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**HOUSE COMMITTEE AMENDMENTS**

2018 Third Extraordinary Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 2 by Representative Terry Landry

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1 AMENDMENT NO. 1

2 On page 1, at the end of line 7, after "(J)," insert "321.2,"

3 AMENDMENT NO. 2

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

5 AMENDMENT NO. 3

6 On page 23, line 18, after "rate of" and before "of one" delete "one-half" and insert "one-  
7 quarter"

8 AMENDMENT NO. 4

9 On page 23, line 22, after "rate of" and before "of one" delete "one-half" and insert "one-  
10 quarter"

11 AMENDMENT NO. 5

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

14 AMENDMENT NO. 6

15 On page 24, line 7, after "rate of" and before "of one" delete "one-half" and insert "one-  
16 quarter"

17 AMENDMENT NO. 7

18 On page 24, line 13, after "rate of" and before "of one" delete "one-half" and insert "one-  
19 quarter"

20 AMENDMENT NO. 8

21 On page 34, between lines 4 and 5, insert the following:

22 "§321.2. Imposition of tax

23  
24 A. In addition to the tax levied by R.S. 47:302(A), 321(A), 321.1(A), and  
25 331(A) and collected under the provisions of Chapter 2 of this Subtitle, there is  
26 hereby levied an additional tax upon the sale at retail, the use, the consumption, the  
27 distribution, and the storage for use or consumption in this state of each item or  
28 article of tangible personal property as defined in Chapter 2 of this Subtitle. The  
29 levy of said tax shall be as follows:

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

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

5           B. In addition to the tax levied by R.S. 47:302(B), 321(B), 321.1(B), and  
 6 331(B) and collected under the provisions of Chapter 2 of this Subtitle, there is  
 7 hereby levied a tax upon the lease or rental within this state of each item or article  
 8 of tangible personal property, as defined by Chapter 2 of this Subtitle; the levy of the  
 9 tax to be as follows:

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

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

17           C. In addition to the tax levied on sales of services by R.S. 47:302(C),  
 18 321(C), 321.1(C), and 331(C) and collected under the provisions of Chapter 2 of this  
 19 Subtitle, there is hereby levied a tax upon all sales of services in this state, as those  
 20 services are defined by Chapter 2 of this Subtitle, at the rate of one-quarter of one  
 21 percent of the amounts paid or charged for the services.

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

27           E. The provisions of this Section shall be inapplicable, inoperative, and of  
 28 no effect after June 30, 2025.

29           F. Notwithstanding any other provision of law to the contrary, including but  
 30 not limited to any contrary provision of this Chapter, beginning July 1, 2018, through  
 31 June 30, 2025, there shall be no exemptions or exclusions to the tax levied pursuant  
 32 to the provisions of this Section, except for the sales or purchases of the following  
 33 items:

