

CONFERENCE COMMITTEE REPORT

HB 51

2016 Second Extraordinary Session

Jim Morris

June 23, 2016

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 51 by Representative Jim Morris, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendment by the Senate Committee on Revenue and Fiscal Affairs (#145) be rejected.
2. That the set of Senate Legislative Bureau Floor Amendments by Senator Morrell (#166) be rejected.
3. That the set of Senate Floor Amendments by Senator Morrell (#242) be rejected.
4. That the following amendments to the Reengrossed Bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete line 3 in its entirety and insert "R.S. 47:302(X)(introductory paragraph) and to enact R.S."

AMENDMENT NO. 2

On page 1, delete lines 9 and 10 in their entirety and insert the following:

"Section 1. R.S. 47:302(X)(introductory paragraph) is hereby amended and reenacted and"

AMENDMENT NO. 3

On page 2, at the beginning of line 3, delete "V." and insert "X."

AMENDMENT NO. 4

On page 3, delete lines 13 through 15 in their entirety and insert the following:

"(13) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to athletic and entertainment events held for or by an elementary or secondary school and membership fees or dues of nonprofit, civic associations."

AMENDMENT NO. 5

On page 3, delete lines 20 through 22 in their entirety and insert the following:

"(16) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists, or licensed chiropractors used exclusively by the patient for personal use as provided in R.S. 47:305(D)(1)(k)."

AMENDMENT NO. 6

On page 4, between lines 18 and 19, insert the following:

"(28) Sales and purchases by certain organizations that provide training for blind persons as provided in R.S. 47:305.15."

AMENDMENT NO. 7

On page 5, delete lines 20 through 25 in their entirety and insert the following:

"(g) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to athletic and entertainment events held for or by an elementary or secondary school and membership fees or dues of nonprofit, civic associations.

(h) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists, or licensed chiropractors used exclusively by the patient for personal use as provided in R.S. 47:305(D)(1)(k)."

AMENDMENT NO. 8

On page 6, delete line 22 in its entirety and insert the following:

"(t) Sales and purchases by certain organizations that provide training for blind persons as provided in R.S. 47:305.15.

* * *

Section 2. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

AMENDMENT NO. 9

On page 6, at the beginning of line 23, delete "Section 2." and insert "Section 3."

Respectfully submitted,

Representative James Morris

Senator Jean-Paul J. Morrell

Representative Neil C. Abramson

Senator John Alario

Representative Taylor Barras

Senator Danny Martiny

CONFERENCE COMMITTEE REPORT DIGEST

HB 51

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Keyword and onliner of the instrument as it left the House

TAX/SALES-USE, STATE: Provides with respect to the effectiveness of certain exclusions and exemptions from state sales and use taxes (Items #7-34)

Report rejects Senate amendments which would have:

1. Defined "isolated or occasional sales" for purposes of the state sales and use tax exclusion.
2. Added sales by certain organizations that provide training to the blind to the list of exemptions allowed under present law.
3. Added severability provisions.
4. Made technical changes.

Report amends the bill to:

1. Add sales by certain organizations that provide training to the blind to the list of exemptions allowed under present law.
2. Add severability provisions.
3. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law establishes a variety of state sales and use tax exclusions and exemptions.

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 different periods of time, both occurring between April 1, 2016 and June 30, 2018.

Present law provides that the suspension of certain exemptions and exclusions 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 for purposes of exemptions and exclusions to the state sales and use taxes imposed under R.S. 47:302, beginning July 1, 2016, by adding the following exemptions and exclusions to the list of exemptions and exclusions that remain in effect through June 30, 2018.

- (1) Sales of room rentals by a camp or retreat facility owned by a nonprofit organization.
- (2) Sales of room rentals by a homeless shelter.
- (3) Sales, leases, and rentals of tangible personal property and sales of services by hospitals necessary to operate free hospitals.
- (4) Sales, leases, or rentals to Boys State of La., Inc. and Girls State of La., Inc.
- (5) Sales by nonprofit entities that sell donated goods.

