

Regular Session, 2014

HOUSE BILL NO. 132

BY REPRESENTATIVE JEFFERSON

TAX/SALES-USE, LOCAL: Authorizes the town of Homer to levy an additional sales and use tax

1 AN ACT

2 To enact R.S. 47:338.24.1, relative to municipal sales and use taxes; to authorize the
3 governing authority of the town of Homer to levy and collect an additional sales and
4 use tax; to provide for voter approval; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:338.24.1 is hereby enacted to read as follows:

10 §338.24.1. Town of Homer; authority to levy additional sales and use tax

11 A. The governing authority of Homer may levy and collect an additional
12 sales and use tax not in excess of one percent within the corporate limits of the
13 municipality.

14 B. The tax authorized by this Section shall be in addition to all other taxes
15 which Homer is authorized to levy and, pursuant to Section 29(B) of Article VI of
16 the Constitution of Louisiana, shall not be subject to the combined rate limitation
17 established in Section 29(A) of that Article nor to the rate limitations established by
18 R.S. 47:338.1 and 338.54. The authority granted in this Section shall not limit any
19 prior taxing authority granted to Homer or any other political subdivision by any

1 other provision of law, including any authority granted to any other political
2 subdivision to exceed the cited rate limitations.

3 C. The sales and use tax shall be imposed by ordinance of the governing
4 authority of the town and shall be levied upon the sale at retail, the use, lease, or
5 rental, the consumption, and the storage for use or consumption of tangible personal
6 property and on sales of services, all as defined in Chapter 2 of this Subtitle;
7 however, the ordinance imposing the tax shall be adopted only after the proposed tax
8 is approved by a majority of the qualified electors voting on the proposition at an
9 election held for that purpose and conducted in accordance with the Louisiana
10 Election Code.

11 D. The sales and use tax authorized by this Section shall be collected at the
12 same time and in the same manner as set forth in Chapter 2 of this Subtitle.

13 E. The proceeds of the tax authorized by this Section may be used for such
14 lawful purposes as are determined by the governing authority of Homer, including
15 the funding of a portion of the avails of the tax into bonds in the manner provided by
16 law.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

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)]

Jefferson

HB No. 132

Abstract: Authorizes the governing authority of the town of Homer, subject to voter approval, to levy and collect an additional sales and use tax not to exceed 1%.

Present constitution authorizes any school board or local governmental subdivision (parish or municipality), subject to voter approval, to levy a sales and use tax provided that the rate of all sales and use taxes collected in a parish or municipality, exclusive of state sales and use taxes, does not exceed 3%. Authorizes the legislature to authorize the levy and

collection of additional sales and use taxes by school boards or local governmental subdivisions which additional taxes must also be approved by the voters.

Present law authorizes any municipality, subject to voter approval, to levy sales and use taxes not to exceed 2-1/2%; however, authorizes such taxes levied in a municipality to exceed the limit established by present constitution by only 1%. Excludes municipalities in the parishes of Catahoula, LaSalle, Caldwell, Franklin, and Tensas from authority to exceed the constitutional limit.

Present law authorizes any parish or school board, subject to voter approval, to levy sales and use taxes not to exceed a total of 5% (excluding state and law enforcement district taxes).

Proposed law authorizes Homer, subject to voter approval, to levy an additional sales and use tax not to exceed 1%. Provides that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by present constitution or present law. Further provides that the authority granted in proposed law shall not limit prior taxing authority granted to Homer or any other political subdivision.

Proposed law further provides that the additional tax shall be collected at the same time and in the same manner as other sales and use taxes.

Proposed law further provides that the proceeds of the tax may be used for such lawful purposes as are determined by the governing authority, including the funding of a portion of the avails of the tax into bonds in the manner provided by present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:338.24.1)