2016 First Extraordinary Session

HOUSE BILL NO. 114

BY REPRESENTATIVE THIBAUT

TAX/SALES-USE, STATE: Provides relative to the state sales and use tax (Item #30)

1	AN ACT
2	To amend and reenact R.S. 47:302(A), (B), and (C)(1), relative to state sales and use tax; to
3	provide for the rates of the state sales and use tax; to provide for effectiveness; and
4	to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 47:302(A), (B), and (C)(1) are hereby amended and reenacted to read
7	as follows:
8	§302. Imposition of tax
9	A. There is hereby levied a tax upon the sale at retail, the use, the
10	consumption, the distribution, and the storage for use or consumption in this state,
11	of each item or article of tangible personal property, as defined herein, the levy of
12	said tax to be as follows:
13	(1) At the rate of two per centum (2%) one and one-tenth percent (1.1%) of
14	the sales price of each item or article of tangible personal property when sold at retail
15	in this state; the tax to be computed on gross sales for the purpose of remitting the
16	amount of tax due the state, and to include each and every retail sale.
17	(2) At the rate of two per centum (2%) one and one-tenth percent (1.1%) of
18	the cost price of each item or article of tangible personal property when the same is
19	not sold but is used, consumed, distributed, or stored for use or consumption in this
20	state; provided there shall be no duplication of the tax.

Page 1 of 3

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

1	B. There is hereby levied a tax upon the lease or rental within this state of
2	each item or article of tangible personal property, as defined herein; the levy of said
3	tax to be as follows:
4	(1) At the rate of two per centum (2%) one and one-tenth percent (1.1%) of
5	the gross proceeds derived from the lease or rental of tangible personal property, as
6	defined herein, where the lease or rental of such property is an established business,
7	or part of an established business, or the same is incidental or germane to the said
8	business.
9	(2) At the rate of two per centum (2%) one and one-tenth percent (1.1%) of
10	the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to
11	be paid by lessee or rentee to the owner of the tangible personal property.
12	C.(1) There is hereby levied a tax upon all sales of services, as herein
13	defined, in this state, at the rate of two percent one and one-tenth percent (1.1%) of
14	the amounts paid or charged for such services.
15	* * *
16	Section 2. This Act shall take effect and become operative if and when the proposed
17	repeal of Article VII, Section 2.2 of the Constitution of Louisiana contained in the Act which
18	originated as House Bill No. 81 of this 2016 Regular Session of the Legislature is adopted
19	at a statewide election and becomes effective.

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 114 Engrossed	2016 First Extraordinary Session	Thibaut
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Abstract: Decreases the overall state sales and use tax rate from 4% to 3.11%.

<u>Present law</u> imposes an overall 4% state sales and use tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of each item or article of tangible personal property as well as certain services.

<u>Present constitution</u> establishes exemptions for food for home preparation and consumption, prescription drugs, and residential utilities.

<u>Proposed law</u> decreases the overall state sales tax rate levied in <u>from 4% to 3.11%</u> and, more specifically, reduces <u>from 2%</u> to 1.1% the sales tax imposed and present law that is being amended.

Effective if and when the proposed repeal of Article VII, §2.2 of the Constitution of La. contained in the Act which originated as House Bill No. 81 of this 2016 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 47:302(A), (B), and (C)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Ways and Means</u> to the <u>original</u> bill:

1. Changed effectiveness provision.