

2015 Regular Session

HOUSE BILL NO. 503

BY REPRESENTATIVE PYLANT

TAX/SALES-USE, LOCAL: Authorizes the town of Jonesville to levy a sales and use tax

1 AN ACT

2 To enact R.S. 47:338.24.2, relative to municipal sales and use tax; to authorize the town of
3 Jonesville to levy a sales and use tax, subject to voter approval; to provide
4 limitations; 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. 47:338.24.2 is hereby enacted to read as follows:

10 §338.24.2. Town of Jonesville; sales and use tax; authorization

11 A. Notwithstanding any other provision of law to the contrary except
12 Subsection F of this Section, the governing authority of the town of Jonesville may
13 levy and collect a sales and use tax not in excess of one percent within the corporate
14 limits of the town.

15 B. Pursuant to Section 29(B) of Article VI of the Constitution of Louisiana,
16 the tax authorized by this Section shall not be subject to the combined rate limitation
17 established in Section 29(A) of Article VI of the Constitution of Louisiana nor to the
18 rate limitation established by R.S. 47:338.54. The authority granted in this Section
19 shall not limit any prior taxing authority granted to any other political subdivision

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

3 C. Such 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, within
7 the corporate limits of the town of Jonesville. However, the ordinance imposing the
8 tax shall be adopted only after the proposed tax is approved by a majority of the
9 qualified electors voting on the proposition at an election held for that purpose and
10 conducted in accordance with the Louisiana Election Code. The tax shall be
11 imposed for not more than nine years.

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

14 E. The purpose of such tax shall be to provide funds for the hardsurfacing,
15 rehabilitation, and resurfacing of the streets located within the corporate limits of the
16 town of Jonesville. The proposition or propositions shall state the purposes for
17 which the tax is to be dedicated and the proceeds from the tax shall be expended only
18 in accordance with the proposition or propositions approved by the electors at the
19 election authorizing such tax.

20 F. The governing authority of the town of Jonesville shall not levy both a
21 sales and use tax as authorized in R.S. 47:338.1(1)(a) and a tax as authorized in this
22 Section.

23 Section 2. This Act shall become effective on July 1, 2015; if vetoed by the governor
24 and subsequently approved by the legislature, this Act shall become effective on July 1,
25 2015, or on the day following such approval by the legislature, whichever is later.

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)]

HB 503 Engrossed

2015 Regular Session

Pylant

Abstract: Authorizes the governing authority of the town of Jonesville, subject to voter approval, to levy and collect a 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 the town of Jonesville, subject to voter approval, to levy a sales and use tax not to exceed 1%. Provides that the tax 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 any other political subdivision. (Jonesville, located in Catahoula Parish, has no authority to levy a sales tax because the parish and school board have already exceeded constitutional limits within the town).

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

Proposed law requires that the proceeds of the tax be used for the hardsurfacing, rehabilitation, and resurfacing of the streets located within the corporate limits of the town.

Proposed law prohibits the governing authority of the town from levying a tax as authorized in proposed law and a sales and use tax as authorized in present law.

Effective July 1, 2015.

(Adds R.S. 47:338.24.2)