

2016 First Extraordinary Session

HOUSE BILL NO. 101

BY REPRESENTATIVE JACKSON

TAX/SALES-USE, STATE: Provides for the extent of applicability of various exclusions and exemptions from state sales and use tax (Item #36)

1 AN ACT

2 To amend and reenact R.S. 47:301(3) through (17) and (18)(d)(ii), (h), (i) through (l), and

3 (o), 302(A), (B), and (C)(1), 305(A)(2), (C), (D)(1)(b) through (d) and (g) through

4 (i), (F), (H)(introductory paragraph), and (I), 305.1(A) and (B), 305.6, 305.7, 305.9,

5 305.13, 305.14(A)(1), 305.16, 305.17, 305.18, 305.19, 305.20(A), (C)(introductory

6 paragraph), and (G), 305.26, 305.28(A), 305.33, 305.39, 305.40, 305.41(A), 305.42,

7 305.43, 305.44(A)(introductory paragraph), 305.45(A)(introductory paragraph) and

8 (B), 305.49, 305.50(A)(1) and (2)(a)(introductory paragraph) and (F), 305.51(A),

9 305.56, 305.57(A), 305.59, 305.60, 305.61(A), 305.64(A)(1), (B), and (C),

10 305.65(A) and (C), 305.68, 305.70, 305.71, and 315.2 and to enact R.S. 47:302(V),

11 321(L), and 331(S), relative to state sales and use taxes; to provide with respect to

12 the rate of state sales and use taxes; to increase the rates of state sales and use taxes;

13 to provide with respect to the applicability of exclusions and exemptions from sales

14 and use taxes; to provide for effectiveness; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 47:301(3) through (17) and (18)(d)(ii), (h), (i) through (l), and (o),

17 302(A), (B), and (C)(1), 305(A)(2), (C), (D)(1)(b) through (d) and (g) through (i), (F),

18 (H)(introductory paragraph), and (I), 305.1(A) and (B), 305.6, 305.7, 305.9, 305.13,

19 305.14(A)(1), 305.16, 305.17, 305.18, 305.19, 305.20(A), (C)(introductory paragraph), and

20 (G), 305.26, 305.28(A), 305.33, 305.39, 305.40, 305.41(A), 305.42, 305.43,

1 305.44(A)(introductory paragraph), 305.45(A)(introductory paragraph) and (B), 305.49,
2 305.50(A)(1) and (2)(a)(introductory paragraph) and (F), 305.51(A), 305.56, 305.57(A),
3 305.59, 305.60, 305.61(A), 305.64(A)(1), (B), and (C), 305.65(A) and (C), 305.68, 305.70,
4 305.71, and 315.2 are hereby amended and reenacted and R.S. 47:302(V), 321(L), and
5 331(S) are hereby enacted to read as follows:

6 §301. Definitions

7 As used in this Chapter the following words, terms, and phrases have the
8 meaning ascribed to them in this Section, unless the context clearly indicates a
9 different meaning:

10 * * *

11 (3)(a) "Cost price" means the actual cost of the articles of tangible personal
12 property without any deductions therefrom on account of the cost of materials used,
13 labor, or service cost, except those service costs for installing the articles of tangible
14 personal property if such cost is separately billed to the customer at the time of
15 installation, transportation charges, or any other expenses whatsoever, or the
16 reasonable market value of the tangible personal property at the time it becomes
17 susceptible to the use tax, whichever is less.

18 (b) In the case of tangible personal property which has acquired a tax situs
19 in a taxing jurisdiction and is thereafter transported outside the taxing jurisdiction for
20 repairs performed outside the taxing jurisdiction and is thereafter returned to the
21 taxing jurisdiction, the cost price shall be deemed to be the actual cost of any parts
22 and/or materials used in performing such repairs, if applicable labor charges are
23 separately stated on the invoice. If the applicable labor charges are not separately
24 stated on the invoice, it shall be presumed that the cost price is the total charge
25 reflected on the invoice.

26 (c) "Cost price" shall not include the supplying and installation of board
27 roads to oil field operators if the installation charges are separately billed to the
28 customer at the time of installation.

1 (d)(i) In the case of interchangeable components located in Louisiana, a
2 taxpayer may elect to determine the cost price of such components as follows:

3 (aa) The taxpayer shall send to the secretary written notice of the calendar
4 month selected by the taxpayer as the first month for the determination of cost price
5 under this Paragraph (the "First Month"). The taxpayer may select any month. The
6 taxpayer shall send to the secretary notice of an election to designate a First Month
7 on the first day of the designated First Month, or ninety days from July 1, 1990,
8 whichever is later.

9 (bb) For the First Month and each month thereafter, cost price shall be based
10 and use tax shall be paid only on one-sixtieth of the aggregate cost price of the
11 interchangeable components deployed and earning revenue within Louisiana during
12 the month, without regard to any credit or other consideration for Louisiana state,
13 political subdivision, or school board use tax previously paid on such
14 interchangeable components.

15 (cc) Any election made under this Paragraph shall be irrevocable for a period
16 of sixty consecutive months inclusive of the First Month. If at any time after the
17 sixty-month period the taxpayer revokes its election, no credit or other consideration
18 for use taxes paid pursuant thereto shall be applied to any use tax liability arising
19 after such revocation.

20 (ii)(aa) For purposes of this Paragraph, "interchangeable component" means
21 a component that is used or stored for use in measurement-while-drilling instruments
22 or systems manufactured or assembled by the taxpayer, which measurement-while-
23 drilling instruments or systems collectively generate eighty percent or more of their
24 annual revenue from their use outside of the state.

25 (bb) "Measurement-while-drilling instruments or systems" means
26 instruments or systems which measure information from a downhole location in a
27 borehole, transmit the information to the surface during the process of drilling the
28 borehole using a wireless technique, and receive and decode the information on the
29 surface.

1 (iii) The method for determining cost price of interchangeable components
2 provided for in this Paragraph shall apply to any use taxes imposed by a local
3 political subdivision or school board. For purposes of that application, the words
4 "political subdivision" or "school board" as the case may be, shall be substituted for
5 the words "Louisiana" or "State" in each instance where those words appear in this
6 Paragraph and an appropriate official of the local political subdivision or school
7 board shall be designated to receive the notices required by this Paragraph.

8 (e) "Cost price" shall not include any amount designated as a cash discount
9 or a rebate by a vendor or manufacturer of any new vehicle subject to the motor
10 vehicle license tax. For purposes of this Paragraph "rebate" means any amount
11 offered by the vendor or manufacturer as a deduction from the listed retail price of
12 the vehicle.

13 (f) The "cost price" of refinery gas shall be fifty-two cents per thousand
14 cubic feet multiplied by a fraction the numerator of which shall be the posted price
15 for a barrel of West Texas Intermediate Crude Oil on December first of the preceding
16 calendar year and the denominator of which shall be twenty-nine dollars, and
17 provided further that such cost price shall be the maximum value placed upon
18 refinery gas by the state and by any political subdivision under any authority or grant
19 of power to levy and collect use taxes.

20 (g) "Cost price", for purposes of the use tax imposed by the state and its
21 political subdivisions, shall exclude any amount that a manufacturer pays directly to
22 a dealer of the manufacturer's product for the purpose of reducing and that actually
23 results in an equivalent reduction in the retail "cost price" of that product. This
24 exclusion shall not apply to the value of the coupons that dealers accept from
25 purchasers as part payment of the "sales price" and that are redeemable by the
26 dealers through manufacturers or their agents. The value of such coupons is deemed
27 to be part of the "cost price" of the product purchased through the use of the coupons.

1 (h)(i) For purposes of a publishing business which distributes its news
2 publications at no cost to readers and pays unrelated third parties to print such news
3 publications, the term "cost price" shall mean only the lesser of the following costs:

4 (aa) The printing cost paid to unrelated third parties to print such news
5 publications, less any itemized freight charges for shipping the news publications
6 from the printer to the publishing business and any itemized charges for paper and
7 ink.

8 (bb) Payments to a dealer or distributor as consideration for distribution of
9 the news publications.

10 (ii) The definition of "cost price" provided for in this Subparagraph shall be
11 applicable to taxes levied by ~~all tax authorities in the state~~ any political subdivision.

12 (i)(i) For purposes of the imposition of the use tax levied by the state and any
13 political subdivision whose boundaries are coterminous with those of the state, the
14 cost price of machinery and equipment used by a manufacturer in a plant facility
15 predominately and directly in the actual manufacturing for agricultural purposes or
16 the actual manufacturing process of an item of tangible personal property, which is
17 for ultimate sale to another and not for internal use, at one or more fixed locations
18 within Louisiana, shall be reduced as follows:

19 (aa) For the period ending on June 30, 2005, the cost price shall be reduced
20 by five percent.

21 (bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the
22 cost price shall be reduced by nineteen percent.

23 (cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the
24 cost price shall be reduced by thirty-five percent.

25 (dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the
26 cost price shall be reduced by fifty-four percent.

27 (ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the
28 cost price shall be reduced by sixty-eight percent.

1 (ff) For all periods beginning on or after July 1, 2009, the cost price shall be
2 reduced by one hundred percent.

3 (ii) For purposes of this Subparagraph, the following definitions shall apply:

4 (aa) "Machinery and equipment" means tangible personal property or other
5 property that is eligible for depreciation for federal income tax purposes and that is
6 used as an integral part in the manufacturing of tangible personal property for sale.
7 "Machinery and equipment" shall also mean tangible personal property or other
8 property that is eligible for depreciation for federal income tax purposes and that is
9 used as an integral part of the production, processing, and storing of food and fiber
10 or of timber.

11 (I) Machinery and equipment, for purposes of this Subparagraph, also
12 includes but is not limited to the following:

13 (aaa) Computers and software that are an integral part of the machinery and
14 equipment used directly in the manufacturing process.

15 (bbb) Machinery and equipment necessary to control pollution at a plant
16 facility where pollution is produced by the manufacturing operation.

17 (ccc) Machinery and equipment used to test or measure raw materials, the
18 property undergoing manufacturing or the finished product, when such test or
19 measurement is a necessary part of the manufacturing process.

20 (ddd) Machinery and equipment used by an industrial manufacturing plant
21 to generate electric power for self consumption or cogeneration.

22 (eee) Machinery and equipment used primarily to produce a news
23 publication whether it is ultimately sold at retail or for resale or at no cost. Such
24 machinery and equipment shall include but not be limited to all machinery and
25 equipment used primarily in composing, creating, and other prepress operations,
26 electronic transmission of pages from prepress to press, pressroom operations, and
27 mailroom operations and assembly activities. The term "news publication" shall
28 mean any publication issued daily or regularly at average intervals not exceeding
29 three months, which contains reports of varied character, such as political, social,

1 cultural, sports, moral, religious, or subjects of general public interest, and
2 advertising supplements and any other printed matter ultimately distributed with or
3 a part of such publications.

4 (II) Machinery and equipment, for purposes of this Subparagraph, does not
5 include any of the following:

6 (aaa) A building and its structural components, unless the building or
7 structural component is so closely related to the machinery and equipment that it
8 houses or supports that the building or structural component can be expected to be
9 replaced when the machinery and equipment are replaced.

10 (bbb) Heating, ventilation, and air-conditioning systems, unless their
11 installation is necessary to meet the requirements of the manufacturing process, even
12 though the system may provide incidental comfort to employees or serve, to an
13 insubstantial degree, nonproduction activities.

14 (ccc) Tangible personal property used to transport raw materials or
15 manufactured goods prior to the beginning of the manufacturing process or after the
16 manufacturing process is complete.

17 (ddd) Tangible personal property used to store raw materials or
18 manufactured goods prior to the beginning of the manufacturing process or after the
19 manufacturing process is complete.

20 (bb) "Manufacturer" means:

21 (I) A person whose principal activity is manufacturing, as defined in this
22 Subparagraph, and who is assigned by the Louisiana Workforce Commission a North
23 American Industrial Classification System code within the agricultural, forestry,
24 fishing, and hunting Sector 11, the manufacturing Sectors 31-33, the information
25 Sector 511110 as they existed in 2002, or industry code 423930 as a recyclable
26 material merchant wholesaler engaged in manufacturing activities, which must
27 include shredding facilities, as determined by the secretary of the Department of
28 Revenue.

1 (II) A person whose principal activity is manufacturing and who is not
2 required to register with the Louisiana Workforce Commission for purposes of
3 unemployment insurance, but who would be assigned a North American Industrial
4 Classification System code within the agricultural, forestry, fishing, and hunting
5 Sector 11, the manufacturing Sectors 31-33, the information Sector 511110 as they
6 existed in 2002, as determined by the Louisiana Department of Revenue from federal
7 income tax data, if he were required to register with the Louisiana Workforce
8 Commission for purposes of unemployment insurance.

9 (cc) "Manufacturing" means putting raw materials through a series of steps
10 that brings about a change in their composition or physical nature in order to make
11 a new and different item of tangible personal property that will be sold to another.
12 Manufacturing begins at the point at which raw materials reach the first machine or
13 piece of equipment involved in changing the form of the material and ends at the
14 point at which manufacturing has altered the material to its completed form. Placing
15 materials into containers, packages, or wrapping in which they are sold to the
16 ultimate consumer is part of this manufacturing process. Manufacturing, for
17 purposes of this Subparagraph, does not include any of the following:

18 (I) Repackaging or redistributing.

19 (II) The cooking or preparing of food products by a retailer in the regular
20 course of retail trade.

21 (III) The storage of tangible personal property.

22 (IV) The delivery of tangible personal property to or from the plant.

23 (V) The delivery of tangible personal property to or from storage within the
24 plant.

25 (VI) Actions such as sorting, packaging, or shrink wrapping the final
26 material for ease of transporting and shipping.

27 (dd) "Manufacturing for agricultural purposes" means the production,
28 processing, and storing of food and fiber and the production, processing, and storing
29 of timber.

1 (ee) "Plant facility" means a facility, at one or more locations, in which
2 manufacturing, referred to in Sectors 11 and 31-33 of the North American Industrial
3 Classification system as of 2002, of a product of tangible personal property takes
4 place.

5 (ff) "Used directly" means used in the actual process of manufacturing or
6 manufacturing for agricultural purposes.

7 (iii) No person shall be entitled to purchase, use, lease, or rent machinery or
8 equipment as defined herein without payment of the tax imposed by R.S. 47:302,
9 321, and 331 before receiving a certificate of exclusion from the secretary of the
10 Department of Revenue certifying that he is a manufacturer as defined herein.

11 (iv) The secretary of the Department of Revenue is hereby authorized to
12 adopt rules and regulations in order to administer the exclusion provided for in this
13 Subparagraph.

14 (j) For the purpose of the sales and use taxes imposed by the state or any
15 political subdivision whose boundaries are coterminous with those of the state, the
16 "cost price" of electric power or energy, or natural gas for the period beginning July
17 1, 2007 and thereafter, purchased or used by paper or wood products manufacturing
18 facilities shall not include any of such cost.

