2023 Regular Session

HOUSE BILL NO. 330

## BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON

1	AN ACT
2	To amend and reenact R.S. 47:337.9(D)(35), to enact R.S. 47:305.79, 321(P)(120),
3	321.1(I)(120), 331(V)(120), and 337.9(D)(36), and to repeal R.S. 47:305.77, relative
4	to sales and use tax exemptions and rebates; to repeal provisions establishing a state
5	sales and use tax rebate for the purchase of certain items by commercial farmers; to
6	provide for a state and local sales and use tax exemption for the purchase of certain
7	items by commercial farmers; to exempt from state and local sales and use tax
8	certain agricultural fencing materials purchased by commercial farmers; to provide
9	for a limitation associated with the exemption; to provide for definitions; to provide
10	for applicability; to authorize administrative rulemaking; to provide for effective
11	dates; and to provide for related matters.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. R.S. 47:337.9(D)(35) is hereby amended and reenacted and R.S.
14	47:305.79, 321(P)(120), 321.1(I)(120), 331(V)(120), and 337.9(D)(36) are hereby enacted
15	to read as follows:
16	§305.79. Exemptions; certain agricultural fencing materials
17	A. The sales and use tax imposed by the state of Louisiana pursuant to R.S.
18	47:321, 321.1, and 331 and R.S. 51:1286 or any political subdivision of the state
19	shall not apply to the purchase by commercial farmers of agricultural fencing
20	materials. However, no exemption shall be granted for any purchase for which a
21	rebate was issued in accordance with R.S. 47:305.77.
22	B. For purposes of this Section, the following terms shall have the meanings
23	ascribed to them in this Subsection:

CODING: Words in struck through type are deletions from existing law; words  $\underline{\text{underscored}}$  are additions.

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1	(1) "Agricultural fencing materials" means gates, hog wire fencing, barbed
2	wire fencing, lumber or steel used as posts or rails, nails, screws, hinges, and
3	concrete consisting of premixed dry mortar used for the purpose of fencing
4	agricultural livestock. The term "agricultural fencing materials" also means electric
5	fence wire, insulated posts, power sources, grounding systems, warning signs, and
6	other components of electric agricultural fencing.
7	(2) "Commercial farmer" has the same meaning as provided in R.S. 47:301.
8	C. The secretary of the Department of Revenue may promulgate rules in
9	accordance with the Administrative Procedure Act as are necessary to implement the
10	provisions of this Section.
11	D. The exemption authorized by this Section shall not apply to any taxable
12	period after June 30, 2029.
13	* * *
14	§321. Imposition of tax
15	* * *
16	P. Notwithstanding any other provision of law to the contrary, including but
17	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
18	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
19	levied pursuant to the provisions of this Section, except for the retail sale, use,
20	consumption, distribution, or storage for use or consumption of the following:
21	* * *
22	(120) Agricultural fencing materials purchased by commercial farmers as
23	provided in R.S. 47:305.79.
24	* * *
25	§321.1. Imposition of tax
26	* * *
27	I. Notwithstanding any other provision of law to the contrary, including but
28	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
29	through June 30, 2025, there shall be no exemptions and no exclusions to the tax

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1	levied pursuant to the provisions of this Section, except for the retail sale, use,
2	consumption, distribution, or storage for use or consumption of the following:
3	* * *
4	(120) Agricultural fencing materials purchased by commercial farmers as
5	provided in R.S. 47:305.79.
6	* * *
7	§331. Imposition of tax
8	* * *
9	V. Notwithstanding any other provision of law to the contrary, including but
10	not limited to any contrary provisions of this Chapter, beginning July 1, 2018,
11	through June 30, 2025, there shall be no exemptions and no exclusions to the tax
12	levied pursuant to the provisions of this Section, except for the retail sale, use,
13	consumption, distribution, or storage for use or consumption of the following:
14	* * *
15	(120) Agricultural fencing materials purchased by commercial farmers as
16	provided in R.S. 47:305.79.
17	* * *
18	§337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other
19	exemptions applicable
20	* * *
21	D.
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(35) R.S. 47:305.79, "key words": purchase of agricultural fencing materials
by commercial farmers.

(36) R.S. 47:6040, "key words": antique motor vehicles.

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Section 2. R.S. 47:305.77 is hereby repealed in its entirety.

Section 3. The provisions of Section 1 of this Act shall apply to taxable periods beginning on or after August 1, 2023.

1	Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
2	on August 1, 2023.
3	(B) Section 2 of this Act shall become effective on August 1, 2024.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

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APPROVED: