

2016 Second Extraordinary Session

HOUSE BILL NO. 41

BY REPRESENTATIVE EDMONDS

TAX/SALES & USE: Provides relative to tax on sales and donations to food banks (Item #10)

1 AN ACT

2 To amend and reenact R.S. 47:302(V)(introductory paragraph) as enacted by Act No. 25 of
3 the 2016 First Extraordinary Session of the Louisiana Legislature and
4 47:321.1(F)(introductory paragraph) and to enact R.S. 47:302(AA) and 321.1(F)(66),
5 relative to state sales and use taxes; to provide with respect to the effectiveness of
6 exemptions and exclusions for sales of certain tangible personal property and
7 services; to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:302(V)(introductory paragraph) as enacted by Act No. 25 of the
10 2016 First Extraordinary Session of the Legislature and R.S. 47:321.1(F)(introductory
11 paragraph) are hereby amended and reenacted and R.S. 47:302(AA) and 321.1(F)(66) are
12 hereby enacted to read as follows:

13 §302. Imposition of tax

14 * * *

15 V. Notwithstanding any other provision of law to the contrary, including but
16 not limited to any contrary provisions of this Chapter, for the period April 1, 2016
17 through July 1, 2018, ~~the following~~ there shall be no exclusions and exemptions to
18 the tax levied pursuant to the provisions of this Section ~~shall be the exclusive list of~~
19 ~~allowable~~ except for exemptions and exclusions: for sales or purchases of the
20 following items and for those items enumerated in Subsection AA of this Section:

1 * * *

2 AA. Notwithstanding any other provision of this Section to the contrary,
3 beginning July 1, 2016, the exclusion provided for in R.S. 47:301(10)(j) and
4 (18)(a)(i) for sales and donations of tangible personal property by food banks shall
5 be applicable to the tax levied pursuant to the provisions of this Section.

6 * * *

7 §321.1. Imposition of Tax

8 * * *

9 F. Notwithstanding any other provision of law to the contrary, including but
10 not limited to any contrary provision of this Chapter, except as otherwise provided
11 in Paragraph (66) of this Subsection, there shall be no exemptions or exclusions as
12 defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section,
13 except for the sales or purchases of the following items:

14 * * *

15 (66) Beginning July 1, 2016, in addition to those exclusions and exemptions
16 provided for in Paragraphs (1) through (65) of this Subsection, the exclusion
17 provided for in R.S. 47:301(10)(j) and (18)(a)(i) for sales and donations of tangible
18 personal property by food banks shall be applicable to the tax levied pursuant to the
19 provisions of this Section.

20 * * *

21 Section 2. This Act shall become effective on July 1, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 41 Original 2016 Second Extraordinary Session Edmonds

Abstract: Adds the exclusion for sales and donations of tangible personal property by food banks to the list of state sales and use tax exclusions to be given effect beginning July 1, 2016.

Present law establishes a state sales and use tax exclusion for sales and donations of tangible personal property by food banks.

Present law suspends numerous exemptions and exclusions from the state sales and use tax (R.S. 47:302, 321, 321.1, and 331) for two periods of time occurring between April 1, 2016, and June 30, 2018, inclusive of the exclusion for sales and donations by food banks.

Present law provides that the suspension of this exclusion for purposes of two of the tax levies, R.S. 47:321 and 331, expires June 30, 2016. The suspension with respect to the other two tax levies, R.S. 47:302 and 321.1 remains effective through June 30, 2018.

Proposed law changes present law by adding the exclusion for sales and donations of tangible personal property by food banks to the list of state sales and use tax exemptions to the remaining two tax levies to be given effect beginning July 1, 2016.

Effective July 1, 2016.

(Amends R.S. 47:302(V)(intro. para.) as enacted by Act No. 25 of the 2016 1st E.S and R.S. 47:321.1(F)(intro. para.); Adds R.S. 47:302(AA) and 321.1(F)(66))