19 (k)(i) For purposes of the imposition of the sales and use tax levied by the
20 state or any political subdivision whose boundaries are coterminous with those of the
21 state, the tax on the cost price of tangible property consumed in the manufacturing
22 process, such as fuses, belts, felts, wires, conveyor belts, lubricants, and motor oils
23 and the tax on the cost price of repairs and maintenance of manufacturing machinery
24 and equipment shall be reduced as follows:

25 (aa) For the period beginning July 1, 2010, and ending on June 30, 2011, the
26 state sales and use tax on the cost price shall be reduced by twenty-five percent.

27 (bb) For the period beginning July 1, 2011, and ending June 30, 2012, the
28 state sales and use tax on the cost price shall be reduced by fifty percent.

1 (cc) For the period beginning July 1, 2012, and ending June 30, 2013, the
2 state sales and use tax on the cost price shall be reduced by seventy-five percent.

3 (dd) For all periods beginning on and after July 1, 2013, the state sales and
4 use tax on the cost price shall be reduced by one hundred percent.

5 (ii) For purposes of this Subparagraph, "manufacturer" means a person
6 whose principal activity is manufacturing and who is assigned an industry group
7 designation by the United States Census of 3211 through 3222 or 113310 pursuant
8 to the North American Industry Classification System of 2007.

9 (4) "Dealer" includes every person who manufactures or produces tangible
10 personal property for sale at retail, for use, or consumption, or distribution, or for
11 storage to be used or consumed in a taxing jurisdiction. "Dealer" is further defined
12 to mean:

13 (a) Every person who imports, or causes to be imported, tangible personal
14 property from any other state, foreign country, or other taxing jurisdiction for sale
15 at retail, for use, or consumption, or distribution, or for storage to be used or
16 consumed in a taxing jurisdiction.

17 (b) Every person who sells at retail, or who offers for sale at retail, or who
18 has in his possession for sale at retail, or for use, or consumption, or distribution, or
19 storage to be used or consumed in the taxing jurisdiction, tangible personal property
20 as defined herein.

21 (c) Any person who has sold at retail, or used, or consumed, or distributed,
22 or stored for use or consumption in the taxing jurisdiction, tangible personal property
23 and who cannot prove that the tax levied by this Chapter has been paid on the sale
24 at retail, the use, the consumption, the distribution, or the storage of said tangible
25 personal property.

26 (d)(i) Any person who leases or rents tangible personal property for a
27 consideration, permitting the use or possession of the said property without
28 transferring title thereto.

1 (ii) However, a person who leases or rents tangible personal property to
2 customers who provide information to such person that they will use the property
3 only offshore beyond the territorial limits of the state shall not be included in the
4 term "dealer" for purposes of the collection of the rental or lease tax of the state,
5 statewide political subdivisions, and other political subdivisions on such lease or
6 rental contracts. For purposes of this Item, "use" means the operational or functional
7 use of the property and not other uses related to its possession such as transportation,
8 maintenance, and repair. It is the intention of this Item that the customers of such
9 persons shall remit any tax due on the lease or rental of such property directly to the
10 state and local taxing bodies to whom they are due.

11 (e) Any person who is the lessee or rentee of tangible personal property and
12 who pays to the owner of such property a consideration for the use or possession of
13 such property without acquiring title thereto.

14 (f) Any person, who sells or furnishes any of the services subject to tax under
15 this Chapter.

16 (g) Any person, as used in this act, who purchases or receives any of the
17 services subject to tax under this Chapter.

18 (h) Any person engaging in business in the taxing jurisdiction. "Engaging in
19 business in the taxing jurisdiction" means and includes any of the following methods
20 of transacting business: maintaining directly, indirectly, or through a subsidiary, an
21 office, distribution house, sales house, warehouse, or other place of business or by
22 having an agent, salesman, or solicitor operating within the taxing jurisdiction under
23 the authority of the seller or its subsidiary irrespective of whether such place of
24 business, agent, salesman, or solicitor is located in such taxing jurisdiction
25 permanently or temporarily or whether such seller or subsidiary is qualified to do
26 business in such taxing jurisdiction, or any person who makes deliveries of tangible
27 personal property into the taxing jurisdiction other than by a common or contract
28 carrier.

1 (i) Any person who sells at retail any tangible personal property to a vending
2 machine operator for resale through coin-operated vending machines.

3 (j) Any person who makes deliveries of tangible personal property into the
4 taxing jurisdiction in a vehicle owned or operated by said person.

5 (k) The term "dealer" shall not include lessors of railroad rolling stock used
6 either for freight or passenger purposes. However, the term "dealer" shall include
7 lessees, other than a railway company or railroad corporation, of such property and
8 such lessees shall be responsible for the collection and payment of all state and local
9 sales and use taxes.

10 (l) Every person who engages in regular or systematic solicitation of a
11 consumer market in the taxing jurisdiction by the distribution of catalogs,
12 periodicals, advertising fliers, or other advertising, or by means of print, radio or
13 television media, by mail, telegraphy, telephone, computer data base, cable, optic,
14 microwave, or other communication system.

15 (5) "Gross sales" means the sum total of all retail sales of tangible personal
16 property, without any deduction whatsoever of any kind or character except as
17 provided in this Chapter.

18 (6)(a) "Hotel" means and includes any establishment engaged in the business
19 of furnishing sleeping rooms, cottages, or cabins to transient guests, where such
20 establishment consists of six or more sleeping rooms, cottages, or cabins at a single
21 business location.

22 (b) For purposes of the sales and use taxes of all tax authorities in this state,
23 the term "hotel" as defined herein shall not include camp and retreat facilities owned
24 and operated by nonprofit organizations exempt from federal income tax under
25 Section 501(a) of the Internal Revenue Code as an organization described in Section
26 501(c)(3) of the Internal Revenue Code provided that the net revenue derived from
27 the organizations's property is devoted wholly to the nonprofit organization's
28 purposes. However, for purposes of this Paragraph, the term "hotel" shall include
29 camp and retreat facilities which shall sell rooms or other accommodations to

1 transient guests who are not attending a function of such nonprofit organization that
2 owns and operates the camp and retreat facilities or a function of another nonprofit
3 organization exempt from federal income tax under Section 501(a) of the Internal
4 Revenue Code as an organization described in Section 501(c)(3) of the Internal
5 Revenue Code. It is the intention of the legislature to tax the furnishing of rooms to
6 those who merely purchase lodging at such facilities.

7 (c) For purposes of the sales and use taxes of all tax authorities in this state,
8 the term "hotel", as defined herein, shall not include a temporary lodging facility
9 which is operated by a nonprofit organization described in Section 501(c)(3) of the
10 Internal Revenue Code, provided that the facility is devoted exclusively to the
11 temporary housing, for periods no longer than thirty days' duration, of homeless
12 transient persons whom the organization determines to be financially incapable of
13 engaging lodging at a facility defined by Subparagraph (a) of this Paragraph, and
14 further provided that the lodging charge to such persons is no greater than twenty
15 dollars per day.

16 (7)(a) "Lease or rental" means the leasing or renting of tangible personal
17 property and the possession or use thereof by the lessee or renter, for a consideration,
18 without transfer of the title of such property. For the purpose of the leasing or
19 renting of automobiles, "lease" means the leasing of automobiles and the possession
20 or use thereof by the lessee, for a consideration, without the transfer of the title of
21 such property for a one hundred eighty-day period or more. "Rental" means the
22 renting of automobiles and the possession or use thereof by the renter, for a
23 consideration, without the transfer of the title of such property for a period less than
24 one hundred eighty days.

25 (b) Solely for purposes of sales tax levied and imposed by a local political
26 subdivision, the ~~The~~ term "lease or rental", however, as herein defined, shall not
27 mean or include the lease or rental made for the purposes of re-lease or re-rental of
28 casing tools and pipe, drill pipe, tubing, compressors, tanks, pumps, power units,

1 other drilling or related equipment used in connection with the operating, drilling,
2 completion, or reworking of oil, gas, sulphur, or other mineral wells.

3 (c) The term "lease or rental", as herein defined shall not mean or include a
4 lease or rental of property to be used in performance of a contract with the United
5 States Department of the Navy for construction or overhaul of U.S. Naval vessels.

6 (d) Solely for purposes of sales tax levied by a local political subdivision, the
7 ~~The~~ term "lease or rental", as herein defined, shall not mean the lease or rental of
8 airplanes or airplane equipment by a commuter airline domiciled in Louisiana.

9 (e) For purposes of state and political subdivision sales and use tax, the term
10 "lease or rental", as herein defined, shall not mean the lease or rental of items,
11 including but not limited to supplies and equipment, which are reasonably necessary
12 for the operation of free hospitals.

13 (f) For purposes of state and political subdivision sales and use tax, "lease
14 or rental" shall not mean the lease or rental of educational materials or equipment
15 used for classroom instruction by approved parochial and private elementary and
16 secondary schools which comply with the court order from the Dodd Brumfield
17 decision and Section 501(c)(3) of the Internal Revenue Code, limited to books,
18 workbooks, computers, computer software, films, videos, and audio tapes.

19 (g) For purposes of state and political subdivision sales and use tax, "lease
20 or rental" shall not mean the lease or rental of tangible personal property to Boys
21 State of Louisiana, Inc. and Girls State of Louisiana, Inc. which is used by such
22 organizations for their educational and public service programs for youth.

23 (h) For purposes of state and political subdivision sales and use tax, the term
24 "lease or rental" shall not mean or include the lease or rental of motor vehicles by
25 licensed motor vehicle dealers, as defined in R.S. 32:1252(14), or vehicle
26 manufacturers, as defined in R.S. 32:1252(11), for their use in furnishing such leased
27 or rented motor vehicles to their customers in performance of their obligations under
28 warranty agreements associated with the purchase of a motor vehicle or when the

1 applicable warranty has lapsed and the leased or rented motor vehicle is provided to
2 the customer at no charge.

3 (i) For purposes of sales and use taxes levied and imposed by local
4 governmental subdivisions, school boards, and other political subdivisions whose
5 boundaries are not coterminous with those of the state, "lease or rental" by a person
6 shall not mean or include the lease or rental of tangible personal property if such
7 lease or rental is made under the provisions of Medicare.

8 (j) Solely for purposes of the sales and use tax levied by the state or any
9 political subdivision whose boundaries are coterminous with those of the state, the
10 term "lease or rental" shall not include the lease or rental in this state of
11 manufacturing machinery and equipment used or consumed in this state to
12 manufacture, produce, or extract unblended biodiesel.

13 (k)(i) For purposes of any sales, use, or lease tax levied by ~~the state or local~~
14 any political subdivision of the state, the term "lease or rental" shall not include the
15 lease or rental of a crane and related equipment with an operator.

16 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, cranes
17 leased or rented with an operator are subject to the provisions of the sales and use tax
18 law upon first use in Louisiana.

19 (l)(i) For purposes of the sales and use tax levied by ~~all tax authorities~~ any
20 political subdivision in this state, the term "lease or rental" shall not apply to leases
21 or rentals of pallets which are used in packaging products produced by a
22 manufacturer.

23 (ii) For purposes of this Subparagraph, the term "manufacturer" shall mean
24 a person whose primary activity is manufacturing and who is assigned by the
25 Louisiana Workforce Commission a North American Industrial Classification
26 System code within the manufacturing sectors 31-33 as they existed in 2002.

27 (8)(a) "Person", except as provided in Subparagraph (c), includes any
28 individual, firm, copartnership, joint adventure, association, corporation, estate, trust,
29 business trust, receiver, syndicate, this state, any parish, city and parish,

1 municipality, district or other political subdivision thereof or any board, agency,
2 instrumentality, or other group or combination acting as a unit, and the plural as well
3 as the singular number.

4 (b) Solely for purposes of the payment of state sales or use tax on the lease
5 or rental or the purchase of tangible personal property or services, "person" shall not
6 include a regionally accredited independent institution of higher education which is
7 a member of the Louisiana Association of Independent Colleges and Universities,
8 if such lease or rental or purchase is directly related to the educational mission of
9 such institution. However, the term "person" shall include such institution for
10 purposes of the payment of tax on sales by such institution if the sales are not
11 otherwise exempt.

12 (c)(i) For purposes of the payment of the state sales and use tax and the sales
13 and use tax levied by any political subdivision, "person" shall not include this state,
14 any parish, city and parish, municipality, district, or other political subdivision
15 thereof, or any agency, board, commission, or instrumentality of this state or its
16 political subdivisions.

17 (ii) Upon request by any political subdivision for an exemption identification
18 number, the Department of Revenue shall issue such number. The secretary may
19 promulgate rules and regulations in accordance with the Administrative Procedure
20 Act to carry out the provisions of this Item.

21 (d)(i) For purposes of the payment of the state sales and use tax and the sales
22 and use tax levied by any political subdivision, the term "person" shall not include
23 a church or synagogue that is recognized by the United States Internal Revenue
24 Service as entitled to exemption under Section 501(c)(3) of the United States Internal
25 Revenue Code.

26 (ii) The secretary of the Department of Revenue shall promulgate rules and
27 regulations defining the terms "church" and "synagogue" for purposes of this
28 exclusion. The definitions shall be consistent with the criteria established by the

1 U.S. Internal Revenue Service in identifying organizations that qualify for church
2 status for federal income tax purposes.

3 (iii) No church or synagogue shall claim exemption or exclusion from the
4 state sales and use tax or the sales and use tax levied by any political subdivision
5 before having obtained a certificate of authorization from the secretary of the
6 Department of Revenue. The secretary shall develop applications for such
7 certificates. The certificates shall be issued without charge to the institutions that
8 qualify.

9 (iv) The exclusion from the sales and use tax authorized by this
10 Subparagraph shall apply only to purchases of bibles, song books, or literature used
11 for religious instruction classes.

12 (e)(i) For purposes of the payment of the state sales and use tax and the sales
13 and use tax levied by any political subdivision, the term "person" shall not include
14 the Society of the Little Sisters of the Poor.

15 (ii) The secretary of the Department of Revenue shall promulgate rules and
16 regulations for purposes of this exclusion. The definitions shall be consistent with
17 the criteria established by the U.S. Internal Revenue Service in identifying tax-
18 exempt status for federal income tax purposes.

19 (iii) No member of the Society of the Little Sisters of the Poor shall claim
20 exemption or exclusion from the state sales and use tax or the sales and use tax
21 levied by any political subdivision before having obtained a certificate of
22 authorization from the secretary of the Department of Revenue. The secretary shall
23 develop applications for such certificates. The certificates shall be issued without
24 charge to the entities which qualify.

25 (f)(i) For purposes of the payment of sales and use tax levied by this state
26 and any political subdivision whose boundaries are coterminous with those of the
27 state, the term "person" shall not include a nonprofit entity which sells donated goods
28 and spends seventy-five percent or more of its revenues on directly employing or
29 training for employment persons with disabilities or workplace disadvantages.

1 (ii) The secretary shall promulgate rules and regulations for the use of
2 exclusion certificates for purposes of implementation of this Subparagraph. Each
3 nonprofit entity electing to utilize the exclusion provided for in this Subparagraph
4 shall apply for an exclusion certificate annually. Any exclusion certificate granted
5 by the Department of Revenue shall be effective for a one-year period.

6 (iii) The secretary shall provide forms for nonprofit entities to request an
7 exclusion certificate.

