
HOUSE COMMITTEE AMENDMENTS

2018 Third Extraordinary Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 9 by Representative Abramson

1 AMENDMENT NO. 1

2 On page 1, line 9, after "(J)," and before "and" insert "321.2,"

3 AMENDMENT NO. 2

4 On page 2, at the end of line 1, after "(J)," and before "and" insert "321.2,"

5 AMENDMENT NO. 3

6 On page 23, line 15, after "rate of" and before "percent" insert "one-quarter of one"

7 AMENDMENT NO. 4

8 On page 23, line 19, after "rate of" and before "percent" insert "one-quarter of one"

9 AMENDMENT NO. 5

10 On page 23, line 28, after "rate of" and before "percent" insert "one-quarter of one"

11 AMENDMENT NO. 6

12 On page 24, line 3, after "rate of" and before "percent" insert "one-quarter of one"

13 AMENDMENT NO. 7

14 On page 23, line 9, after "rate of" and before "percent" insert "one-quarter of one"

15 AMENDMENT NO. 8

16 On page 33, after line 28, insert the following:

17 "§321.2. Imposition of tax

18

19 A. In addition to the tax levied by R.S. 47:302(A), 321(A), 321.1(A), and
 20 331(A) and collected under the provisions of Chapter 2 of this Subtitle, there is
 21 hereby levied an additional tax upon the sale at retail, the use, the consumption, the
 22 distribution, and the storage for use or consumption in this state of each item or
 23 article of tangible personal property as defined in Chapter 2 of this Subtitle. The
 24 levy of said tax shall be as follows:

25 (1) At the rate of one-quarter of one percent of the sales price of each item
 26 or article of tangible personal property when sold at retail in this state, the tax to be
 27 computed on gross sales for the purpose of remitting the amount of tax to the state,
 28 and to include each and every retail sale.

29 (2) At the rate of one-quarter of one percent of the cost price of each item or
 30 article of tangible personal property when the same is not sold but is used, consumed,
 31 distributed, or stored for use or consumption in this state, provided that there shall
 32 be no duplication of the tax.

1 B. In addition to the tax levied by R.S. 47:302(B), 321(B), 321.1(B), and
 2 331(B) and collected under the provisions of Chapter 2 of this Subtitle, there is
 3 hereby levied a tax upon the lease or rental within this state of each item or article
 4 of tangible personal property, as defined by Chapter 2 of this Subtitle; the levy of the
 5 tax to be as follows:

6 (1) At the rate of one-quarter of one percent of the gross proceeds derived
 7 from the lease or rental of tangible personal property, as defined in Chapter 2 of this
 8 Subtitle, where the lease or rental of such property is in an established business, or
 9 part of an established business, or the same is incidental or germane to the business.

10 (2) At the rate of one-quarter of one percent of the monthly lease or rental
 11 price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or
 12 rentee to the owner of the tangible personal property.

13 C. In addition to the tax levied on sales of services by R.S. 47:302(C),
 14 321(C), 321.1(C), and 331(C) and collected under the provisions of Chapter 2 of this
 15 Subtitle, there is hereby levied a tax upon all sales of services in this state, as those
 16 services are defined by Chapter 2 of this Subtitle, at the rate of one-quarter of one
 17 percent of the amounts paid or charged for the services.

18 D. The tax levied herein shall be collected from the dealer or wholesaler as
 19 provided for and as defined by Chapter 2 of this Subtitle; shall be paid at the time
 20 and in the manner provided therein; shall be in addition to all other taxes, whether
 21 levied in the form of sales, excise, license, or privilege taxes; and shall be in addition
 22 to taxes levied under the provisions of Chapter 2 of this Subtitle.

23 E. The provisions of this Section shall be inapplicable, inoperative, and of
 24 no effect after June 30, 2021.

25 F. Notwithstanding any other provision of law to the contrary, including but
 26 not limited to any contrary provision of this Chapter, beginning July 1, 2018, through
 27 June 30, 2021, there shall be no exemptions or exclusions to the tax levied pursuant
 28 to the provisions of this Section, except for the sales or purchases of the following
 29 items:

30 (1) Food for home consumption as defined in R.S. 47:305(D)(1)(n) through
 31 (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the Constitution of
 32 Louisiana.

33 (2) Natural gas as provided in Article VII, Section 2.2 of the Constitution of
 34 Louisiana.

35 (3) Electricity as provided in Article VII, Section 2.2 of the Constitution of
 36 Louisiana.