- (6) Isolated or occasional sales of tangible personal property by a person not engaged in such business.
- (7) Sales of human tissue transplants.
- (8) Sales of food items by a youth organization chartered by the U. S. Congress.
- (9) Sales and donations of tangible personal property by food banks.
- (10) Sales or purchases of fire-fighting equipment by volunteer fire departments.
- (11) Sales to, and leases, rentals, and use of educational materials and equipment used for classroom instruction by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (12) Sales by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (13) Sales of admission charges to athletic and entertainment events for elementary and secondary schools and membership fees or dues of nonprofit, civic associations.
- (14) Sales or use of materials used directly in the collection of blood.
- (15) Sales or use of apheresis kits and Leuko reduction filters.
- (16) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists, or licensed chiropractors for personal use.
- (17) Sales or use of ostomy, colostomy, and ileostomy devices and equipment.
- (18) Sales or use of adaptive driving equipment and motor vehicle modifications prescribed for personal use.
- (19) Sales or use of meals by educational institutions, medical facilities, mental institutions, and occasional meals furnished by educational, religious, or medical organizations.
- (20) Purchases or rentals of kidney dialysis machines, parts, materials, and supplies for home use under a physician's prescription.
- (21) Sales of admissions to entertainment events by Little Theater organizations.
- (22) Sales of admissions to musical performances sponsored by nonprofit organizations.
- (23) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations.
- (24) Sales of admissions, parking fees, and sales of tangible personal property at events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious nonprofit organizations.
- (25) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations.
- (26) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for the vessels of licensed commercial fishermen.

- (27) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption.
- (28) Sales and purchases by certain organizations that provide training for blind persons.

Present law imposes a 1% temporary state sales and use tax (R.S. 47:321.1) for the period from April 1, 2016 through June 30, 2018.

Proposed law changes present law for purposes of exemptions and exclusions to the 1% temporary state sales and use taxes imposed under R.S. 47:321.1 by adding the following exclusions and exemptions to the list of state sales and use tax exemptions and exclusions to be given effect beginning July 1, 2016:

- (1) Sales of room rentals by a camp or retreat facility owned by a nonprofit organization.
- (2) Sales of room rentals by homeless shelter.
- (3) Sales, leases, or rentals to Boys State of La., Inc. and Girls State of La., Inc.
- (4) Sales or purchases of fire-fighting equipment by volunteer fire departments.
- (5) Sales to, and leases, rentals, and use of educational materials and equipment used for classroom instruction by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (6) Sales by parochial and private elementary and secondary schools that comply with the court order from the Dodd Brumfield decision and Section 501(c)(3) of the Internal Revenue Code.
- (7) Sales of admission charges to athletic and entertainment events for elementary and secondary schools and membership fees or dues of nonprofit, civic associations.
- (8) Sales or use of orthotic devices, prosthetic devices, hearing aids, eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists, or licensed chiropractors for personal use.
- (9) Sales or use of ostomy, colostomy, and ileostomy devices and equipment.
- (10) Sales or use of adaptive driving equipment and motor vehicle modifications prescribed for personal use.
- (11) Sales of meals by education institutions, medical facilities, mental institutions, and occasional meals furnished by educational, religious, or medical organizations.
- (12) Purchases or rentals of kidney dialysis machines, parts, materials, and supplies for home use under a physician's prescription.
- (13) Sales of admissions to entertainment events by Little Theater organizations.
- (14) Sales of admissions to musical performances sponsored by nonprofit organizations.
- (15) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations.
- (16) Sales of admissions, parking fees, and sales of tangible personal property at events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious nonprofit organizations.

- (17) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations.
- (18) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for the boats of licensed commercial fishermen.
- (19) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption.
- (20) Sales and purchases by certain organizations that provide training for blind persons.

The provisions of this Act are severable.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:302(X)(intro. para.); Adds R.S. 47:302(AA) and 321.1(F)(66))