this activity suggests that total tax receipts the state might expect to eventually receive are relatively small. The New York State Gaming Commission reports that interactive fantasy sports in 2017 generated only \$4.8 million in tax receipts, based on a tax rate rate of 15%, and with New York state residents comprising 9.45% of nationwide gross revenue of this industry. Louisiana residents of the 47 parishes that approved fantasy sports contests would comprise a much smaller share of industry revenue, and this bill levies a renewal license fee rate against operator net revenue only 2/3 as high. Simply using the state population share of the nation (1.4%) and the tax rate currently contained in HB 600 (25%), the New York report implies only about \$1,175,000 of tax receipts to Louisiana. This rough extrapolation might be somewhat low, since the New York participation share (9.45%) is over 60% larger than the state's share of nationwide population (6%). However, not all of the Louisiana population would be able to participate without being in an approval parish when participating. The Gaming Control Board and State Police have been working on drafting rules for this activity, but can not begin promulgation until the bill is enacted. That process takes about 5 months, followed by a licensing process. Full year tax receipts do not seem likely until FY21 and beyond. In addition, the REC has typically not adopted gaming revenue estimates for new forms or venues until after the activity has been observed for some time.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <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 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} |

John D. Carpenter
Legislative Fiscal Officer