37 (4) Water as provided in Article VII, Section 2.2 of the Constitution of
 38 Louisiana.

39 (5) Prescription drugs as provided in Article VII, Section 2.2 of the
 40 Constitution of Louisiana.

41 (6) Gasoline and other motor fuels subject to the state excise tax on fuel as
 42 provided in Article VII, Section 27 of the Constitution of Louisiana.

43 (7) Sales to the United States government and its agencies as provided in
 44 R.S. 47:301(10)(g).

- 1 (8) Other constructions permanently attached to the ground as provided in
2 R.S. 47:301(16)(l).
- 3 (9) Installation charges on tangible personal property as provided in R.S.
4 47:301(3)(a).
- 5 (10) Installation of oil field board roads as provided in R.S. 47:301(3)(c).
- 6 (11) Transactions involving the construction or overhaul of United States
7 Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 8 (12) Property purchased for exclusive use outside the state as provided in
9 R.S. 47:305.10.
- 10 (13) Sales, leases, or rentals of tangible personal property paid by or under
11 the provisions of Medicare as provided in R.S. 47:315.3.
- 12 (14) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 13 (15) Sales of raw agricultural commodities as provided in R.S.
14 47:301(10)(e).
- 15 (16) Sales of food by a youth-serving organization chartered by the Congress
16 of the United States as provided in R.S. 47:301(10)(h).
- 17 (17) Tangible personal property sold or donated to a food bank as provided
18 in R.S. 47:301(10)(j) and (18)(a)(i).
- 19 (18) Materials used in the collection of blood as provided in R.S.
20 47:301(16)(j).
- 21 (19) Aphaeresis kits and leuko reduction filters as provided in R.S.
22 47:301(16)(k).
- 23 (20) Donations to schools and food banks from resale inventory as provided
24 in R.S. 47:301(18)(a).
- 25 (21) Manufacturer's rebates on a new motor vehicle as provided in R.S.
26 47:301(3)(e) and (13)(b).
- 27 (22) Leases or rentals of railroad rolling stock as provided in R.S.
28 47:301(4)(k), rail rolling stock sold or leased in Louisiana as provided in R.S.
29 47:305.50(E)(1), and parts or services used in the fabrication, modification, or repair
30 of rail rolling stock as provided in R.S. 47:305.50(E)(2).
- 31 (23) Sales, purchases, and leases of tangible personal property by free
32 hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).
- 33 (24) Purchases by a nonprofit entity that sells donated goods as provided in
34 R.S. 47:301(8)(f).
- 35 (25) Tangible personal property for resale as provided in R.S.
36 47:301(10)(a)(i).
- 37 (26) Purchases of property for lease or rental as provided in R.S.
38 47:301(10)(a)(iii) and (18)(a)(iii).
- 39 (27) Isolated or occasional sales of tangible personal property by a person
40 not engaged in such business as provided in R.S. 47:301(1) and (10)(c)(ii)(bb).

1 (28) Use of a motor vehicle in Louisiana by a member of the active duty
 2 military as provided in R.S. 47:303(A)(3)(a) and 305.48.

3 (29) Purchases made under the Supplemental Nutrition Assistance Program
 4 through WIC Program Vouchers as provided in R.S. 47:305.46.

5 (30) An article traded in on the purchase of tangible personal property as
 6 provided in R.S. 47:301(13)(a).

7 (31) Donation of toys as provided in R.S. 47:301(10)(aa)(i) and (18)(m).

8 (32) Stocks, bonds, notes, and other obligations or securities as provided in
 9 R.S. 47:301(16)(b)(i).

10 (33) Credit for sales and use taxes paid to another state on tangible personal
 11 property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).

12 (34) Work product of certain professionals as provided in R.S.
 13 47:301(16)(e).

14 (35) Purchases by a regionally accredited independent educational institution
 15 as provided in R.S. 47:301(8)(b).

16 (36) Sales through a coin-operated vending machine as provided in
 17 R.S.47:301(10)(b)(i).

18 (37) Purchases by a private postsecondary academic degree-granting
 19 institution as provided in R.S. 47:301(10)(cc) and (18)(n).

20 (38) Purchases of food items for school lunch and breakfast programs by a
 21 nonpublic elementary or secondary school as provided in R.S. 47:301(10)(dd).

22 (39) Funeral directing services as provided in R.S. 47:301(14)(j).