8 (9) "Purchaser" means and includes any person who acquires or receives any
9 tangible personal property, or the privilege of using any tangible personal property,
10 or receives any services pursuant to a transaction subject to tax under this Chapter.

11 (10)(a)(i) Solely for the purposes of the imposition of the state sales and use
12 tax, "retail sale" or "sale at retail" means a sale to a consumer or to any other person
13 for any purpose other than for resale as tangible personal property, or for the lease
14 of automobiles in an arm's length transaction, and shall mean and include all such
15 transactions as the secretary, upon investigation, finds to be in lieu of sales; provided
16 that sales for resale or for lease of automobiles in an arm's length transaction must
17 be made in strict compliance with the rules and regulations. Any dealer making a
18 sale for resale or for the lease of automobiles, which is not in strict compliance with
19 the rules and regulations, shall himself be liable for and pay the tax.

20 (ii) Solely for purposes of the imposition of the sales and use tax levied by
21 a political subdivision or school board, "retail sale" or "sale at retail" shall mean a
22 sale to a consumer or to any other person for any purpose other than for resale in the
23 form of tangible personal property, or resale of those services defined in Paragraph
24 (14) of this Section provided the retail sale of the service is subject to sales tax in this
25 state, and shall mean and include all such transactions as the collector, upon
26 investigation, finds to be in lieu of sales; provided that sales for resale be made in
27 strict compliance with the rules and regulations. Any dealer making a sale for resale,
28 which is not in strict compliance with the rules and regulations shall himself be liable
29 for and pay the tax. A local collector shall accept a resale certificate issued by the

1 Department of Revenue, provided the taxpayer includes the parish of its principal
2 place of business and local sales tax account number on the state certificate.
3 However, in the case of an intra-parish transaction from dealer to dealer, the
4 collector may require that the local exemption certificate be used in lieu of the state
5 certificate. The department shall accommodate the inclusion of such information on
6 its resale certificate for such purposes.

7 (iii) "Retail sale" or "sale at retail" for purposes of sales and use taxes
8 imposed by the state on transactions involving the sale for rental of automobiles
9 which take place on or after January 1, 1991, and by political subdivisions on such
10 transactions on or after July 1, 1996, and state sales and use taxes imposed on
11 transactions involving the lease or rental of tangible personal property other than
12 automobiles which take place on or after July 1, 1991, means a sale to a consumer
13 or to any other person for any purpose other than for resale as tangible personal
14 property, or for lease or rental in an arm's length transaction in the form of tangible
15 personal property, and shall mean and include all such transactions as the secretary,
16 upon investigation, finds to be in lieu of sales; provided that sales for resale or for
17 lease or rental in an arm's length transaction must be made in strict compliance with
18 the rules and regulations. Any dealer making a sale for resale or for lease or rental,
19 which is not in strict compliance with the rules and regulations, shall himself be
20 liable for and pay the tax. For purposes of the imposition of the tax imposed by any
21 political subdivision of the state, for the period beginning on July 1, 1999, and
22 ending on June 30, 2000, the term "retail sale" or "sale at retail" shall not include
23 one-fourth of the sales price of any tangible personal property which is sold in order
24 to be leased or rented in an arm's length transaction in the form of tangible personal
25 property. For purposes of the imposition of the tax imposed by any political
26 subdivision of the state, for the period beginning on July 1, 2000, and ending on June
27 30, 2001, the term "retail sale" or "sale at retail" shall not include one-half of the
28 sales price of any tangible personal property which is sold in order to be leased or
29 rented in an arm's length transaction in the form of tangible personal property. For

1 purposes of the imposition of the tax imposed by any political subdivision of the
2 state, for the period beginning on July 1, 2001, and ending on June 30, 2002, the
3 term "retail sale" or "sale at retail" shall not include three-fourths of the sales price
4 of any tangible personal property which is sold in order to be leased or rented in an
5 arm's length transaction in the form of tangible personal property. Beginning July
6 1, 2002, for the purposes of imposition of the tax levied by any political subdivision
7 of the state, the term "retail sale" or "sale at retail" shall not include the sale of any
8 tangible personal property which is sold in order to be leased or rented in an arm's
9 length transaction in the form of tangible personal property.

10 (iv) "Retail sale" or "sale at retail", for purposes of sales and use taxes
11 imposed by the state on transactions involving the sale for rental of automobiles
12 which take place prior to January 1, 1991, and by political subdivisions on such
13 transactions prior to July 1, 1996, and imposed on transactions involving the lease
14 or rental of tangible personal property other than autos which take place prior to July
15 1, 1991, and for purposes of local sales and use taxes levied by political subdivisions
16 except for transactions involving the sale for rental of automobiles on or after July
17 1, 1996, means a sale to a consumer or to any other person for any purpose other
18 than for resale in the form of tangible personal property, and shall mean and include
19 all such transactions as the secretary, upon investigation, finds to be in lieu of sales;
20 provided that sales for resale must be made in strict compliance with the rules and
21 regulations. Any dealer making a sale for resale, which is not in strict compliance
22 with the rules and regulations, shall himself be liable for and pay the tax. However,
23 contrary provisions of law notwithstanding, any political subdivision may, by
24 ordinance, adopt the definition of "retail sale" or "sale at retail" provided in Item (iii)
25 of this Subparagraph for purposes of the imposition of its sales and use tax.

26 (v) Became null and void on June 30, 2006. See Acts 2002, 1st Ex. Sess.,
27 No. 3.

28 (vi)(a) ~~Solely for purposes of the payment of state sales and use tax, until~~
29 ~~January 1, 2007, the term "sale at retail" shall not include purchases made in~~

1 connection with the filming or production of a motion picture by a motion picture
2 production company which has been relieved from the payment of state sales and use
3 tax under the provisions of Chapter 12 of Subtitle II of this Title, also known as the
4 "Louisiana Motion Picture Incentive Act". This exclusion shall be retroactively
5 revoked if it is determined that a motion picture production company that has been
6 relieved from payment of state sales and use tax under Chapter 12 failed to meet the
7 conditions of such relief.

8 (b)(i) Solely for purposes of the sales and use tax levied by the state, the sale
9 of tangible personal property to a dealer who purchases said property for resale
10 through coin-operated vending machines shall be considered a "sale at retail", subject
11 to such tax. The subsequent resale of the property by the dealer through
12 coin-operated vending machines shall not be considered a "sale at retail".

13 (ii) Solely for purposes of the sales and use tax levied by political
14 subdivisions, the term "sale at retail" shall include the sale of tangible personal
15 property by a dealer through coin-operated vending machines.

16 (c)(i)(aa)(b)(i)(aa) The term "sale at retail" does not include sale of materials
17 for further processing into articles of tangible personal property for sale at retail.

18 (bb) Solely for purposes of the sales and use tax levied by the state, natural
19 gas when used in the production of iron in the process known as the "direct reduced
20 iron process" is not a catalyst and is recognized by the legislature to be a material for
21 further processing into an article of tangible personal property for sale at retail.

22 (ii)(aa) Solely for purposes of the sales and use tax levied by the state, the
23 term "sale at retail" does not include sales of electricity for chlor-alkali
24 manufacturing processes.

25 (bb) The term "sale at retail" does not include an isolated or occasional sale
26 of tangible personal property by a person not engaged in such business.

27 (d) The term "sale at retail" does not include the sale of any human tissue
28 transplants, which shall be defined to include all human organs, bone, skin, cornea,

1 blood, or blood products transplanted from one individual into another recipient
2 individual.

3 (e) The term "sale at retail" does not include the sale of raw agricultural
4 commodities, including but not limited to feed, seed, and fertilizer, to be utilized in
5 preparing, finishing, manufacturing, or producing crops or animals for market. The
6 Department of Agriculture and Forestry may develop and promulgate guidelines to
7 determine who meets this definition. Any person meeting such guidelines shall
8 receive a certificate from the Department of Agriculture and Forestry indicating that
9 such person is eligible to purchase such items without paying tax thereon.

10 (f) Notwithstanding any other law to the contrary, for purposes of the
11 imposition of the sales and use tax of any political subdivision, the sale of a vehicle
12 subject to the Vehicle Registration License Tax Law (R.S. 47:451 et seq.) shall be
13 deemed to be a "retail sale" or a "sale at retail":

14 (i) In the political subdivision of the principal residence of the purchaser if
15 the vehicle is purchased for private use, or

16 (ii) In the political subdivision of the principal location of the business if the
17 vehicle is purchased for commercial use, unless the vehicle purchased for
18 commercial use is assigned, garaged, and used outside of such political subdivision,
19 in which case the sale shall be deemed a "retail sale" or a "sale at retail" in the
20 political subdivision where the vehicle is assigned, garaged, and used.

21 (g) The term "retail sale" does not include a sale of corporeal movable
22 property which is intended for future sale to the United States government or its
23 agencies, when title to such property is transferred to the United States government
24 or its agencies prior to the incorporation of that property into a final product.

25 (h) The term "sale at retail" does not include the sale of food items by youth
26 serving organizations chartered by congress.

27 (i) The term "sale at retail" does not include the purchase of a new school
28 bus or a used school bus which is less than five years old by an independent operator,

1 when such bus is to be used exclusively in a public school system. This exclusion
2 shall apply to all sales and use taxes levied by any local political subdivision.

3 (j) The term "sale at retail" does not include the sale of tangible personal
4 property to food banks, as defined in R.S. 9:2799.

5 (k) Solely for purposes of sales and use taxes levied by any local political
6 subdivision, the The term "sale at retail" shall not include the sale of airplanes or
7 airplane equipment or parts to a commuter airline domiciled in Louisiana.

8 (l) ~~Solely for purposes of the state sales and use tax, the term "sale at retail"~~
9 ~~shall not include the sale of a pollution control device or system. Pollution control~~
10 ~~device or system shall mean any tangible personal property approved by the~~
11 ~~Department of Revenue and the Department of Environmental Quality and sold or~~
12 ~~leased and used or intended for the purpose of eliminating, preventing, treating, or~~
13 ~~reducing the volume or toxicity or potential hazards of industrial pollution of air,~~
14 ~~water, groundwater, noise, solid waste, or hazardous waste in the state of Louisiana.~~
15 ~~For the purposes of any sales and use tax levied by a political subdivision, the term~~
16 ~~"sale at retail" shall include the sale of a pollution control device or system. In order~~
17 ~~to qualify, the pollution control device or system must demonstrate either: a net~~
18 ~~decrease in the volume or toxicity or potential hazards of pollution as a result of the~~
19 ~~installation of the device or system; or that installation is necessary to comply with~~
20 ~~federal or state environmental laws or regulations.~~

21 (m) Solely for For purposes of sales and use taxes ~~imposed or levied by the~~
22 ~~state or~~ any political subdivision, the term "sale at retail" shall not include the sales
23 of Louisiana-manufactured or Louisiana-assembled passenger aircraft with a
24 maximum capacity of eight persons, if, after all transportation, including
25 transportation by the purchaser, has been completed, the aircraft is ultimately
26 received by the purchaser outside of Louisiana. The place at which the aircraft is
27 ultimately received shall be considered as the place at which the aircraft is stored
28 after all transportation has been completed.

1 (n) For purposes of sales and use taxes imposed or levied by ~~the state or any~~
2 local political subdivision thereof, the term "sale at retail" shall not include the sales
3 of pelletized paper waste when purchased for use as combustible fuel by an electric
4 utility or in an industrial manufacturing, processing, compounding, reuse, or
5 production process, including the generation of electricity or process steam, at a
6 fixed location in this state. However, such sale shall not be excluded unless the
7 purchaser has signed a certificate stating that the fuel purchased is for the exclusive
8 use designated herein. For purposes of this Subparagraph, "pelletized paper waste"
9 means pellets produced from discarded waste paper that has been diverted or
10 removed from solid waste which is not marketable for recycling and which is wetted,
11 extruded, shredded, or formulated into compact pellets of various sizes for use as a
12 supplemental fuel in a permitted boiler.

13 (o) For the purposes of sales and use taxes imposed or levied by the state or
14 any local governmental subdivision or school board, the term "sale at retail" shall not
15 include the sale or purchase of equipment used in fire fighting by bona fide volunteer
16 and public fire departments.

17 (p) For purposes of state and political subdivision sales and use tax, the term
18 "sale at retail" shall not include the sale of items, including but not limited to
19 supplies and equipment, or the sale of services as provided in this Section, which are
20 reasonably necessary for the operation of free hospitals.

21 (q) For purposes of state and political subdivision sales and use tax, the term
22 "sale at retail" shall not include:

23 (i) The sale of tangible personal property by approved parochial and private
24 elementary and secondary schools which comply with the court order from the Dodd
25 Brumfield decision and Section 501(c)(3) of the Internal Revenue Code, or students,
26 administrators, or teachers, or other employees of the school, if the money from such
27 sales, less reasonable and necessary expenses associated with the sale, is used solely
28 and exclusively to support the school or its program or curricula. This exclusion
29 shall not be construed to allow tax-free sales to students or their families by

1 promoters or regular commercial dealers through the use of schools, school faculty,
2 or school facilities.

3 (ii) The sale to approved parochial and private elementary and secondary
4 schools which comply with the court order from the Dodd Brumfield decision and
5 Section 501(c)(3) of the Internal Revenue Code of educational materials or
6 equipment used for classroom instruction limited to books, workbooks, computers,
7 computer software, films, videos, and audio tapes.

8 (r) For purposes of state and political subdivision sales and use tax, the term
9 "sale at retail" shall not include the sale of tangible personal property to Boys State
10 of Louisiana, Inc. and Girls State of Louisiana, Inc. which is used by such
11 organizations for their educational and public service programs for youth.

12 (s) The term "sale at retail" or "retail sale", for purposes of sales and use
13 taxes imposed by the state or any political subdivision or other taxing entity, shall
14 not include any charge, fee, money, or other consideration received, given, or paid
15 for the performance of funeral directing services. For purposes of this Subparagraph,
16 "funeral directing services" means the operation of a funeral home, or by way of
17 illustration and not limitation, any service whatsoever connected with the
18 management of funerals, or the supervision of hearses or funeral cars, the cleaning
19 or dressing of dead human bodies for burial, and the performance or supervision of
20 any service or act connected with the management of funerals from time of death
21 until the body or bodies are delivered to the cemetery, crematorium, or other agent
22 for the purpose of disposition. However, such services shall not mean or include the
23 sale, lease, rental, or use of any tangible personal property as those terms are defined
24 in this Section.

25 (t) For purposes of sales and use taxes levied by ~~the state or any local~~
26 political subdivision of the state, the term "sale at retail" shall not include the transfer
27 of title to or possession of telephone directories by an advertising company that is
28 not affiliated with a provider of telephone services if the telephone directories will
29 be distributed free of charge to the recipients of the telephone directories.

1 (u) For purposes of sales and use taxes levied and imposed by local
2 governmental subdivisions, school boards, and other political subdivisions whose
3 boundaries are not coterminous with those of the state, "sale at retail" by a person
4 shall not mean or include the sale of tangible personal property if such sale is made
5 under the provisions of Medicare.

