

2024 Third Extraordinary Session

HOUSE BILL NO. 21

BY REPRESENTATIVES BOURRIAQUE AND CREWS

1 AN ACT

2 To enact R.S. 47:306.6, relative to sales and use taxes; to require the secretary of the  
3 Department of Revenue to annually estimate state taxes collected on sales of aviation  
4 fuel; to require monies collected from the avails of aviation fuel taxes to be used for  
5 certain purposes; to provide for certain calculations; to require the secretaries of the  
6 Department of Revenue and the Department of Transportation and Development to  
7 enter into certain agreements; to require the Joint Legislative Committee on the  
8 Budget to review and approve certain agreements; to provide for reporting  
9 requirements and limitations; to provide for termination of certain requirements; to  
10 provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 47:306.6 is hereby enacted to read as follows:

13 §306.6. Annual aviation fuel estimates; calculations; agreements with the  
14 Department of Transportation and Development; reporting requirements

15 A.(1) Annual Estimates. The secretary of the Department of Revenue shall  
16 annually estimate the revenue to be derived from state taxes collected from  
17 purchases of aviation fuel. Monies collected from the avails of the taxes levied on  
18 aviation fuel shall be appropriated to the Department of Transportation and  
19 Development to be used solely for airport-related purposes; however, no portion of  
20 such monies shall be disbursed to any airport that does not clearly indicate on its

1 property the designated ramp space for public use within its published airport  
2 directory or diagram.

3 (2) The calculation of "annual estimated revenue" shall be determined by  
4 using all of the following:

5 (a) Average price per gallon. The average price per gallon of aviation fuel  
6 shall be determined through a two-year agreement between the secretary of the  
7 Department of Revenue and the secretary of the Department of Transportation and  
8 Development. The average price per gallon shall be based on historical data, current  
9 market fuel prices, and trends provided by relevant reports, including reputable  
10 sources such as government agencies, industry associations, or market analysis firms.

11 (b) Gallons sold data source. The volume of aviation fuel sold in Louisiana  
12 shall be determined based on data provided by the Energy Information  
13 Administration or the Bureau of Transportation Statistics. In the event data from  
14 either of these two organizations is unavailable, the secretary of the Department of  
15 Revenue may utilize other reputable data sources, subject to approval by the Joint  
16 Legislative Committee on the Budget.

17 (c) Sales tax rate. The sales tax rate applied in calculating the annual  
18 estimated revenue shall be based on the current state sales tax rate in effect at the  
19 time of the estimate. If the state sales tax rate changes during the fiscal year, the  
20 annual estimated revenue shall be recalculated using the new sales tax rate.

21 (3) The secretary of the Department of Revenue shall submit the annual  
22 estimated revenue to be derived from state taxes collected from purchases of aviation  
23 fuel to the Revenue Estimating Conference within five calendar days of the annual  
24 estimate being completed by the secretary.

25 B. Reporting requirements. The secretary of the Department of Revenue  
26 shall submit an annual report to the Joint Legislative Committee on the Budget no  
27 later than March thirty-first of each year which contains the following information:

28 (1) The average price per gallon used in the calculation.

1                   (2) The total gallons of aviation fuel sold in the state used in the calculation,  
2                   as reported by the Energy Information Administration or the Bureau of  
3                   Transportation Statistics.

4                   (3) The sales tax rate applied in the calculation.

5                   C. Legislative Oversight. All agreements between the secretary of the  
6                   Department of Revenue and the secretary of the Department of Transportation and  
7                   Development required pursuant to the provisions of this Section related to the  
8                   calculation of the annual estimated revenue derived from sales of aviation fuel shall  
9                   be reviewed and approved by the Joint Legislative Committee on the Budget prior  
10                  to the agreement becoming binding between the parties.

11                  D. The provisions of this Section shall be terminated and have no effect on  
12                  January 1, 2027.

13                  Section 2. This Act shall become effective upon signature by the governor or, if not  
14                  signed by the governor, upon expiration of the time for bills to become law without signature  
15                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17                  effective on the day following such approval.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_