2021 Regular Session

HOUSE BILL NO. 6

### BY REPRESENTATIVE RISER

# TAX/SALES-USE-EXEMPT: Provides for the effectiveness of the annual state sales tax holiday for hurricane-preparedness items or supplies

1	AN ACT
2	To amend and reenact R.S. 47:302(BB)(113), 321(P)(114), 321.1(I)(114), and 331(V)(114)
3	and to repeal R.S. 47:305.74, relative to sales and use tax exemptions; to provide for
4	the effectiveness of the annual sales tax holiday exempting purchases of hurricane-
5	preparedness items or supplies from state sales and use tax; to provide for
6	requirements and limitations; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 47:302(BB)(113), 321(P)(114), 321.1(I)(114), and 331(V)(114) are
9	hereby amended and reenacted to read as follows:
10	§302. Imposition of tax
11	* * *
12	BB. Notwithstanding any other provision of law to the contrary, including
13	but not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
14	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
15	levied pursuant to the provisions of this Section, except for the retail sale, use,
16	consumption, distribution, or storage for use or consumption of the following:
17	* * *
18	(113) Purchases of tangible personal property pursuant to the sales tax
19	holiday as provided in R.S. 47:305.74 which qualify for the annual sales tax holiday

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	exempting hurricane-preparedness items or supplies from sales and use tax as
2	provided in R.S. 47:305.58.
3	* * *
4	§321. Imposition of tax
5	* * *
6	P. Notwithstanding any other provision of law to the contrary, including but
7	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
8	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
9	levied pursuant to the provisions of this Section, except for the retail sale, use,
10	consumption, distribution, or storage for use or consumption of the following:
11	* * *
12	(114) Purchases of tangible personal property pursuant to the sales tax
13	holiday as provided in R.S. 47:305.74 which qualify for the annual sales tax holiday
14	exempting hurricane-preparedness items or supplies from sales and use tax as
15	provided in R.S. 47:305.58.
16	* * *
17	§321.1. Imposition of tax
18	* * *
19	I. Notwithstanding any other provision of law to the contrary, including but
20	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
21	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
22	levied pursuant to the provisions of this Section, except for the retail sale, use,
23	consumption, distribution, or storage for use or consumption of the following:
24	* * *
25	(114) Purchases of tangible personal property pursuant to the sales tax
26	holiday as provided in R.S. 47:305.74 which qualify for the annual sales tax holiday
27	exempting hurricane-preparedness items or supplies from sales and use tax as
28	provided in R.S. 47:305.58.
29	* * *

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1	§331. Imposition of tax
2	* * *
3	V. Notwithstanding any other provision of law to the contrary, including but
4	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
5	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
6	levied pursuant to the provisions of this Section, except for the retail sale, use,
7	consumption, distribution, or storage for use or consumption of the following:
8	* * *
9	(114) Purchases of tangible personal property pursuant to the sales tax
10	holiday as provided in R.S. 47:305.74 which qualify for the annual sales tax holiday
11	exempting hurricane-preparedness items or supplies from sales and use tax as
12	provided in R.S. 47:305.58.
13	* * *
14	Section 2. R.S. 47:305.74 is hereby repealed in its entirety.
15	Section 3. This Act shall become effective upon signature by the governor or, if not
16	signed by the governor, upon expiration of the time for bills to become law without signature
17	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18	vetoed by the governor and subsequently approved by the legislature, this Act shall become
19	effective on the day following such approval.

### 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 6 Original	2021 Regular Session	Riser

Abstract: Provides for the effectiveness of the annual sales tax holiday exemption for purchases of hurricane-preparedness items or supplies.

Present law imposes state sales and use taxes on the sale, use, lease, or rental of tangible personal property pursuant to the following levies in the following amounts:

R.S. 47:302 - 2% R.S. 47:321 - 1% R.S. 47:321.1 - .45% R.S. 47:331 - .97% R.S. 51:1286 - .03%

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<u>Present law</u> provides for a variety of exemptions and exclusions applicable to state sales and use taxes.

<u>Present law</u> authorizes an annual sales tax holiday, which exempts the first \$1,500 of the sales price of any consumer purchases of hurricane-preparedness items or supplies from state sales and use tax.

<u>Present law</u> provides the holiday occurs during the last weekend in May of each year beginning at 12:01 a.m. on Saturday and ends at 11:59 p.m. on Sunday.

<u>Present law</u> suspends numerous exemptions from the four levies of state sales and use tax (R.S. 47:302, 321, 321.1, and 331) through June 30, 2025.

<u>Present law</u> suspends effectiveness of the annual sales tax holiday exemption for purchases of hurricane-preparedness items or supplies through June 30, 2025, thereby making these items subject to state sales and use tax.

<u>Proposed law</u> adds the annual sales tax holiday exemption for purchases of hurricanepreparedness items or supplies to the list of exemptions currently effective through June 30, 2025.

<u>Present law</u> provides for a state sales and use tax exemption on the first \$2,500 of the sales price of any consumer purchases of tangible personal property that occurred on Friday, Nov. 20, 2020, and Saturday, Nov. 21, 2020, to provide tax relief for citizens recovering from Hurricane Laura, Hurricane Delta, and the COVID-19 pandemic.

Proposed law repeals present law.

(Amends R.S. 47:302(BB)(113), 321(P)(114), 321.1(I)(114), and 331(V)(114); Repeals R.S. 47:305.74)