6 (v) For purposes of the imposition of sales and use taxes imposed or levied
7 by ~~all taxing authorities~~ any local political subdivision in the state, in the case of the
8 sale or other disposition by a dealer of any cellular, PCS, or wireless telephone, or
9 any electronic accessories that are physically connected with such telephones and
10 personal communication devices used in connection with the sale or use of mobile
11 telecommunications services, the term "retail sale" or "sale at retail" shall mean and
12 include the sale or any other disposition of such cellular, PCS, or wireless telephone,
13 any electronic accessories that are physically connected with such telephones and
14 personal communication devices by the dealer to the purchaser, but shall not mean
15 or include the withdrawal, use, distribution, consumption, storage, donation, or any
16 other disposition of any such cellular, PCS, or wireless telephone, any electronic
17 accessories that are physically connected with such telephones, and personal
18 communication devices by the dealer.

19 (w) For purposes of the imposition of sales and use taxes imposed or levied
20 by any political subdivision of the state, in the case of the sale or other disposition
21 by a dealer of any cellular telephone, PCS telephone, wireless telephone, or other
22 wireless personal communication device that is used in connection with the sale or
23 use of mobile telecommunications services, or any electronic accessory that is
24 physically connected with any such telephone or personal communication device, the
25 term "retail sale" or "sale at retail" shall mean and include the sale or any other
26 disposition of any such telephone, other personal communication device, or
27 electronic accessory.

28 (x) For purposes of the sales and use tax imposed by the state or any political
29 subdivision whose boundaries are coterminous with those of the state, the terms

1 "retail sale" or "sale at retail" shall not include ~~the following:~~the sale or purchase by
2 a consumer of any fuel or gas, including but not limited to butane and propane, for
3 residential use by the consumer.

4 ~~(i) The sale or purchase by a person of any fuel or gas, including but not~~
5 ~~limited to butane and propane.~~

6 ~~(ii) Beginning July 1, 2008, the sale or purchase by any person of butane and~~
7 ~~propane.~~

8 (y)(i) Solely for the purposes of sales and use taxes levied by the state or any
9 political subdivision whose boundaries are coterminous with those of the state, the
10 term "sale at retail" shall not include the sale of manufacturing machinery and
11 equipment used or consumed in this state to manufacture, produce, or extract
12 unblended biodiesel.

13 (ii) As used in this Subparagraph, the following words and phrases have the
14 meaning ascribed to them:

15 (aa) "Manufacturing machinery and equipment" means tangible property
16 used or consumed, or held for use or consumption, as an integral part of a biodiesel
17 manufacturing, production, or extraction facility, process, or item of equipment.
18 Property shall be considered to be an integral part of such biodiesel manufacturing,
19 production, or extraction facility, process, or item of equipment only if such property
20 is used or consumed directly in the manufacturing, production, or extraction process
21 or is part of, physically attached to, or otherwise directly associated with such
22 property. Property, the installation of which is reasonably necessary for the proper
23 installation, operation, maintenance of property which directly results in such
24 manufacturing, production, or extraction shall be considered as directly associated
25 with such property.

26 (bb) "Unblended biodiesel" means a fuel comprised of mono-alkyl esters of
27 long chain fatty acids derived from vegetable oils or animal fats, designated B100,
28 and meeting the requirements of the definition provided for in D 6751 of the

1 American Society of Testing and Materials (ATDM D 6751), before such fuel is
2 blended with a petroleum-based diesel fuel.

3 (z) Solely for the purposes of sales and use taxes levied by the state or any
4 political subdivision whose boundaries are coterminous with those of the state, the
5 term "sale at retail" shall not include the sale of any alternative substance when such
6 alternative substance is used as a fuel by a manufacturer. "Alternative substance"
7 means any substance other than oil and natural gas and any product of oil and natural
8 gas. "Alternative substance" shall include petroleum coke, landfill gas, reclaimed
9 or waste oil, unblended biodiesel, or tire-derived fuel, but not coal, lignite, refinery
10 gas, nuclear fuel, or electricity. "Manufacturer" means a person whose principal
11 activity is manufacturing and who is assigned by the Louisiana Workforce
12 Commission a North American Industrial Classification System code with the
13 agricultural, forestry, fishing, and hunting Sector 11 or the manufacturing Sectors 31-
14 33 as they existed in 2002.

15 (aa)(i) For purposes of sales and use taxes imposed or levied by the state or
16 any political subdivision of the state, the term "sale at retail" shall not include the
17 sale of toys to a non-profit organization exempt from federal taxation pursuant to
18 Section 501(c)(3) of the Internal Revenue Code if the sole purpose of the purchasing
19 organization is to donate toys to minors and the toys are, in fact, donated.

20 (ii) The exclusion provided in this Subparagraph shall not apply if the
21 donation is intended to ultimately yield a profit to a promoter of the organization or
22 to any individual contracted to provide services or equipment, or both, to the
23 organization.

24 (iii) A certificate of exclusion shall be obtained from the secretary or the tax
25 collector of the political subdivision, under such regulations as he shall prescribe, in
26 order for nonprofit organizations to qualify for the exclusion provided for in this
27 Subparagraph.

28 ~~(bb) For purposes of sales and use taxes imposed or levied by the state, the~~
29 ~~terms "retail sale" and "sale at retail" shall not include sales of natural gas to be held,~~

1 ~~used, or consumed in providing natural gas storage services or operating natural gas~~
2 ~~storage facilities.~~

3 (cc) For purposes of the sales and use tax imposed by the state or any
4 political subdivision of the state, the terms "retail sale" or "sale at retail" shall not
5 mean or include the purchase of textbooks and course-related software by a private
6 postsecondary academic degree-granting institution, accredited by a national or
7 regional commission that is recognized by the United States Department of
8 Education and is licensed by the Board of Regents, which institution has its main
9 location within this state and offers only online instruction, when all of the following
10 apply:

11 (i) The textbooks and course-related software are physically outside of this
12 state when purchased from a vendor outside of this state and then imported into this
13 state.

14 (ii) The first student use of the textbooks and course-related software occurs
15 outside of this state.

16 (iii) The textbooks and course-related software are provided to the student
17 free of charge.

18 (dd) For purposes of sales and use taxes imposed or levied by the state, the
19 terms "retail sale" or "sale at retail" shall not include the purchase of food items for
20 school lunch or breakfast programs by nonpublic elementary or secondary schools
21 which participate in the National School Lunch and School Breakfast programs or
22 the purchase of food items by nonprofit corporations which serve students in
23 nonpublic elementary or secondary schools and which participate in the National
24 School Lunch and School Breakfast programs.

25 ~~(cc)(i) Solely for the purposes of the imposition of the state sales and use tax,~~
26 ~~the term "retail sale" and "sale at retail" shall not include the sale of any storm~~
27 ~~shutter device.~~

1 (ii) ~~As used in this Subparagraph, "storm shutter device" means materials~~
2 ~~and products manufactured, rated, and marketed specifically for the purpose of~~
3 ~~preventing window damage from storms.~~

4 (iii) ~~The secretary of the Department of Revenue, in consultation with the~~
5 ~~Department of Insurance, shall promulgate such rules and regulations in accordance~~
6 ~~with the Administrative Procedure Act as may be necessary to carry out the~~
7 ~~provisions of this Subparagraph.~~

8 (ff) For purposes of sales taxes imposed by the state or any political
9 subdivision of the state, the term "retail sale" or "sale at retail" shall not include sales
10 of tangible personal property by the Military Department, state of Louisiana, which
11 occur on an installation or other property owned or operated by the Military
12 Department.

13 (gg) For purposes of sales and use tax imposed by ~~the state or any local~~
14 political subdivision of the state, the term "sale at retail" shall not include the sale of
15 anthropogenic carbon dioxide for use in a qualified tertiary recovery project
16 approved by the assistant secretary of the office of conservation of the Department
17 of Natural Resources pursuant to R.S. 47:633.4.

18 (hh) For purposes of sales and use tax imposed by ~~the state, any political~~
19 ~~subdivision whose boundaries are coterminous with those of the state, or any other~~
20 any local political subdivision, the term "sale at retail" shall not include the sale of
21 tangible personal property at an event providing Louisiana heritage, culture, crafts,
22 art, food, and music which is sponsored by a domestic nonprofit organization that is
23 exempt from tax under Section 501(c)(3) of the Internal Revenue Code. The
24 provisions of this Subparagraph shall apply only to an event which transpires over
25 a minimum of seven but not more than twelve days and has a five-year annual
26 average attendance of at least three hundred thousand over the duration of the event.
27 For purposes of determining the five-year annual average attendance, the calculation
28 shall include the total annual attendance for each of the five most recent years. The
29 provisions of this Subparagraph shall apply only to sales by the sponsor of the event.

1 (11) "Retailer" means and includes every person engaged in the business of
2 making sales at retail or for distribution, or use or consumption, or storage to be used
3 or consumed in this state.

4 (12) "Sale" means any transfer of title or possession, or both, exchange,
5 barter, conditional or otherwise, in any manner or by any means whatsoever, of
6 tangible personal property, for a consideration, and includes the fabrication of
7 tangible personal property for consumers who furnish, either directly or indirectly,
8 the materials used in fabrication work, and the furnishing, preparing or serving, for
9 a consideration, of any tangible personal property, consumed on the premises of the
10 person furnishing, preparing or serving such tangible personal property. A
11 transaction whereby the possession of property is transferred but the seller retains
12 title as security for the payment of the price shall be deemed a sale.

13 (13)(a) "Sales price" means the total amount for which tangible personal
14 property is sold, less the market value of any article traded in including any services,
15 except services for financing, that are a part of the sale valued in money, whether
16 paid in money or otherwise, and includes the cost of materials used, labor or service
17 costs, except costs for financing which shall not exceed the legal interest rate and a
18 service charge not to exceed six percent of the amount financed, and losses; provided
19 that cash discounts allowed and taken on sales shall not be included, nor shall the
20 sales price include the amount charged for labor or services rendered in installing,
21 applying, remodeling, or repairing property sold.

22 (b) The term "sales price" shall not include any amount designated as a cash
23 discount or a rebate by the vendor or manufacturer of any new vehicle subject to the
24 motor vehicle license tax. For purposes of this Paragraph "rebate" means any
25 amount offered by a vendor or manufacturer as a deduction from the listed retail
26 price of the vehicle.

27 (c) "Sales price" shall not include the first fifty thousand dollars of the sale
28 price of new farm equipment used in poultry production.

1 (d) Notwithstanding any other provision of law to the contrary, for purposes
2 of ~~state and~~ local political subdivision sales and use tax, the "sales price" of refinery
3 gas, except for feedstock, not ultimately consumed as an energy source by the
4 person who owns the facility in which the refinery gas is created as provided for in
5 Subparagraph (18)(d) of this Section, but sold to another person, whether at retail or
6 wholesale, shall be fifty-two cents per thousand cubic feet multiplied by a fraction
7 the numerator of which shall be the posted price for a barrel of West Texas
8 Intermediate Crude Oil on December first of the preceding calendar year and the
9 denominator of which shall be twenty-nine dollars, and provided further that such
10 sales price shall be the maximum value placed upon refinery gas by the state and by
11 any political subdivision under any authority or grant of power to levy and collect
12 sales or use taxes, and such sale shall be taxable.

13 (e) The term "sales price", for purposes of the sales tax imposed by ~~the state~~
14 ~~and its political subdivisions~~ any local political subdivision, shall exclude any
15 amount that a manufacturer pays directly to a dealer of the manufacturer's product
16 for the purpose of reducing and that actually results in an equivalent reduction in the
17 retail "sales price" of that product. This exclusion shall not apply to the value of the
18 manufacturer's coupons that dealers accept from purchasers as part payment of the
19 "sales price" and that are redeemable by the dealers through manufacturers or their
20 agents. The value of such coupons is deemed to be part of the "sales price" of the
21 product purchased through the use of the coupons.

22 (f) The term "sales price" shall exclude any charge, fee, money, or other
23 consideration received, given, or paid for the performance of funeral directing
24 services as defined in Subparagraph (10)(s) of this Section.

25 (g) For purposes of the imposition of sales and use taxes imposed or levied
26 by ~~all taxing authorities in the state~~ any local political subdivision, in the case of the
27 retail sale by a dealer of any cellular, PCS, or wireless telephone, any electronic
28 accessories that are physically connected with such telephones and personal
29 communications devices used in connection with the sale or use of mobile

1 telecommunications services, as defined in R.S. 47:301(10)(v), the term "sales price"
2 shall mean and include only the amount of money, if any, actually received by the
3 dealer from the purchaser for each such cellular, PCS, or wireless telephone and any
4 electronic accessories that are physically connected with such telephones and
5 personal communication devices, but shall not include (i) any amount received by
6 the dealer from the purchaser for providing mobile telecommunications services, or
7 (ii) any commissions, fees, rebates, or other amounts received by the dealer from any
8 source other than the purchaser as a result of or in connection with the sale of the
9 cellular, PCS, or wireless telephone, any electronic accessories that are physically
10 connected with such telephones and personal communication devices.

11 (h) For the purpose of the imposition of sales and use tax imposed or levied
12 by ~~all taxing authorities in the state~~ any local political subdivision of any cellular,
13 PCS, or wireless telephone used in connection with the sale or use of mobile
14 telecommunications services, as defined in R.S. 47:301(10)(v), after January 1, 2002,
15 the term "sales price" shall mean and include the greater of (i) the amount of money
16 actually received by the dealer from the purchaser for each such telephone, or (ii)
17 twenty-five percent of the cost of such telephone to the dealer, but shall not include
18 any amount received by the dealer from the purchaser for providing mobile
19 telecommunications services or any commissions, fees, rebates, or other amounts
20 received by the dealer from any source other than the purchaser as a result of or in
21 connection with the sale of the telephone.

22 (i)(i) For purposes of a publishing business which distributes its news
23 publications at no cost to readers and pays unrelated third parties to print such news
24 publications, the term "sales price" shall mean only the lesser of the following costs:

25 (aa) The printing cost paid to unrelated third parties to print such news
26 publications, less any itemized freight charges for shipping the news publications
27 from the printer to the publishing business and any itemized charges for paper and
28 ink.

1 (bb) Payments to a dealer or distributor as consideration for distribution of
2 the news publications.

3 (ii) The definition of "sales price" provided for in this Subparagraph shall be
4 applicable to taxes levied by ~~all tax authorities in the state~~ any local political
5 subdivision.

6 (j) For the purpose of the imposition of sales and use tax imposed or levied
7 by any local political subdivision of the state, in the case of any retail sale or sale at
8 retail, of any cellular telephone, PCS telephone, or wireless telephone used in
9 connection with the sale or use of mobile telecommunications services, as defined
10 in R.S. 47:301(10)(w), or any electronic accessory that is physically connected with
11 any such telephone or personal communication device, the term "sales price" shall
12 mean and include the greater of (i) the amount of money, if any, actually received
13 by the dealer from the purchaser at the time of the retail sale or sale at retail by the
14 dealer to the purchaser for each such telephone, personal communication device, or
15 electronic accessory, or (ii) twenty-five percent of the cost of such telephone to the
16 dealer, but shall not include any amount received by the dealer from the purchaser
17 for providing mobile telecommunications services or any commissions, fees, rebates,
18 activation charges, or other amounts received by the dealer from any source other
19 than the purchaser as a result of or in connection with the sale of the telephone.

