HLS 13RS-996 ORIGINAL

Regular Session, 2013

HOUSE BILL NO. 534

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BY REPRESENTATIVE ROBIDEAUX

TAX/SALES & USE: (Constitutional Amendment) Provides an exclusion from state sales and use tax for bottled water

A JOINT RESOLUTION

2	Proposing to Amend Article VII, Section 2.2 of the Constitution of Louisiana, relative to
3	state sales and use tax; to provide an exclusion from state sales and use tax for water
4	sold in certain containers; to provide for submission of the proposed amendment to
5	the electors; and to provide for related matters.
6	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7	elected to each house concurring, that there shall be submitted to the electors of the state of
8	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9	amend Article VII, Section 2.2 of the Constitution of Louisiana, to read as follows:
0	§2.2. Power to Tax; Sales and Use Tax; Limitation
1	Section 2.2.(A) Effective January 1, 2003, the sales and use tax rate imposed
12	by the state of Louisiana or by a political subdivision whose boundaries are
13	coterminous with those of the state shall not exceed two percent of the price of the
14	following items:
15	(1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n) through (r) on
16	<del>January 1, 2003.</del>
17	(2) Natural gas, electricity, and water sold directly to the consumer for residential
18	use.
19	(3) Prescription drugs.

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2	Louisiana or by a political subdivision whose boundaries are coterminous with those
3	of the state shall not apply to sales or purchases of the following items:
4	(1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n) through
5	(r) on January 1, 2003. This shall include bottled drinking water.
6	(2) Natural gas, electricity, and water sold directly to the consumer for
7	residential use.
8	(3) Prescription drugs.
9	(C) As used in this Section, the term "sold directly to the consumer for
10	residential use" includes the furnishing of natural gas, electricity, or water to single
11	private residences, including the separate private units of apartment houses and other
12	multiple dwellings, actually used for residential purposes, which residences are
13	separately metered or measured, regardless of the fact that a person other than the
14	resident is contractually bound to the supplier for the charges, actually pays the
15	charges, or is billed for the charges. The use of electricity, natural gas, or water in
16	hotel or motel units does not constitute residential use.
17	Section 2. Be it further resolved that the provisions of the amendment contained in
18	this Joint Resolution shall become effective on January 1, 2015.
19	Section 3. Be it further resolved that this proposed amendment shall be submitted
20	to the electors of the state of Louisiana at the statewide election to be held on November 4,
21	2014.
22	Section 4. Be it further resolved that on the official ballot to be used at the election,
23	there shall be printed a proposition, upon which the electors of the state shall be permitted
24	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
25	follows:
26	Do you support an amendment to exclude bottled water from state sales and
27	use tax? (Jan. 1, 2015) (Amends Article VII, Section 2.2)

(B) Effective July 1, 2003, the The sales and use tax imposed by the state of

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Robideaux HB No. 534

**Abstract:** Provides a state sales and use tax exclusion for bottled drinking water.

<u>Present constitution</u> excludes the sale of the following items from state sales and use tax or sales and use tax imposed by a political subdivision whose boundaries are coterminous with those of the state:

- (1) Food for home consumption, as defined in <u>present law</u> on January 1, 2003.
- (2) Natural gas, electricity, and water sold directly to the consumer for residential use.
- (3) Prescription drugs.

<u>Proposed constitutional amendment</u> retains <u>present constitution</u> but adds an exclusion from state sales and use tax for bottled drinking water.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 4, 2014.

Effective Jan. 1, 2015.

(Amends Const. Art. VII, Section 2.2)