23 (40) Feed and feed additives for animals held for business purposes as
 24 provided in R.S. 47:305(A)(4).

25 (41) Farm products produced and used by farmers as provided in R.S.
 26 47:305(B).

27 (42) Sale of fertilizer and containers to farmers as provided in R.S.
 28 47:305(D)(1)(f).

29 (43) Sales of seeds for planting crops as provided in R.S. 47:305.3.

30 (44) Sales of pesticides for agricultural purposes as provided in R.S.
 31 47:305.8.

32 (45) The cost price for the printing of a news publication as provided in R.S.
 33 47:301(3)(h).

34 (46) Vehicle rentals to a warranty customer as provided in R.S. 47:301(7)(h).

35 (47) Leases or rentals of a crane and related equipment with an operator as
 36 provided in R.S. 47:301(7)(k).

37 (48) Sales by and to the state and its political subdivisions as provided in
 38 R.S. 47:301(8)(c).

1 (49) Sales of materials for further processing as provided in R.S.
2 47:301(10)(c)(i)(aa).

3 (50) The sales price for new farm equipment used in poultry production as
4 provided in R.S. 47:301(13)(c).

5 (51) A factory built home as provided in R.S. 47:301(16)(g).

6 (52) Any advertising service rendered by an advertising business as provided
7 in R.S. 47:302(D).

8 (53) Sales of livestock, poultry, and other farm products direct from a farm
9 as provided in R.S. 47:305(A)(1).

10 (54) Sales of livestock at a public sale sponsored by a breeders' or registry
11 association or at a livestock auction market as provided in R.S. 47:305(A)(2).

12 (55) Sales of agricultural commodities by a person other than the producer,
13 for use in further processing as provided in R.S. 47:305(A)(3).

14 (56) Transactions in interstate commerce and tangible personal property
15 imported into this state, or produced or manufactured in this state, for export as
16 provided in R.S. 47:305(E).

17 (57) Ships, vessels, barges, and related supplies as provided in R.S. 47:305.1.

18 (58) The sales price of new farm equipment, including polyroll tubing, as
19 provided in R.S. 47:305.25.

20 (59) A truck and trailer if used at least eighty percent of the time in interstate
21 commerce as provided in R.S. 47:305.50(A).

22 (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties
23 as provided in R.S. 47:305.45 and 305.50(F).

24 (61) Sales or purchases by a council on aging as provided in R.S. 47:305.66.

25 (62) Sales of pharmaceuticals administered to livestock for agricultural
26 purposes as provided in R.S. 47:301(16)(f).

27 (63) Materials used in the production of crawfish and catfish as provided in
28 R.S. 47:305(A)(5) and (6).

29 (64) Sales of room rentals by a camp or retreat facility owned by a nonprofit
30 organization as provided in R.S. 47:301(6)(b).

31 (65) Sales of room rentals by a homeless shelter as provided in R.S.
32 47:301(6)(c).

33 (66) Sales, leases, and rentals of tangible personal property to Boys State of
34 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)
35 and (10)(r).

36 (67) Sales or purchases of fire-fighting equipment by a volunteer fire
37 department as provided in R.S. 47:301(10)(o).

38 (68) Sales to, and leases, rentals, and use of educational materials and
39 equipment used for classroom instruction by a parochial and private elementary and
40 secondary school that complies with the court order from the Dodd Brumfield

1 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.
 2 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

3 (69) Sales by a parochial and private elementary and secondary school that
 4 complies with the court order from the Dodd Brumfield decision and Section
 5 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and
 6 (18)(e)(i).

7 (70) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to
 8 an athletic and entertainment event held for or by an elementary or secondary school
 9 and membership fees or dues of a nonprofit, civic association.

10 (71) Sales or use of orthotic devices, prosthetic devices, hearing aids,
 11 eyeglasses, contact lenses, and wheelchairs prescribed by a physician, optometrist,
 12 or licensed chiropractor used exclusively by the patient for personal use as provided
 13 in R.S. 47:305(D)(1)(k).

14 (72) Sales or use of ostomy, colostomy, and ileostomy devices and
 15 equipment as provided in R.S. 47:305(D)(1)(l).

16 (73) Sales of medical devices as provided in R.S. 47:305(D)(1)(s).

17 (74) Sales of dental devices and materials as provided in R.S.
 18 47:305(D)(1)(t).

