

Regular Session, 2013

HOUSE BILL NO. 555

BY REPRESENTATIVE JAY MORRIS

TAX/SALES-USE, LOCAL: Requires Ouachita Parish to cease collecting a sales tax in a municipality if the municipality begins levying an equivalent tax

1 AN ACT

2 To enact R.S. 47:338.157.1, relative to sales and use taxes in Ouachita Parish; to provide  
3 relative to the levy of such taxes in a municipality; to require the parish governing  
4 authority to cease levying such a tax if the municipality levies an equivalent tax; to  
5 provide for conditions and requirements; and to provide for related matters.

6 Notice of intention to introduce this Act has been published  
7 as provided by Article III, Section 13 of the Constitution of  
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 47:338.157.1 is hereby enacted to read as follows:

11 §338.157.1. Ouachita Parish; sales taxes in municipalities; limitation

12 A. Notwithstanding any general or local provision of law authorizing the  
13 governing authority of Ouachita Parish to levy and collect a sales and use tax, the  
14 parish governing authority shall cease to levy and collect a sales and use tax within  
15 a municipality if both of the following conditions are met:

16 (1) The proceeds of the tax levied by the parish are dedicated to providing  
17 a service but have not been dedicated to the repayment of bonds.

18 (2) The governing authority of the municipality, with the approval of a  
19 majority of electors of the municipality voting on a proposition authorizing the tax  
20 at an election held for such purpose in accordance with the Louisiana Election Code,  
21 begins to levy and collect a sales and use tax that meets all of the following  
22 conditions:

1           (a) The rate of the municipal tax, as provided by the proposition submitted  
2           to the voters, is the same as the rate of the parish tax.

3           (b) The proceeds of the municipal tax are dedicated, as provided by the  
4           proposition submitted to the voters, to the same purpose as the purpose to which the  
5           proceeds of the parish tax are dedicated.

6           (c) The duration of the authority to levy the municipal tax, as provided by  
7           the proposition submitted to the voters, is the same as the duration of the authority  
8           for the levy of the parish tax.

9           B. As otherwise provided by this Section, the authority of the parish to levy  
10          and collect the tax in the municipality shall terminate on the effective date of the  
11          municipal ordinance levying the tax.

12          C. This Section does not authorize the governing authority of any  
13          municipality in Ouachita Parish to levy a sales and use tax.

#### 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)]

Jay Morris

HB No. 555

**Abstract:** Requires Ouachita Parish to stop levying a sales tax in a municipality if the municipality begins levying an equivalent tax.

Proposed law requires that the governing authority of Ouachita Parish cease to levy and collect a sales and use tax within a municipality if:

- (1) The proceeds of the tax levied by the parish are dedicated to providing a service but have not been dedicated to the repayment of bonds.
- (2) The governing authority of the municipality, with voter approval, begins to levy and collect a sales and use tax that is the same as the parish tax with respect to rate, purpose, and duration.

Proposed law provides that the authority of the parish to levy and collect the tax in the municipality terminates on the effective date of the municipal ordinance levying the tax.

Proposed law provides that proposed law does not authorize the governing authority of any municipality in Ouachita Parish to levy a sales and use tax.

(Adds R.S. 47:338.157.1)