20 (k)(i) For purposes of the imposition of the sales tax levied by the state and
21 any political subdivision whose boundaries are coterminous with those of the state,
22 the sales price of machinery and equipment purchased by a manufacturer for use in
23 a plant facility predominately and directly in the actual manufacturing for
24 agricultural purposes or the actual manufacturing process of an item of tangible
25 personal property, which is for ultimate sale to another and not for internal use, at
26 one or more fixed locations within Louisiana shall be reduced as follows:

27 (aa) For the period ending on June 30, 2005, the sales price shall be reduced
28 by five percent.

1 (bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the
2 sales price shall be reduced by nineteen percent.

3 (cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the
4 sales price shall be reduced by thirty-five percent.

5 (dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the
6 sales price shall be reduced by fifty-four percent.

7 (ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the
8 sales price shall be reduced by sixty-eight percent.

9 (ff) For all periods beginning on or after July 1, 2009, the sales price shall
10 be reduced by one hundred percent.

11 (ii) For purposes of this Subparagraph, "machinery and equipment",
12 "manufacturer", "manufacturing", "manufacturing for agricultural purposes", "plant
13 facility", and "used directly" shall have the same meaning as defined in R.S.
14 47:301(3)(i)(ii).

15 (iii) No person shall be entitled to purchase, use, lease, or rent machinery or
16 equipment as defined herein without payment of the tax imposed by R.S. 47:302,
17 321, and 331 before receiving a certificate of exclusion from the secretary of the
18 Department of Revenue certifying that he is a manufacturer as defined herein.

19 (iv) The secretary of the Department of Revenue is hereby authorized to
20 adopt rules and regulations in order to administer the exclusion provided for in this
21 Subparagraph.

22 (l)(i) For purposes of the payment of ~~the state sales and use tax~~ and the sales
23 and use tax levied by any political subdivision, the term "sales price" shall not
24 include the price of specialty items sold to members for fund-raising purposes by
25 nonprofit carnival organizations domiciled within Louisiana and participating in a
26 parade sponsored by a carnival organization.

27 (ii) The secretary of the Department of Revenue shall promulgate rules and
28 regulations for purposes of this exclusion.

1 (iii) No nonprofit carnival organization domiciled within Louisiana and
2 participating in a parade sponsored by a carnival organization shall claim exemption
3 or exclusion from ~~the state sales and use tax~~ or the sales and use tax levied by any
4 political subdivision before having obtained a certificate of authorization ~~from the~~
5 ~~secretary of the Department of Revenue. The secretary shall develop applications~~
6 ~~for such certificates. The certificates shall be issued without charge to the entities~~
7 ~~which qualify.~~

8 (m) ~~For purposes of the sales and use tax imposed by the state or any~~
9 ~~political subdivision whose boundaries are coterminous with those of the state, the~~
10 ~~"sales price" of electric power or energy, or natural gas for the period beginning July~~
11 ~~1, 2007, and thereafter, sold for use by paper or wood products manufacturing~~
12 ~~facilities shall not include any of such price.~~

13 (14) "Sales of services" means and includes the following:

14 (a) The furnishing of sleeping rooms, cottages or cabins by hotels.

15 (b)(i) The sale of admissions to places of amusement, to athletic
16 entertainment other than that of schools, colleges, and universities, and recreational
17 events, and the furnishing, for dues, fees, or other consideration of the privilege of
18 access to clubs or the privilege of having access to or the use of amusement,
19 entertainment, athletic, or recreational facilities; but the term "sales of services" shall
20 not include membership fees or dues of nonprofit, civic organizations, including by
21 way of illustration and not of limitation the Young Men's Christian Association, the
22 Catholic Youth Organization, and the Young Women's Christian Association.

23 (ii) Places of amusement shall not include "museums", which are hereby
24 defined as public or private nonprofit institutions which are organized on a
25 permanent basis for essentially educational or aesthetic purposes and which use
26 professional staff to do all of the following:

27 (aa) Own or use tangible objects, whether animate or inanimate.

28 (bb) Care for those objects.

29 (cc) Exhibit them to the public on a regular basis.

1 (iii) Museums include but are not limited to the following institutions:

2 (aa) Museums relating to art, history, including historic buildings, natural
3 history, science, and technology.

4 (bb) Aquariums and zoological parks.

5 (cc) Botanical gardens and arboretums.

6 (dd) Nature centers.

7 (ee) Planetariums.

8 (iv) For purposes of the sales and use taxes of all tax authorities in the state,
9 the term "places of amusement" as used herein shall not include camp and retreat
10 facilities owned and operated by nonprofit organizations exempt from federal income
11 tax under Section 501(a) of the Internal Revenue Code as an organization described
12 in Section 501(c)(3) of the Internal Revenue Code provided that the net revenue
13 derived from the organization's property is devoted wholly to the nonprofit
14 organization's purposes.

15 (c) The furnishing of storage or parking privileges by auto hotels and parking
16 lots.

17 (d) The furnishing of printing or overprinting, lithographic, multilith, blue
18 printing, photostating or other similar services of reproducing written or graphic
19 matter.

20 (e) The furnishing of laundry, cleaning, pressing and dyeing services,
21 including by way of extension and not of limitation, the cleaning and renovation of
22 clothing, furs, furniture, carpets and rugs, and the furnishing of storage space for
23 clothing, furs, and rugs. The service shall be taxable at the location where the
24 laundered, cleaned, pressed, or dyed article is returned to the customer.

25 (f) The furnishing of cold storage space, except that space which is furnished
26 pursuant to a bailment arrangement, and the furnishing of the service of preparing
27 tangible personal property for cold storage where such service is incidental to the
28 operation of storage facilities.

1 (g)(i)(aa) The furnishing of repairs to tangible personal property, including
2 but not restricted to the repair and servicing of automobiles and other vehicles,
3 electrical and mechanical appliances and equipment, watches, jewelry, refrigerators,
4 radios, shoes, and office appliances and equipment.

5 (bb)(I) For purposes of the sales and use tax levied by the state and by tax
6 authorities in East Feliciana Parish, charges for the furnishing of repairs to tangible
7 personal property shall be excluded from sales of services, as defined in this
8 Subparagraph, when the repaired property is (1) delivered to a common carrier or to
9 the United States Post Office for transportation outside the state, or (2) delivered
10 outside the state by use of the repair dealer's own vehicle or by use of an independent
11 trucker. However, as to aircraft, delivery may be by the best available means. This
12 exclusion shall not apply to sales and use taxes levied by any other parish,
13 municipality or school board. However, any other parish, municipality or school
14 board may apply the exclusion as defined in this Subparagraph to sales or use taxes
15 levied by any such parish, municipality, or school board. Offshore areas shall not
16 be considered another state for the purpose of this Subparagraph.

17 (II) For purposes of the sales and use tax levied by the tax authorities in
18 Calcasieu Parish, charges for the furnishing of repairs to aircraft shall be excluded
19 from sales of services, as defined in this Subparagraph, provided that the repairs are
20 performed at an airport with a runway that is at least ten thousand feet long, one
21 hundred sixty feet wide, and fourteen inches thick.

22 (ii) For the purposes of this Subparagraph, tangible personal property shall
23 include machinery, appliances, and equipment which have been declared immovable
24 by declaration under the provisions of Article 467 of the Louisiana Civil Code, and
25 things which have been separated from land, buildings, or other constructions
26 permanently attached to the ground or their component parts as defined in Article
27 466 of the Civil Code.

28 (iii)(aa) For purposes of the sales and use taxes imposed by ~~the state or any~~
29 ~~of its political subdivisions~~ any local political subdivision, sale of services shall not

1 include the labor, or sale of materials, services, and supplies, used for the repairing,
2 renovating, or converting of any drilling rig, or machinery and equipment which are
3 component parts thereof, which is used exclusively for the exploration or
4 development of minerals outside the territorial limits of the state in Outer
5 Continental Shelf waters.

6 (bb) For the purposes of this Subitem, "drilling rig" means any unit or
7 structure, along with its component parts, which is used primarily for drilling,
8 workover, intervention or remediation of wells used for exploration or development
9 of minerals and "component parts" means any machinery or equipment necessary for
10 a drilling rig to perform its exclusive function of exploration or development of
11 minerals.

12 (h) The term "sale of service" shall not include an action performed pursuant
13 to a contract with the United States Department of the Navy for construction or
14 overhaul of U.S. Naval vessels.

15 (i) Solely for purposes of the sales and use tax levied by the state, the
16 furnishing of telecommunications services for compensation, in accordance with the
17 provisions of R.S. 47:301.1. Local political subdivisions are prohibited from levying
18 a sales and use tax on telecommunications services not in effect on July 1, 1990,
19 provided, however, that the provisions of this Subparagraph shall not be construed
20 to prohibit the levy or collection of any franchise, excise, gross receipts, or similar
21 tax or assessment by any political subdivision of the state as defined in Article VI,
22 Section 44(2) of the Constitution of Louisiana.

23 (j) Notwithstanding any provision of law to the contrary, for purposes of
24 sales or use taxation by the state or any local political subdivision, the term "sales of
25 services" shall not mean or include any funeral directing services as defined in
26 Subparagraph (10)(s) of this Section. Subject to approval by the House Committee
27 on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, the
28 state Department of Revenue shall devise a formula for the calculation of the tax.

1 (k) For purposes of sales and use tax imposed by ~~the state, any political~~
2 ~~subdivision whose boundaries are coterminous with those of the state, or any other~~
3 local political subdivision, the term "sales of services" shall not mean or include
4 admission charges for, outside gate admissions to, or parking fees associated with
5 an event providing Louisiana heritage, culture, crafts, art, food, and music which is
6 sponsored by a domestic nonprofit organization that is exempt from tax under
7 Section 501(c)(3) of the Internal Revenue Code. The provisions of this
8 Subparagraph shall apply only to an event which transpires over a minimum of seven
9 but not more than twelve days and has a five-year annual average attendance of at
10 least three hundred thousand over the duration of the event. For purposes of
11 determining the five-year annual average attendance, the calculation shall include the
12 total annual attendance for each of the five most recent years. The provisions of this
13 Subparagraph shall apply only to admission charges for, outside gate admissions to,
14 or parking fees associated with an event when the charges and fees are payable to or
15 for the benefit of the sponsor of the event.

16 (15) "Storage" means and includes any keeping or retention in the taxing
17 jurisdiction of tangible personal property for use or consumption within the taxing
18 jurisdiction or for any purpose other than for sale at retail in the regular course of
19 business.

20 (16)(a) "Tangible personal property" means and includes personal property
21 which may be seen, weighed, measured, felt or touched, or is in any other manner
22 perceptible to the senses.

23 (b) The term "tangible personal property" shall not include:

24 (i) Stocks, bonds, notes, or other obligations or securities.

25 (ii) ~~Gold~~ Solely for purposes of sales and use tax levied by any local political
26 subdivision, gold, silver, or numismatic coins, or platinum, gold, or silver bullion.

27 (iii) Proprietary geophysical survey information or geophysical data analysis
28 furnished under a restricted use agreement even though transferred in the form of
29 tangible personal property.

1 (c) The term "tangible personal property" shall not include the repair of a
2 vehicle by a licensed motor vehicle dealer which is performed subsequent to the
3 lapse of the applicable warranty on that vehicle and at no charge to the owner of the
4 vehicle. For the purpose of assessing a sales and use tax on this transaction, no
5 valuation shall be assigned to the services performed or the parts used in the repair.

6 (d)(i) Notwithstanding any provision of law to the contrary and solely for
7 purposes of state sales and use tax, any sale of a prepaid calling service or prepaid
8 wireless calling service, or both, shall be deemed to be the sale of tangible personal
9 property.

10 (ii) Prepaid calling services and prepaid wireless calling services shall be
11 subject to the tax imposed by this Chapter if the sale takes place in this state. If the
12 customer physically purchases a prepaid calling service or prepaid wireless calling
13 service at the vendor's place of business, the sale is deemed to take place at the
14 vendor's place of business. If the customer does not physically purchase the service
15 at the vendor's place of business, the sale of a prepaid calling service or prepaid
16 wireless calling service is deemed to take place at the first of the following locations
17 that applies to the sale:

18 (aa) The customer's shipping address, if the sale involves a shipment.

19 (bb) The customer's billing address.

20 (cc) Any other address of the customer that is known by the vendor.

21 (dd) The address of the vendor or, alternatively in the case of a prepaid
22 wireless calling service, the location associated with the mobile telephone number.

23 (e) The term "tangible personal property" shall not include work products
24 which are written on paper, stored on magnetic or optical media, or transmitted by
25 electronic device, when such work products are created in the normal course of
26 business by any person licensed or regulated by the provisions of Title 37 of the
27 Louisiana Revised Statutes of 1950, unless such work products are duplicated
28 without modification for sale to multiple purchasers. This exclusion shall not apply

1 to work products which consist of the creation, modification, updating, or licensing
2 of computer software.

3 (f) The term "tangible personal property" shall not include pharmaceuticals
4 administered to livestock used for agricultural purposes, except as otherwise
5 provided in this Subparagraph. Only pharmaceuticals not included in the term
6 "tangible personal property" shall be registered with the Louisiana Department of
7 Agriculture and Forestry. Legend drugs administered to livestock used for
8 agricultural purposes are not required to be registered, but such legend drugs that are
9 not registered shall be "tangible personal property".

10 (g)(i) Notwithstanding the provisions of R.S. 9:1149.1 et seq., except as
11 otherwise provided in this Subparagraph, the term "tangible personal property" shall
12 not include factory built homes.

13 (ii) For purposes of this Subparagraph, "factory built home" means a
14 residential structure which is built in a factory in one or more sections and has a
15 chassis or integrated wheel delivery system, which is either:

16 (aa) A structure built to federal construction standards as defined in Section
17 5402 of Title 42 of the United States Code.

18 (bb) A residential structure built to the Louisiana State Uniform Construction
19 Code.

20 (cc) A manufactured home, modular home, mobile home, or residential
21 mobile home with or without a permanent foundation, which includes plumbing,
22 heating, and electrical systems.

23 (iii) "Factory built home" shall not include any self-propelled recreational
24 vehicle or travel trailer.

25 (iv) The term "tangible personal property" as applied to sales and use taxes
26 levied by the state or any other taxing authority in the state shall include a new
27 factory built home, for the initial sale from a dealer to a consumer, but only to the
28 extent that forty-six percent of the retail sales price shall be so considered as

1 "tangible personal property". Thereafter, each subsequent resale of a factory built
2 home shall not be considered as "tangible personal property".

3 (v) The sales and use taxes due on these transactions shall be paid to the
4 Louisiana Department of Public Safety and Corrections, office of motor vehicles, by
5 the twentieth day of the month following the month of delivery of the factory built
6 home to the consumer, along with any other information requested by the office of
7 motor vehicles.