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

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

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

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

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

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

- 1           (7) Sales to the United States government and its agencies as provided in  
2           R.S. 47:301(10)(g).
- 3           (8) Other constructions permanently attached to the ground as provided in  
4           R.S. 47:301(16)(l).
- 5           (9) Installation charges on tangible personal property as provided in R.S.  
6           47:301(3)(a).
- 7           (10) Installation of oil field board roads as provided in R.S. 47:301(3)(c).
- 8           (11) Transactions involving the construction or overhaul of United States  
9           Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 10          (12) Property purchased for exclusive use outside the state as provided in  
11          R.S. 47:305.10.
- 12          (13) Sales, leases, or rentals of tangible personal property paid by or under  
13          the provisions of Medicare as provided in R.S. 47:315.3.
- 14          (14) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 15          (15) Sales of raw agricultural commodities as provided in R.S.  
16          47:301(10)(e).
- 17          (16) Sales of food by a youth-serving organization chartered by the Congress  
18          of the United States as provided in R.S. 47:301(10)(h).
- 19          (17) Tangible personal property sold or donated to a food bank as provided  
20          in R.S. 47:301(10)(j) and (18)(a)(i).
- 21          (18) Materials used in the collection of blood as provided in R.S.  
22          47:301(16)(j).
- 23          (19) Aphaeresis kits and leuko reduction filters as provided in R.S.  
24          47:301(16)(k).
- 25          (20) Donations to schools and food banks from resale inventory as provided  
26          in R.S. 47:301(18)(a).
- 27          (21) Manufacturer's rebates on a new motor vehicle as provided in R.S.  
28          47:301(3)(e) and (13)(b).
- 29          (22) Leases or rentals of railroad rolling stock as provided in R.S.  
30          47:301(4)(k), rail rolling stock sold or leased in Louisiana as provided in R.S.  
31          47:305.50(E)(1), and parts or services used in the fabrication, modification, or repair  
32          of rail rolling stock as provided in R.S. 47:305.50(E)(2).
- 33          (23) Sales, purchases, and leases of tangible personal property by free  
34          hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).
- 35          (24) Purchases by a nonprofit entity that sells donated goods as provided in  
36          R.S. 47:301(8)(f).
- 37          (25) Tangible personal property for resale as provided in R.S.  
38          47:301(10)(a)(i).
- 39          (26) Purchases of property for lease or rental as provided in R.S.  
40          47:301(10)(a)(iii) and (18)(a)(iii).

1           (27) Isolated or occasional sales of tangible personal property by a person  
 2 not engaged in such business as provided in R.S. 47:301(1) and (10)(c)(ii)(bb).

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

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

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

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

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

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

14          (34) Work product of certain professionals as provided in R.S.  
 15 47:301(16)(e).

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

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

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

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

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

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

27          (41) Farm products produced and used by farmers as provided in R.S.  
 28 47:305(B).

29          (42) Sale of fertilizer and containers to farmers as provided in R.S.  
 30 47:305(D)(1)(f).

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

32          (44) Sales of pesticides for agricultural purposes as provided in R.S.  
 33 47:305.8.

34          (45) The cost price for the printing of a news publication as provided in R.S.  
 35 47:301(3)(h).

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

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

- 1           (48) Sales by and to the state and its political subdivisions as provided in  
2           R.S. 47:301(8)(c).
- 3           (49) Sales of materials for further processing as provided in R.S.  
4           47:301(10)(c)(i)(aa).
- 5           (50) The sales price for new farm equipment used in poultry production as  
6           provided in R.S. 47:301(13)(c).
- 7           (51) A factory built home as provided in R.S. 47:301(16)(g).
- 8           (52) Any advertising service rendered by an advertising business as provided  
9           in R.S. 47:302(D).
- 10          (53) Sales of livestock, poultry, and other farm products direct from a farm  
11          as provided in R.S. 47:305(A)(1).
- 12          (54) Sales of livestock at a public sale sponsored by a breeders' or registry  
13          association or at a livestock auction market as provided in R.S. 47:305(A)(2).
- 14          (55) Sales of agricultural commodities by a person other than the producer,  
15          for use in further processing as provided in R.S. 47:305(A)(3).
- 16          (56) Transactions in interstate commerce and tangible personal property  
17          imported into this state, or produced or manufactured in this state, for export as  
18          provided in R.S. 47:305(E).
- 19          (57) Ships, vessels, barges, and related supplies as provided in R.S. 47:305.1.
- 20          (58) The sales price of new farm equipment, including polyroll tubing, as  
21          provided in R.S. 47:305.25.
- 22          (59) A truck and trailer if used at least eighty percent of the time in interstate  
23          commerce as provided in R.S. 47:305.50(A).
- 24          (60) Freight cars, piggyback trailers, and rail rolling stock, and railroad ties  
25          as provided in R.S. 47:305.45 and 305.50(F).
- 26          (61) Sales or purchases by a council on aging as provided in R.S. 47:305.66.
- 27          (62) Sales of pharmaceuticals administered to livestock for agricultural  
28          purposes as provided in R.S. 47:301(16)(f).
- 29          (63) Materials used in the production of crawfish and catfish as provided in  
30          R.S. 47:305(A)(5) and (6).
- 31          (64) Sales of room rentals by a camp or retreat facility owned by a nonprofit  
32          organization as provided in R.S. 47:301(6)(b).
- 33          (65) Sales of room rentals by a homeless shelter as provided in R.S.  
34          47:301(6)(c).
- 35          (66) Sales, leases, and rentals of tangible personal property to Boys State of  
36          Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)  
37          and (10)(r).
- 38          (67) Sales or purchases of fire-fighting equipment by a volunteer fire  
39          department as provided in R.S. 47:301(10)(o).