19 (75) Sales or use of adaptive driving equipment and motor vehicle
 20 modification prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

21 (76) Sales or use of a meal by an educational institution, medical facility,
 22 mental institution, and an occasional meal furnished by an educational, religious, or
 23 medical organization as provided in R.S. 47:305(D)(2).

24 (77) Purchases or rentals of renal dialysis machines, parts, materials, and
 25 supplies for home use under a physician's prescription as provided in R.S. 47:305(G).

26 (78) Sales of admission to entertainment events by a Little Theater
 27 organization as provided in R.S. 47:305.6.

28 (79) Sales of admission to musical performances sponsored by a nonprofit
 29 organization as provided in R.S. 47:305.7.

30 (80) Sales of admissions to entertainment events sponsored by domestic
 31 nonprofit charitable, religious, and educational organizations as provided in R.S.
 32 47:305.13.

33 (81) Sales of admissions, parking fees, and sales of tangible personal
 34 property at events sponsored by domestic, civic, educational, historical, charitable,
 35 fraternal, or religious nonprofit organizations as provided in R.S. 47:305.14(A)(1).

36 (82) Sales of admissions and parking fees at fairs and festivals sponsored by
 37 nonprofit organizations as provided in R.S. 47:305.18.

38 (83) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for
 39 the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

40 (84) Sales of butane, propane, or other liquified petroleum gases for private,
 41 residential consumption as provided in R.S. 47:305.39.

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

3 (86) Purchases and leases by qualified radiation therapy treatment centers as
 4 provided in R.S. 47:305.64.

5 (87) Sales of electricity for chlor-alkali manufacturing as provided in R.S.
 6 47:301(10)(c)(ii)(aa).

7 (88) Rentals or leases of certain oilfield property for re-lease or re-rental as
 8 provided in R.S. 47:301(7)(b).

9 (89) Sales of aircraft manufactured in Louisiana with a maximum capacity
 10 of eight persons as provided in R.S. 47:301(10)(m).

11 (90) Labor, materials, services, and supplies used for the repair, renovation,
 12 or conversion of drilling rig machinery and equipment which become component
 13 parts of a drilling rig used exclusively for exploration or development of minerals as
 14 provided in R.S. 47:301(14)(g)(iii).

15 (91) Repairs and materials used on drilling rigs and equipment used
 16 exclusively for exploration or development of minerals as provided in R.S. 47:305(I).

17 (92) Sales by thrift shops located on military installations as provided in R.S.
 18 47:305.14(A)(4).

19 (93) Leases or rentals of vessels for use in offshore mineral production or the
 20 provision of services to those engaged in mineral production as provided in R.S.
 21 47:305.19.

22 (94) Sales of gasohol as provided in R.S. 47:305.28.

23 (95) Sales or purchases by sheltered workshops as provided in R.S.
 24 47:305.38.

25 (96) Pharmaceutical samples manufactured or imported into the state free of
 26 charge as provided in R.S. 47:305.47.

27 (97) The exclusion for surface preparation, painting, and coating fixed or
 28 rotary wing aircraft and certified transport category aircraft registered outside of this
 29 state, as provided in R.S. 47:301(14)(g)(iv).

30 (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its
 31 precious metal content, whether in coin or ingot form as provided in R.S.
 32 47:301(16)(b)(ii)(aa).

33 (99) Sales of certain numismatic coins as provided in R.S.
 34 47:301(16)(b)(ii)(bb) and (cc).

35 (100) Purchases, use, and lease of manufacturing machinery and equipment
 36 as provided in R.S. 47:301(3)(i), (13)(k) and (28)(a).

37 (101) Purchase of consumables by paper and wood manufacturers and
 38 loggers assigned an industry group designation of 3211 through 3222 or 113310
 39 pursuant to the North American Industry Classification System Code of 2007 as
 40 provided in R.S. 47:301(3)(k).

1 (102) Sale and purchase of electricity as provided in R.S. 47:305(D)(1)(d)
2 for use in production activity subject to the payment of state severance tax on
3 production from a stripper well pursuant to R.S. 47:633(7)(c)(i) and (ii)(aa) and (bb).

4 (103) Purchase of machinery and equipment by a utility regulated by the
5 Public Service Commission and the city of New Orleans as provided in R.S.
6 47:301(16)(o).

7 (104) Repair services performed in Louisiana when the repaired property is
8 delivered outside of Louisiana as provided in R.S. 47:301(14)(g)(i)(bb).

9 (105) Any transaction by a nonprofit electric cooperative that is exempt from
10 tax pursuant to R.S. 12:425.