8 (h)(i) ~~Solely for purposes of the imposition of the sales and use tax levied by~~
9 ~~the state or any political subdivision whose boundaries are coterminous with those~~
10 ~~of the state, for the period beginning July 1, 2002, and ending on June 30, 2003, the~~
11 ~~term "tangible personal property" shall not include one-quarter of the cost price of~~
12 ~~custom computer software.~~

13 (ii) ~~Solely for purposes of the imposition of the sales and use tax levied by~~
14 ~~the state or any political subdivision whose boundaries are coterminous with those~~
15 ~~of the state, for the period beginning July 1, 2003, and ending on June 30, 2004, the~~
16 ~~term "tangible personal property" shall not include one-half of the cost price of~~
17 ~~custom computer software.~~

18 (iii) ~~Solely for purposes of the imposition of the sales and use tax levied by~~
19 ~~the state or any political subdivision whose boundaries are coterminous with those~~
20 ~~of the state, for the period beginning July 1, 2004, and ending on June 30, 2005, the~~
21 ~~term "tangible personal property" shall not include three-quarters of the cost price~~
22 ~~of custom computer software.~~

23 (iv) ~~Solely for purposes of the imposition of the sales and use tax levied by~~
24 ~~the state or any political subdivision whose boundaries are coterminous with those~~
25 ~~of the state, for all taxable periods beginning on or after July 1, 2005, the term~~
26 ~~"tangible personal property" shall not include custom computer software.~~

27 (i) ~~Solely for purposes of the imposition of the state sales and use tax, the~~
28 ~~term "tangible personal property" shall not include digital television conversion~~
29 ~~equipment and digital radio conversion equipment as defined in this Section.~~

- 1 ~~(i) "Digital television conversion equipment" shall include the following:~~
- 2 ~~(aa) DTV transmitter and RF system.~~
- 3 ~~(bb) Transmission line.~~
- 4 ~~(cc) DTV antenna.~~
- 5 ~~(dd) Tower.~~
- 6 ~~(ee) Existing tower structural upgrade.~~
- 7 ~~(ff) Advanced TV receiver (STL receiver).~~
- 8 ~~(gg) Decoder (digital to analog converter for NTSC).~~
- 9 ~~(hh) DTV transmission system test and monitoring.~~
- 10 ~~(ii) Digital video/audio master control switcher.~~
- 11 ~~(jj) Analog to digital conversion.~~
- 12 ~~(kk) High definition up-converters.~~
- 13 ~~(ll) High definition bypass switcher.~~
- 14 ~~(mm) Down converters for standard definition.~~
- 15 ~~(nn) Advanced TV transmitter (STL transmitter).~~
- 16 ~~(oo) Advanced TV signal encoder.~~
- 17 ~~(pp) DTV transmission monitoring.~~
- 18 ~~(qq) High definition digital video switcher and DVE.~~
- 19 ~~(rr) High definition studio cameras.~~
- 20 ~~(ss) High definition graphics/graphic generator.~~
- 21 ~~(tt) High definition video monitoring.~~
- 22 ~~(uu) Conversion gear.~~
- 23 ~~(vv) High definition recorder/players, including tape, disk, etc.~~
- 24 ~~(ww) High definition video/audio signal router.~~
- 25 ~~(xx) High definition video/audio media server.~~
- 26 ~~(yy) MPEG or HDTV digital receivers for program content.~~
- 27 ~~(zz) High definition recorder/players, including tape, disk, etc.~~
- 28 ~~(aaa) High definition video/audio media server and workstations.~~
- 29 ~~(bbb) Digital EAS encoder/decoder.~~

- 1 ~~(ccc) High definition camcorder, including tape, disk, etc.~~
- 2 ~~(ddd) Advanced TV transmitters, including microwave.~~
- 3 ~~(ii) "Digital radio conversion equipment" shall include the following:~~
- 4 ~~(aa) IBOC transmitter.~~
- 5 ~~(bb) IBOC main channel and IBOC combiner.~~
- 6 ~~(cc) IBOC compatible antenna.~~
- 7 ~~(dd) Tower.~~
- 8 ~~(ee) IBOC coaxial bypass switcher.~~
- 9 ~~(ff) Digital STL.~~
- 10 ~~(gg) STL heliax transmission line.~~
- 11 ~~(hh) STL antenna.~~
- 12 ~~(ii) Digital console.~~
- 13 ~~(jj) EAS insertion.~~
- 14 ~~(kk) AES EBU conversion equipment.~~
- 15 ~~(ll) IBOC transmission testing and monitoring equipment.~~
- 16 ~~(mm) Digital processor.~~
- 17 ~~(iii) The exclusion from state sales and use tax authorized by this~~
- 18 ~~Subparagraph shall only apply to the first purchase of each enumerated item by an~~
- 19 ~~individual taxpayer who holds a Federal Communications Commission license~~
- 20 ~~issued pursuant to 47 CFR Part 73. Individual taxpayers operating under several~~
- 21 ~~broadcaster licenses shall be allowed one purchase of each enumerated item per~~
- 22 ~~license. Each subsequent purchase of any of the enumerated items by the same~~
- 23 ~~taxpayer or license holder shall be subject to sales and use tax.~~
- 24 ~~(iv) Repealed by Acts 2005, No. 243, §1, eff. June 29, 2005.~~
- 25 ~~(v) Any eligible taxpayer who has purchased any item enumerated in Item~~
- 26 ~~(i) or (ii) of this Subparagraph subsequent to January 1, 1999, but prior to the~~
- 27 ~~effective date of this Act, shall be entitled to a credit against the state sales and use~~
- 28 ~~tax due in any year for an amount equal to state sales and use tax paid on the~~
- 29 ~~purchase of the item.~~

1 ~~(vi) Local taxing authorities are hereby authorized to provide an exemption~~
2 ~~from any local sales and use tax liability to any taxpayers holding a Federal~~
3 ~~Communications Commission license issued pursuant to 47 CFR Part 73 which has~~
4 ~~purchased any of the equipment listed in Item (i) or (ii) of this Subparagraph. Local~~
5 ~~taxing authorities are further authorized to provide a credit against any tax liability~~
6 ~~for the amount of local sales tax paid by taxpayers holding Federal Communications~~
7 ~~Commission licenses issued pursuant to 47 CFR Part 73 on any equipment listed in~~
8 ~~Item (i) or (ii) of the Subparagraph purchased subsequent to January 1, 1999, but~~
9 ~~prior to June 25, 2002.~~

10 ~~(vii) No exclusion from state sales and use tax as authorized in this~~
11 ~~Subsection shall be allowed after the Federal Communications Commission has~~
12 ~~issued an order mandating license holders, issued pursuant to 47 CFR Part 73, to~~
13 ~~discontinue broadcasting their analog signal.~~

14 ~~(viii) The Department of Revenue shall adopt rules and regulations necessary~~
15 ~~for the implementation of this Act no later than August 1, 2002.~~

16 ~~(f)~~ The term "tangible personal property", for purposes of the payment of
17 sales and use taxes levied by all tax authorities in the state, shall not include
18 materials used directly in the collection, separation, treatment, testing, and storage
19 of blood by nonprofit blood banks and nonprofit blood collection centers.

20 ~~(k)~~(j) The term "tangible personal property" for purposes of the sales and use
21 taxes imposed by all tax authorities in this state shall not include apheresis kits and
22 leuko reduction filters used by nonprofit blood banks and nonprofit blood collection
23 centers.

24 ~~(h)~~(k) For purposes of the sales and use tax imposed by the state of
25 Louisiana, by a political subdivision whose boundaries are coterminous with those
26 of the state, or by all political subdivisions of the state and without regard to the
27 nature of the ownership of the ground, tangible personal property shall not include
28 other constructions permanently attached to the ground which shall be treated as
29 immovable property.

1 ~~(m)(i)~~(l)(i) Notwithstanding any other provision of law to the contrary, for
2 purposes of the sales and use tax levied by the state or any political subdivision
3 whose boundaries are coterminous with those of the state, the term "tangible personal
4 property" shall not include machinery and equipment used by a motor vehicle
5 manufacturer with a North American Industry Classification System (NAICS) Code
6 beginning with 3361, or by a glass container manufacturer with a NAICS Code of
7 327213. This exclusion shall be subject to the definitions and requirements of Item
8 (3)(i)(ii) of this Section.

9 (ii) A political subdivision may provide for a sales and use tax exemption for
10 the sales, cost, or lease or rental price of manufacturing machinery and equipment
11 used by a motor vehicle manufacturer with a North American Industry Classification
12 System (NAICS) Code beginning with 3361, or by a glass container manufacturer
13 with a NAICS Code of 327213 as provided for in this Section, either effective upon
14 adoption or enactment or phased in over a period of time, or effective for a certain
15 period of time or duration, all as set forth in the instrument, resolution, vote, or other
16 affirmative action providing the exemption. This exclusion shall be subject to the
17 definitions and requirements of Item (3)(i)(ii) of this Section.

18 ~~(iii)(i)~~(ii) Notwithstanding any other provision of this Section, tooling in a
19 compression mold process shall be considered manufacturing machinery and
20 equipment for purposes of this Section.

21 ~~(n)(i)~~ (m)(i) For purposes of the imposition of the sales and use tax levied
22 by the state, the term "tangible personal property" shall not include machinery and
23 equipment purchased by the owner of a radio station located within the state that is
24 licensed by the Federal Communications Commission for radio broadcasting, if the
25 owner is either of the following:

26 (aa) An individual domiciled in the state who owns a business with
27 substantially all of its assets located in the state and substantially all of its payroll
28 paid in the state.

1 (bb) A business entity with substantially all of its assets located in the state
2 and substantially all of its payroll paid in the state; provided that the business entity
3 is not owned or controlled or is otherwise an affiliate of a multi-state business entity
4 and is not owned or controlled by an individual who is not domiciled in the state.

5 (ii) "Radio broadcasting" means the sound transmission made via
6 electromagnetic waves for direct sound reception by the general public.

7 ~~(o)(i)~~ (n)(i) For purposes of the imposition of the sales and use tax levied by
8 the state and any political subdivision whose boundaries are coterminous with those
9 of the state, the term "tangible personal property" shall not include machinery and
10 equipment as defined in and subject to the requirements of R.S. 47:301(3)(i)(ii)
11 which is purchased by a utility regulated by the Public Service Commission or the
12 council of the City of New Orleans. For the purposes of this Paragraph, the term
13 "utility" shall mean a person regulated by the Public Service Commission or the
14 council of the City of New Orleans who is assigned a North American Industrial
15 Classification System Code 22111, Electric Power Generation, as it existed in 2002.
16 Such utility shall also be considered a "manufacturer" for purposes of R.S.
17 47:301(3)(i)(ii).

18 (ii) For purposes of this Subparagraph, a political subdivision whose
19 boundaries are not coterminous with those of the state may provide for a sales and
20 use tax exclusion for machinery and equipment as defined in and subject to the
21 requirements of R.S. 47:301(3)(i)(ii) which is purchased by a utility regulated by the
22 Public Service Commission or the council of the city of New Orleans.

23 ~~(p)(o)~~ For purposes of sales and use taxes imposed by ~~the state or any of its~~
24 ~~political subdivisions~~ any local political subdivision, the term "tangible personal
25 property" shall not include newspapers.

26 ~~(q)(p)~~ For purposes of sales and use taxes imposed by the state, any
27 statewide taxing authority, or any political subdivision, the term "tangible personal
28 property" shall not include any property that would have been considered immovable

1 property prior to the enactment on July 1, 2008, of Act No. 632 of the 2008 Regular
2 Session of the Legislature.

3 (17) "Off-road vehicle" is any vehicle manufactured for off-road use which
4 is issued a manufacturer's statement of origin that cannot be issued a registration
5 certificate and license to operate on the public roads of this state because at the time
6 of manufacture the vehicle does not meet the safety requirements prescribed by R.S.
7 32:1301 through 1310. This includes vehicles that are issued a title only by the
8 Department of Public Safety and Corrections, public safety services, such as all
9 terrain vehicles and recreational and sport vehicles, but it shall not include off-road
10 vehicles used for farm purposes, farm equipment, or heavy construction equipment.

11 (18)

12 * * *

13 (d)

14 * * *

15 (ii) Except as provided in Item (iii) of this Subparagraph for refinery gas, for
16 purposes of ~~state and~~ any local political subdivision use tax, "use" shall not include
17 the storage, consumption, or the exercise of any other right of ownership over
18 tangible personal property which is created or derived as a residue or byproduct of
19 such processing. Such residue or byproduct shall include but shall not be limited to
20 catalyst cracker coke derived from crude oil, wood chips, bark, and liquor derived
21 from the processing of sawlogs or pulpwood timber, or bagasse derived from
22 sugarcane.

23 * * *

24 (h) For purposes of sales and use taxes levied by ~~the state or~~ any local
25 political subdivision of the state, the term "use" shall not include the exercise of any
26 right of ownership in or the distribution of telephone directories acquired by an
27 advertising company that is not affiliated with a provider of telephone services if the
28 telephone directories will be distributed free of charge to the recipients of the
29 telephone directories.

1 (i) For purposes of the imposition of sales and use taxes imposed ~~or levied~~
2 ~~by all taxing authorities in the state~~ by any local political subdivision, in the case of
3 the sale or any other disposition by a dealer of any cellular, PCS, or wireless
4 telephone, any electronic accessories that are physically connected with such
5 telephones and personal communications devices used in connection with the sale
6 or use of mobile telecommunications services, as defined in R.S. 47:301(10)(v), the
7 term "use" shall not include the withdrawal, use, distribution, consumption, storage,
8 donation, or any other disposition of any such cellular, PCS, or wireless telephone,
9 any electronic accessories that are physically connected with such telephones and
10 personal communications devices by the dealer.

11 (j) For purposes of the imposition of sales and use taxes imposed or levied
12 by any political subdivision of the state, in the case of the sale or any other
13 disposition by a dealer of any cellular telephone, PCS telephone, wireless telephone,
14 or other wireless personal communication device that is used in connection with the
15 sale or use of mobile telecommunications services, as defined in R.S. 47:301(10)(w),
16 or any electronic accessory that is physically connected with any such telephone or
17 personal communications device, the term "use" shall not include the withdrawal,
18 use, distribution, consumption, storage, donation, or any other disposition of any
19 such telephone or electronic accessory by the dealer.

20 (k) Solely for purposes of the sales and use tax levied by the state or any
21 political subdivision whose boundaries are coterminous with those of the state, the
22 term "use" shall not include the purchase, the use, the consumption, the distribution,
23 the storage for use or consumption, or the exercise of any right or power over
24 manufacturing machinery and equipment used or consumed in this state to
25 manufacture, produce or extract unblended biodiesel.

26 (l) Solely for the purposes of sales and use taxes levied by the state or any
27 political subdivision whose boundaries are coterminous with those of the state, the
28 term "use" shall not include the use, the consumption, the distribution, the storage
29 for use or consumption in this state, or the exercise of any right or power over an

1 alternative substance as that term is defined in Subparagraph (10)(z) of this Section
2 when such alternative substance is used as a fuel by a manufacturer. "Manufacturer"
3 means a person whose principal activity is manufacturing and who is assigned by the
4 Louisiana Workforce Commission a North American Industrial Classification
5 System code with the agricultural, forestry, fishing, and hunting Sector 11 or the
6 manufacturing Sectors 31-33 as they existed in 2002.