1           (68) Sales to, and leases, rentals, and use of educational materials and  
 2 equipment used for classroom instruction by a parochial and private elementary and  
 3 secondary school that complies with the court order from the Dodd Brumfield  
 4 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.  
 5 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

6           (69) Sales by a parochial and private elementary and secondary school that  
 7 complies with the court order from the Dodd Brumfield decision and Section  
 8 501(c)(3) of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and  
 9 (18)(e)(i).

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

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

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

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

20           (74) Sales of dental devices and materials as provided in R.S.  
 21 47:305(D)(1)(t).

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

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

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

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

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

33           (80) Sales of admissions to entertainment events sponsored by domestic  
 34 nonprofit charitable, religious, and educational organizations as provided in R.S.  
 35 47:305.13.

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

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

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

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

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

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

7           (87) Sales of electricity for chlor-alkali manufacturing as provided in R.S.  
8           47:301(10)(c)(ii)(aa).

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

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

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

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

19          (92) Sales by thrift shops located on military installations as provided in R.S.  
20          47:305.14(A)(4).

21          (93) Leases or rentals of vessels for use in offshore mineral production or the  
22          provision of services to those engaged in mineral production as provided in R.S.  
23          47:305.19.

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

25          (95) Sales or purchases by sheltered workshops as provided in R.S.  
26          47:305.38.

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

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

32          (98) Sales of platinum, gold, and silver bullion, that is valued solely upon its  
33          precious metal content, whether in coin or ingot form as provided in R.S.  
34          47:301(16)(b)(ii)(aa).

35          (99) Sales of certain numismatic coins as provided in R.S.  
36          47:301(16)(b)(ii)(bb) and (cc).

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

39          (101) Purchase of consumables by paper and wood manufacturers and  
40          loggers assigned an industry group designation of 3211 through 3222 or 113310  
41          pursuant to the North American Industry Classification System Code of 2007 as  
42          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 extend of conflict with any other provision of law beginning July 1, 2018,  
 33 through June 30, 2025."

34 AMENDMENT NO. 9

35 On page 43, delete line 27 in its entirety and insert the following:

36           "Section 3. R.S. 47:321.1 is hereby repealed in its entirety.

37           Section 4. R.S. 47:321.2 is hereby repealed in its entirety.

38           Section 5. The commissioner of administration shall notify the governor, the  
 39 legislature, and the Louisiana Law Institute upon the publication of a Louisiana  
 40 Comprehensive Annual Financial Report which reports state "General Revenues  
 41 from Sales and Use Taxes" in excess of \$4,206,000,000.



1           Section 6. The commissioner of administration shall notify the governor, the  
2 legislature, and the Louisiana Law Institute upon the publication of a Louisiana  
3 Comprehensive Annual Financial Report which reports state "General Revenues  
4 from Income Taxes" in excess of \$3,715,000,000.

5           Section 7. Sections 1, 2, and 5 through 9 of this Act shall become effective  
6 on July 1, 2018.

7           Section 8. Section 3 of this Act shall become effective on the first day of the  
8 fiscal year following the publication of a Louisiana Comprehensive Annual Financial  
9 Report which reports state "General Revenues from Sales and Use Taxes" in excess  
10 of \$4,206,000,000.

11           "Section 9. Section 4 of this Act shall become effective on the first day of  
12 the fiscal year following the publication of a Louisiana Comprehensive Annual  
13 Financial Report which reports state "General Revenues from Income Taxes" in  
14 excess of \$3,715,000,000."