11 (106) Diesel fuel, butane, propane, or other gases used or consumed for farm
12 purposes as provided in R.S. 47:305.37(A).

13 (107) The use of steam produced through the processing of a raw agricultural
14 product used in a facility predominately and directly engaged in the processing of an
15 agricultural product, by a manufacturer as defined in R.S.47:301(3)(i)(ii)(bb) based
16 on being assigned a North American Industry Classification System Code within the
17 agricultural, forestry, fishing, and hunting Sector 11.

18 (108) Refunds for purchases of tangible personal property by international
19 travelers as part of the Louisiana Tax Free Shopping Program pursuant to R.S.
20 51:1301, et seq.

21 (109) Sales of tangible personal property and services at certain public
22 facilities as provided in R.S. 39:467 and 468.

23 (110) The sale or use of steam, water, electric power or energy, natural gas,
24 or energy sources as provided in R.S. 47:305(D)(1)(b), (c), (d), (g), and (h).

25 G. The avails of the tax collected under this Section shall be deposited
26 immediately into the state treasury, and, after compliance with the requirements of
27 Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer shall
28 pay the remainder of the monies into the state general fund.

29 H. No amount of additional revenue collected as a result of this Section shall
30 be remitted to any tax increment financing district or economic development project.

31 I. The provisions of Subsection F of this Section shall supercede and control
32 to the extent of conflict with any other provision of law beginning July 1, 2018,
33 through June 30, 2021."

34 AMENDMENT NO. 9

35 On page 45, between lines 4 and 5, insert the following:

36 "§321.2. Imposition of tax

37 * * *

38 E. The provisions of this Section shall be inapplicable, inoperative, and of
39 no effect after June 30, ~~2021~~ 2024.

40 F. Notwithstanding any other provision of law to the contrary, including but
41 not limited to any contrary provision of this Chapter, there shall be no exemptions
42 or exclusions beginning July 1, 2018, through June 30, ~~2021~~ 2024, to the tax levied

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 pursuant to the provisions of this Section, except for the sales or purchases of the
2 following items:

3 * * *

4 I. The provisions of Subsection F of this Section shall supercede and control
5 to the extend of conflict with any other provision of law beginning July 1, 2018,
6 through June 30, ~~2021~~ 2024.

7 * * *"

8 AMENDMENT NO. 10

9 On page 45, delete lines 18 through 27 in their entirety and insert the following:

10 "Section 4. R.S. 47:321.1 is hereby repealed in its entirety.

11 Section 5. R.S. 47:321.2 is hereby repealed in its entirety.

12 Section 6. The commissioner of administration shall notify the governor, the
13 legislature, and the Louisiana Law Institute upon the publication of a Louisiana
14 Comprehensive Annual Financial Report which reports state "General Revenues
15 from Sales and Use Taxes" in excess of \$4,206,000,000.

16 Section 7. The commissioner of administration shall notify the governor, the
17 legislature, and the Louisiana Law Institute upon the publication of a Louisiana
18 Comprehensive Annual Financial Report which reports state "General Revenues
19 from Income Taxes" in excess of \$3,715,000,000.

20 Section 8. Sections 1, 3, and 6 through 11 of this Act shall become effective
21 on July 1, 2018, if House Concurrent Resolution Nos. 2 and 3 of this 2018 Third
22 Extraordinary Session of the Legislature are adopted by both houses of the
23 legislature.

24 Section 9. Section 4 of this Act shall become effective on the first day of the
25 fiscal year following publication of a Louisiana Comprehensive Annual Financial
26 Report which reports state "General Revenues from Sales and Use Taxes" in excess
27 of \$4,206,000,000.

28 Section 10. Section 5 of this Act shall become effective on the first day of
29 the fiscal year following publication of a Louisiana Comprehensive Annual Financial
30 Report which reports state "General Revenues from Income Taxes" in excess of
31 \$3,715,000,000.

32 Section 11. Section 2 of this Act shall become effective upon the effective
33 date of a 2019 Act of the Louisiana Legislature which establishes an excess revenue
34 baseline amount of state general fund revenue which may be used to support the state
35 operating budget and which provides for dedications of certain revenues for deposit
36 into the Budget Stabilization Fund and for the making of payments on the unfunded
37 accrued liability of the state retirement systems. For purposes of effectiveness of
38 Section 2 of this Act, the 2019 enactment shall specifically reference this Act."