7 * * *

8 ~~(o) Solely for purposes of the imposition of the state sales and use tax, the~~
9 ~~term "use" shall not include the purchase or use of any storm shutter device as~~
10 ~~defined and provided for in Subparagraph (10)(cc) of this Section.~~

11 * * *

12 §302. Imposition of tax

13 A. There is hereby levied a tax upon the sale at retail, the use, the
14 consumption, the distribution, and the storage for use or consumption in this state,
15 of each item or article of tangible personal property, as defined herein, the levy of
16 said tax to be as follows:

17 (1) ~~At Until April 1, 2016~~, the rate of two per centum (2%) of the sales price
18 of each item or article of tangible personal property when sold at retail in this state;
19 the tax to be computed on gross sales for the purpose of remitting the amount of tax
20 due the state, and to include each and every retail sale. Beginning April 1, 2016, the
21 tax rate shall be two and one-half percent (2.5%).

22 (2) ~~At Until April 1, 2016~~, the rate of two per centum (2%) of the cost price
23 of each item or article of tangible personal property when the same is not sold but
24 is used, consumed, distributed, or stored for use or consumption in this state;
25 provided there shall be no duplication of the tax. Beginning April 1, 2016, the tax
26 rate shall be two and one-half percent (2.5%).

27 B. There is hereby levied a tax upon the lease or rental within this state of
28 each item or article of tangible personal property, as defined herein; the levy of said
29 tax to be as follows:

- 1 (5) Prescription drugs as provided in Article VII, Section 2.2 of the
2 Constitution of Louisiana and R.S. 47:305(D)(1)(j), (4)(b), (5)(b) and (c)(i), and
3 305.2.
- 4 (6) Fuel that is subject to the road-use excise tax as provided in Article VII,
5 Section 27 of the Constitution of Louisiana.
- 6 (7) Purchases by a public trust as provided in law.
- 7 (8) Sales by state owned domed stadiums and baseball stadiums as provided
8 in R.S. 39:467.
- 9 (9) Sales by publicly owned facilities as provided in R.S. 39:468.
- 10 (10) Isolated or occasional sales of tangible personal property as provided
11 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 12 (11) Installation charges on tangible personal property as provided in R.S.
13 47:301(3)(a).
- 14 (12) Installation on oil field board roads as provided in R.S. 47:301(3)(c).
- 15 (13) Transaction involving the construction or overhaul of United States
16 Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 17 (14) Manufacturers rebates on new motor vehicles as provided in R.S.
18 47:301(3)(i).
- 19 (15) Lease or rentals of railroad rolling stock as provided in R.S.
20 47:301(4)(k).
- 21 (16) Purchases and leases by free hospitals as provided in R.S. 47:301(7),
22 (10)(r), and (18)(f).
- 23 (17) Certain educational materials and equipment used for classroom
24 instruction as provided in R.S. 47:301(7)(f), (10)(q), and (18)(e).
- 25 (18) Purchases by regionally accredited independent education institutions
26 as provided in R.S. 47:301(8)(b).
- 27 (19) Purchases by nonprofit entities that sell donated goods as provided in
28 R.S. 47:301(8)(f).

- 1 (20) Tangible personal property for resale as provided in R.S.
2 47:301(10)(a)(i).
- 3 (21) Purchase of property for lease or rental as provided in R.S.
4 47:301(10)(a)(iii) and (18)(a)(iii).
- 5 (22) Sales through coin-operated vending machines as provided in R.S.
6 47:301(10)(b)(i).
- 7 (23) Sales of materials for further processing into articles of tangible
8 personal property for sale at retail as provided in R.S. 47:301(10)(c)(i)(aa).
- 9 (24) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 10 (25) Sales of raw agricultural products as provided in R.S. 47:301(10)(e) and
11 305(A)(3).
- 12 (26) Sales to the United States government and its agencies as provided in
13 R.S. 47:301(10)(g).
- 14 (27) Sales of food by youth serving organizations chartered by Congress as
15 provided in R.S. 47:301(10)(h).
- 16 (28) Purchases by a private postsecondary academic degree-granting
17 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S. 47:301(18)(n).
- 18 (29) Tangible personal property sold to food banks as provided in R.S.
19 47:301(10)(j).
- 20 (30) Purchases of food items for school lunch or breakfast programs by
21 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).
- 22 (31) Articles traded in on purchases of tangible personal property as
23 provided in R.S. 47:301(13)(a).
- 24 (32) Repair services performed in Louisiana when the repaired property is
25 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 26 (33) Funeral directing services as provided in R.S. 47:301(14)(j).
- 27 (34) Stocks, bonds, notes, or other obligations or securities as provided in
28 R.S. 47:301(16)(b)(ii).

- 1 (35) Work product of certain professionals as provided in R.S.
2 47:301(16)(e).
- 3 (36) Pharmaceuticals administered to livestock for agricultural purposes as
4 provided in R.S. 47:301(16)(f).
- 5 (37) Other constructions permanently attached to the ground as provided in
6 R.S. 47:301(16)(l).
- 7 (38) Materials used in the collection of blood as provided in R.S.
8 47:301(16)(j).
- 9 (39) Aphaeresis kits and leuko reduction filters as provided in R.S.
10 47:301(16)(k).
- 11 (40) Donation to schools and food banks from resale inventory as provided
12 in R.S. 47:301(18)(a).
- 13 (41) Use of motor vehicles in Louisiana by active duty military as provided
14 in R.S. 47:303(A) and 305.48.
- 15 (42) Credit for sales and use taxes paid to other states on tangible personal
16 property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 17 (43) Gross proceeds derived from the sale of livestock, poultry, and other
18 farm products direct from the farm as provided in R.S. 47:305(A)(1).
- 19 (44) Feed and feed additives for animals held for business purposes as
20 provided in R.S. 47:305(A)(4).
- 21 (45) Materials used in the harvesting or production of crawfish as provided
22 in R.S. 47:305(A)(5).
- 23 (46) Materials used in the harvesting or production of catfish as provided in
24 R.S. 47:305(A)(6).
- 25 (47) Farm products produced and used by farmers as provided in R.S.
26 47:305(B).
- 27 (48) Sales of fertilizers and containers to farmers as provided in R.S.
28 47:305(D)(1)(f).
- 29 (49) Sales of seeds for planting crops as provided in R.S. 47:305.5.

1 C. For purposes of the sales and use tax of all ~~taxing authorities~~ local
2 political subdivisions, where a part of the cost price of a motor vehicle is represented
3 by a motor vehicle returned to the dealer's inventory, the use tax is payable on the
4 total cost price less the wholesale value of the article returned.

5 D.(1) The sale at retail, the use, the consumption, the distribution, and the
6 storage to be used or consumed in the taxing jurisdiction of the following tangible
7 personal property is hereby specifically exempted from the tax imposed by taxing
8 authorities, except as otherwise provided in this Paragraph:

9 * * *

10 (b) Steam, solely for purposes of sales and use taxes levied by a political
11 subdivision.

12 (c) Water ~~(not including~~ excluding mineral water or carbonated water or any
13 water put in bottles, jugs, or containers, ~~all of which are not exempted)~~ as provided
14 in Article VII, Section 2.2 of the Constitution of Louisiana.

15 (d) Electric power or energy and any materials or energy sources used to fuel
16 the generation of electric power for resale or used by an industrial manufacturing
17 plant for self-consumption or cogeneration, solely for purposes of sales and use taxes
18 levied by a political subdivision.

19 * * *

20 (g) Natural gas as provided in Article VII, Section 2.2 of the Constitution of
21 Louisiana.

22 (h) All energy sources when used for boiler fuel except refinery gas, solely
23 for purposes of sales and use taxes levied by a political subdivision.

24 (i) ~~New~~ Solely for purposes of sales and use tax imposed by a political
25 subdivision, new trucks, new automobiles, new aircraft, and new boats, vessels, or
26 other water craft withdrawn from stock by factory authorized new truck, new
27 automobile, new aircraft dealers, and factory-authorized dealers of new boats,
28 vessels, or other water craft, and used trucks and used automobiles withdrawn from

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 stock by new or used motor vehicle dealers, which are withdrawn for use as
2 demonstrators.

3 * * *

4 F. The sales, use and lease taxes imposed by ~~taxing authorities~~ a local
5 political subdivision shall not apply to the amounts paid by radio and television
6 broadcasters for the right to exhibit or broadcast copyrighted material and the use of
7 film, video or audio tapes, records or any other means supplied by licensors thereof
8 in connection with such exhibition or broadcast and the sales and use tax shall not

9 * * *

10 H. "Demonstrators" as used in Subsection D of this Section for purposes of
11 the sales and use tax levied by ~~all taxing authorities~~ a local political subdivision shall
12 mean all of the following:

13 * * *

14 I. The sales and use taxes imposed by ~~the state of Louisiana or any of its~~
15 ~~political subdivisions~~ any political subdivision not apply to the labor, or sale of
16 materials, services, and supplies, used for repairing, renovating or converting of any
17 drilling rig, or machinery and equipment which are component parts thereof, which
18 is used exclusively for the exploration or development of minerals outside the
19 territorial limits of the state in Outer Continental Shelf waters. For the purposes of
20 this Subsection, "drilling rig" means any unit or structure, along with its component
21 parts, which is used primarily for drilling, workover, intervention or remediation of
22 wells used for exploration or development of minerals. For purposes of this
23 Subsection, "component parts" means any machinery or equipment necessary for a
24 drilling rig to perform its exclusive function of exploration or development of
25 minerals.

26 §305.1. Exclusions and exemptions; ships and ships' supplies

27 A. The tax imposed by ~~taxing authorities~~ a local political subdivision shall
28 not apply to sales of materials, equipment, and machinery which enter into and
29 become component parts of ships, vessels, or barges, including commercial fishing

1 vessels, drilling ships, or drilling barges, of fifty tons load displacement and over,
2 built in Louisiana nor to the gross proceeds from the sale of such ships, vessels, or
3 barges when sold by the builder thereof.

4 B. The taxes imposed by ~~taxing authorities~~ a local political subdivision
5 shall not apply to materials and supplies purchased by the owners or operators of
6 ships, barges, or vessels, including drilling ships, operating exclusively in foreign or
7 interstate coastwise commerce, where such materials and supplies are loaded upon
8 any such ship, barge, or vessel for use or consumption in the maintenance and
9 operation thereof; nor to repair services performed upon such ships, barges, or
10 vessels operating exclusively in foreign or interstate coastwise commerce; nor to the
11 materials and supplies used in such repairs where such materials and supplies enter
12 into and become a component part of such ships, barges, or vessels; nor to laundry
13 services performed for the owners or operators of such ships, barges, or vessels
14 operating exclusively in foreign or interstate coastwise commerce, where the
15 laundered articles are to be used in the course of the operation of such ships, barges,
16 or vessels.

17 * * *

18 §305.6. Exclusions and exemptions; Little Theater tickets

19 The sales tax imposed by ~~taxing authorities~~ the sales and use tax imposed by
20 a political subdivision shall not apply to the sale of admission tickets by Little
21 Theater organizations.

22 §305.7. Exclusions and exemptions; tickets to musical performances of nonprofit
23 musical organizations

24 The sales tax imposed by ~~taxing authorities~~ a political subdivision shall not
25 apply to the sale of admission tickets by domestic nonprofit corporations or by any
26 other domestic nonprofit organization known as a symphony organization or as a
27 society or organization engaged in the presentation of musical performances;
28 provided that this Section shall not apply to performances given by out-of-state or

1 nonresident symphony companies, nor shall this Section apply to any performance
2 intended to yield a profit to the promoters thereof.

3 * * *

4 §305.9. Exclusions and exemptions; motion picture film rental

5 The sales and use taxes imposed by ~~the State of Louisiana or any such taxes~~
6 ~~imposed by~~ any parish or municipality within the state shall not apply to the amount
7 paid by the operator of a motion picture theatre to a distributing agency for use of
8 films of photoplay.

9 * * *

10 §305.13. Exclusions and exemptions; admissions to entertainments furnished by
11 certain domestic nonprofit corporations

12 The sales tax imposed by ~~taxing authorities~~ a political subdivision shall not
13 apply to the sale of admissions to entertainment events furnished by recognized
14 domestic nonprofit charitable, educational and religious organizations when the
15 entire proceeds from such sales, except for necessary expenses connected with the
16 entertainment events, are used for the purposes for which the organizations
17 furnishing the events were organized.

18 §305.14. Exclusions and exemptions; nonprofit organizations; nature of exemption;

19 limitations; qualifications; newspapers; determination of tax exempt status

20 A.(1)(a) The sales and use taxes imposed by ~~taxing authorities~~ a political
21 subdivision shall not apply to sales of tangible personal property at, or admission
22 charges for, outside gate admissions to, or parking fees associated with, events
23 sponsored by domestic, civic, educational, historical, charitable, fraternal, or
24 religious organizations, which are nonprofit, when the entire proceeds, except for
25 necessary expenses such as fees paid for guest speakers, chair and table rentals, and
26 food and beverage utility related items connected therewith, are used for educational,
27 charitable, religious, or historical restoration purposes, including the furtherance of
28 the civic, educational, historical, charitable, fraternal, or religious purpose of the
29 organization. In addition, newspapers published in this state by religious

1 organizations shall also be exempt from such taxes, provided that the price paid for
2 the newspaper or a subscription to the newspaper does not exceed the cost to publish
3 such newspaper.

4 (b) Notwithstanding any other provision of this Section, the sales and use tax
5 imposed by ~~taxing authorities~~ a political subdivision shall not apply to an event
6 sponsored by a domestic nonprofit organization that is exempt from tax under
7 Section 501(c)(3) of the Internal Revenue Code when the event provides Louisiana
8 heritage, culture, crafts, art, food, and music, and the sponsor has contracted for
9 production management and financing services for the event. Such services shall
10 constitute necessary expenses of the sponsor for purposes of the event. The
11 provisions of this Subparagraph shall apply only to the sales of tangible personal
12 property and admission charges for, outside gate admissions to, or parking fees
13 associated with an event when the sales, charges, and fees are payable to or for the
14 benefit of the sponsor of the event. The provisions of this Subparagraph shall apply
15 only to an event which transpires over a minimum of seven but not more than twelve
16 days and has a five-year annual average attendance of at least three hundred
17 thousand over the duration of the event. For purposes of determining the five-year
18 annual average attendance, the calculation shall include the total annual attendance
19 for each of the five most recent years.

20 * * *

21 §305.16. Exclusions and exemptions; cable television installation and repair

22 The sales and use taxes imposed by ~~the state or by~~ any political subdivision
23 thereof shall not apply to necessary fees incurred in connection with the installation
24 and service of cable television. Such exemption shall not apply to purchases made
25 by any cable television system, but shall only apply to funds collected from the
26 subscriber for regular service, installation and repairs.

1 §305.17. Exclusions and exemptions; income from coin-operated washing and
2 drying machines in a commercial laundromat

3 ~~State sales taxes imposed by R.S. 47:302 and R.S. 47:321, as well as any~~
4 sales Sales and use taxes imposed by any parish, municipality, school board, or other
5 political subdivision, within the state, shall not apply to or be imposed upon the
6 income on receipts from any coin-operated washing or drying machine in a
7 commercial laundromat. A commercial laundromat, for purposes of this Section, is
8 defined to be any establishment engaged solely in the business of furnishing washing
9 or drying laundry services by means of coin-operated machines.

