

# ACT No. 425

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:

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

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.

22 \* \* \*

23 (35) R.S. 47:305.79, "key words": purchase of agricultural fencing materials  
24 by commercial farmers.

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

26 \* \* \*

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 R.S. 47:305.77 is hereby repealed in its entirety.

28 Section 3. The provisions of Section 1 of this Act shall apply to taxable periods  
29 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_