10 ~~§305.18. Exclusions and exemptions; fairs, festivals, and expositions sponsored by~~
11 ~~nonprofit organizations; nature of exemption; limitations; qualifications~~

12 ~~A. The sales and use tax imposed by the state of Louisiana under R.S.~~
13 ~~47:302(C) and R.S. 47:321 shall not apply to all outside gate admissions to grounds~~
14 ~~and parking fees at fairs and festivals sponsored by recognized nonprofit~~
15 ~~organizations chartered under the state of Louisiana.~~

16 ~~The exemption provided herein shall not apply to any event intended to yield~~
17 ~~a profit to the promoter or to any individual contracted to provide services or~~
18 ~~equipment, or both, for the event.~~

19 ~~This Section shall not be construed to exempt any organization or activity~~
20 ~~from the payment of sales or use taxes otherwise required by law to be made on~~
21 ~~purchases made by these organizations.~~

22 ~~This Section shall not be construed to exempt regular commercial ventures~~
23 ~~of any type such as bookstores, restaurants, gift shops, commercial flea markets and~~
24 ~~similar activities that are sponsored by organizations qualifying hereunder which are~~
25 ~~in competition with retail merchants.~~

26 ~~B. This sponsorship of any event by any organization applying for an~~
27 ~~exemption hereunder must be genuine. Sponsorship will not be genuine in any case~~
28 ~~in which exemption from taxation is a major consideration leading to such~~
29 ~~sponsorship.~~

1 ~~C. An exemption certificate must be obtained from the collector of revenue,~~
2 ~~under such regulations as he shall prescribe, in order for nonprofit organizations to~~
3 ~~qualify for the exemption provided in this section.~~

4 ~~In the event the collector of revenue denies tax exempt status under this~~
5 ~~Section, the organization may appeal such ruling to the Board of Tax Appeals, which~~
6 ~~may overrule the collector of revenue and grant tax exempt status if the Board of Tax~~
7 ~~Appeals determines that the denial of tax exempt status by the collector of revenue~~
8 ~~was arbitrary, capricious or unreasonable. Provided however, that any organization~~
9 ~~which endorses any candidate for political office or otherwise is involved in political~~
10 ~~activities shall not be eligible for the exemption herein provided.~~

11 ~~D. This exemption applies only to sales and use tax imposed by the state of~~
12 ~~Louisiana and does not apply to such taxes authorized and levied by any school~~
13 ~~board, municipality, or other local taxing authority notwithstanding any other~~
14 ~~provision of law to the contrary, specifically but not exclusively R.S. 27:2716.1.~~

15 §305.19. Exclusions and exemptions; leased vessels used in the production of
16 minerals

17 The taxes imposed by ~~taxing authorities~~ a local political subdivision shall not
18 apply to those vessels which are leased for use offshore beyond the territorial limits
19 of this state for the production of oil, gas, sulphur, and other minerals or for the
20 providing of services to those engaged in such production.

21 §305.20. Exclusions and exemptions; Louisiana commercial fishermen

22 A. A Louisiana resident, domiciled in Louisiana, who possesses such valid
23 Louisiana commercial fishing license(s) as may be necessary for commercial fishing
24 ventures, including but not limited to a vessel license issued pursuant to R.S. 56:304,
25 and who is an owner of a vessel operated primarily for the conduct of commercial
26 fishing as a trade or business and which the Louisiana Department of Wildlife and
27 Fisheries determines will be predominantly and principally used for commercial
28 fishing ventures and whose catch is for human consumption shall be exempt from
29 state sales, use, lease, and services taxes as set forth in Subsection C of this Section.

1 Possession of a commercial fishing license issued by the Department of Wildlife and
2 Fisheries shall not be used as the sole determination that a vessel will be used
3 predominantly and principally for commercial fishing ventures. This exemption
4 shall also apply to facilities which process the catch from owners of commercial
5 fishing vessels for which this exemption is granted when such vessels are owned by,
6 or leased or contracted exclusively to, the seafood processing facility.

7 * * *

8 C. An owner who has obtained a certificate of exemption shall, with respect
9 to the vessel identified in the certificate for the harvesting or production of fish and
10 other aquatic life, including shrimp, oysters, and clams, and certain seafood
11 processing facilities described in Subsection A, be exempt from the taxes imposed
12 by a political subdivision as described in Subsection A, as follows:

13 * * *

14 ~~G.(1) Except as provided for in Paragraph (2) of this Subsection, this~~
15 ~~exemption applies only to sales and use tax imposed by the state of Louisiana and~~
16 ~~does not apply to such taxes authorized and levied by any school board,~~
17 ~~municipality, or other local taxing authority notwithstanding any other provision of~~
18 ~~law to the contrary, specifically but not exclusively R.S. 47:337.8(B).~~

19 (2) ~~However, the~~ The governing authority of any parish, school board,
20 municipality, or other local taxing authority may by ordinance or resolution grant the
21 exemption provided for in this Section. In addition, such taxing authority may
22 authorize refunds of any tax paid prior to the effective date of such ordinance or
23 resolution on transactions exempted by this Section.

24 * * *

25 ~~§305.26. Exclusions and exemptions; new vehicles furnished by dealers for driver~~
26 ~~education purposes~~

27 ~~Solely for purposes of the sales or use tax levied by the state, such tax shall~~
28 ~~not be due on vehicles furnished by a dealer in new vehicles when withdrawn from~~
29 ~~inventory and furnished to a secondary school, college, or public school board on a~~

1 ~~free loan basis for exclusive use in a driver education program licensed by the~~
2 ~~Department of Public Safety and Corrections, public safety services.~~

3 * * *

4 §305.28. Exclusions and exemptions; gasohol

5 A. The sales or use taxes imposed by ~~the state of Louisiana or any such taxes~~
6 ~~imposed by~~ any parish or municipality or other local entity within the state shall not
7 apply to the sale at retail, the use, the consumption, the distribution, and the storage,
8 to be used or consumed in this state, of any motor fuel known as gasohol, containing
9 a blend of at least ten percent alcohol, if the alcohol therein has been produced,
10 fermented, and distilled in Louisiana from agricultural commodities. Alcohol to be
11 used in gasohol must have been rendered unsuitable for human consumption at the
12 time of its manufacture or immediately thereafter.

13 * * *

14 ~~§305.33. Exclusions and exemptions; nonprofit retirement centers~~

15 ~~The sales and use taxes imposed by the state of Louisiana shall not apply to~~
16 ~~purchases of materials for the construction of and supplies for the operation of any~~
17 ~~not-for-profit retirement center owned or operated by any public trust authority or~~
18 ~~duly incorporated not-for-profit corporation. A retirement center for purposes of this~~
19 ~~Section is defined as any multipurpose facility which houses as a permanent~~
20 ~~residence senior citizens who are sixty-two years of age or older, which provides~~
21 ~~housing for the elderly, and which provides intermediate health care.~~

22 * * *

23 ~~§305.39. Exclusions and exemptions; butane, propane, or other liquefied petroleum~~
24 ~~gases purchased for private residential consumption~~

25 ~~Solely for purposes of the sales and use taxes levied by the state, such taxes~~
26 ~~imposed by R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A) shall not apply to~~
27 ~~direct consumer purchases of butane, propane, or other liquefied petroleum gases for~~
28 ~~the private residential purposes of cooking and heating.~~

1 ~~§305.43. Exclusions and exemptions; nonprofit organizations dedicated to the~~
2 ~~conservation of fish or migratory waterfowl; nature of exemption;~~
3 ~~limitations; qualifications~~

4 ~~A. The sales and use taxes imposed by R.S. 47:302, R.S. 47:321, and R.S.~~
5 ~~47:331 shall not apply to any sales made by a nonprofit organization dedicated~~
6 ~~exclusively to the conservation of fish or the migratory waterfowl of the North~~
7 ~~American Continent and to the preservation and conservation of wetland habitat of~~
8 ~~such waterfowl, when the entire proceeds, except for the necessary expenses~~
9 ~~connected therewith, are used in furtherance of the organization's exempt purpose.~~
10 ~~The exemption provided herein shall not apply to any event intended to yield a profit~~
11 ~~to the promoter or to any individual contracted to provide services or equipment, or~~
12 ~~both, for the event.~~

13 ~~B. Purchases by any organization qualifying hereunder shall be exempt from~~
14 ~~the payment of any sales or use taxes imposed by the state and its political~~
15 ~~subdivisions.~~

16 ~~C. This Section shall not be construed to exempt sales or purchases made in~~
17 ~~connection with regular commercial ventures of any type such as bookstores,~~
18 ~~restaurants, gift shops, commercial flea markets, or similar activities that are~~
19 ~~sponsored by organizations qualifying hereunder which are in competition with retail~~
20 ~~merchants.~~

21 ~~D. Sponsorship of any event by any organization applying for an exemption~~
22 ~~hereunder must be genuine. Sponsorship shall not be genuine in any case in which~~
23 ~~exemption from taxation is a major consideration leading to such sponsorship.~~

24 ~~E. An exemption certificate must be obtained from the secretary of the~~
25 ~~Department of Revenue, under such regulations as he shall prescribe, in order for a~~
26 ~~nonprofit organization to qualify for the exemption provided in this Section.~~

27 ~~§305.44. Exclusions and exemptions; raw materials used in printing process~~

28 ~~A. The sales and use taxes imposed by the state under R.S. 47:302, R.S.~~
29 ~~47:321, and R.S. 47:331 and by any political subdivision shall not apply to purchases~~

1 and sales of the following, including all chemical supplies necessary to produce such
2 items whether manufactured by a printer or purchased from a subcontractor:

3 * * *

4 §305.45. Exclusions and exemptions; per diem or car hire on freight cars,
5 piggy-back cars, and rolling stock

6 A. The sales, use, and lease tax imposed by ~~the state of Louisiana under the~~
7 ~~provisions of R.S. 47:302(A) and (B), R.S. 47:321(A) and (B) and R.S. 47:331 a~~
8 local political subdivision shall not apply to:

9 * * *

10 ~~B. The exemptions from the state sales, use, and lease tax provided in this~~
11 ~~Section shall be applicable to any sales, use, and lease tax levied by any local~~
12 ~~government subdivision or school board.~~

13 * * *

14 §305.49. Catalog distribution; exemption

15 Notwithstanding any provision of law to the contrary, no sales or use tax shall
16 be imposed by ~~the state~~ or any political subdivision on the value of catalogs
17 distributed, or intended for distribution in the state, without charge to the recipient.

18 §305.50. Exemption; vehicles used in interstate commerce; rail rolling stock;
19 railroad ties

20 A.(1) The sales and use tax imposed by ~~the state of Louisiana or any of its~~
21 local political subdivisions shall not apply to trucks with a gross weight of twenty-six
22 thousand pounds or more and to trailers if such trucks and trailers are used at least
23 eighty percent of the time in interstate commerce and whose activities are subject to
24 the jurisdiction of the United States Department of Transportation. The
25 determination of whether a truck is used at least eighty percent of the time in
26 interstate commerce shall be based solely on the actual mileage of such truck;
27 however, no truck shall have more than twenty percent Louisiana intrastate miles.

28 (2)(a) The sales and use tax imposed by ~~the state or any of its~~ local political
29 subdivisions shall not apply to the purchase, use, or lease of a qualifying truck or to

1 the purchase, use, or lease of a qualifying trailer purchased, imported, or leased, with
2 or without a qualifying truck, for use with a qualifying truck.

3 * * *

4 F. The sales and use tax imposed by ~~the state, its statewide taxing authorities,~~
5 ~~or any of its~~ local political subdivisions shall not apply to the "sales price" or "cost
6 price" of railroad ties that a railroad purchases prior to long-term preservative
7 treatment and installs into the railroad's track system outside the taxing jurisdiction
8 of the respective taxing authority, whether it be the state, a statewide taxing
9 authority, or a political subdivision.

10 §305.51. Exemption; utilities used by steelworks and blast furnaces

11 A. The sales and use tax imposed by ~~the state of Louisiana or any of its~~
12 local political subdivisions shall not apply to sales or purchases of utilities used by
13 steelworks, blast furnaces, coke ovens, or rolling mills with more than one hundred
14 twenty-five full-time employees, which are classified by the Louisiana Workforce
15 Commission within Sector 331111 of the North American Industry Classification
16 System as it existed in 2002. However, this exemption shall not apply to utilities
17 used in and around the production of coke in oil refineries and the use of coke in oil
18 refineries and other chemical processes.

19 * * *

20 ~~§305.56. Exemption; off-road vehicles; out-of-state buyers~~

21 ~~The sales and use tax imposed by the state of Louisiana shall not apply to the~~
22 ~~sale of off-road vehicles when purchased by a buyer who, at the time of purchase,~~
23 ~~presents proof to the seller that he is domiciled in another state and signs an affidavit~~
24 ~~that he has paid or will pay the sales and use tax on the off-road vehicle in the state~~
25 ~~in which he is domiciled within sixty days after the date of purchase or delivery,~~
26 ~~whichever is later; provided that the state in which the buyer is domiciled provides~~
27 ~~a similar exemption. A valid out-of-state driver's license or state-issued picture~~
28 ~~identification card shall constitute sufficient proof that the buyer is domiciled in~~
29 ~~another state.~~

1 Foundation" when such materials are intended for use in constructing new residential
2 dwellings in this state.

3 §305.71. Exemption; St. Bernard Project, Inc.

4 The sales and use tax imposed by ~~the state of Louisiana or~~ any political
5 subdivision as defined in R.S. 47:337.6 shall not apply to the sale of construction
6 materials to the St. Bernard Project, Inc. when such materials are intended for use in
7 rehabilitating existing residential dwellings or constructing new residential dwellings
8 in this state.

9 * * *

10 ~~§315.2. Sales tax refund; new housing construction~~

11 ~~A. Any person who restores, renovates, or rehabilitates an existing structure~~
12 ~~or builds or causes the building of a new house and associated improvements in an~~
13 ~~approved housing development area pursuant to the provisions of R.S. 40:582.1~~
14 ~~through 582.7 shall be entitled to a refund of the amount of tax paid under the~~
15 ~~provisions of this Chapter and under the provisions of Chapter 2-A and Chapter 2-B~~
16 ~~of Sub-Title II of Title 47 of the Louisiana Revised Statutes of 1950 as a~~
17 ~~consequence of the purchase of materials used in the construction of such new house~~
18 ~~upon showing that he has complied with the provisions of R.S. 40:582.7.~~

19 B. The secretary of the Department of Revenue is authorized to prescribe the
20 forms and regulations for use in carrying out the provisions of this Section.

21 * * *

22 §321. Imposition of tax

23 * * *

24 L. Notwithstanding any other provision of law to the contrary, including but
25 not limited to any contrary provisions of this Chapter, there shall be no exemptions
26 or exclusions as defined in R.S. 47:301, et seq. to the tax levied pursuant to the
27 provisions of this Section, except for the sales or purchases of the following items:

- 1 (1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n) through
2 (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the Constitution of
3 Louisiana.
- 4 (2) Natural gas as provided in Article VII, Section 2.2 of the Constitution of
5 Louisiana.
- 6 (3) Electricity as provided in Article VII, Section 2.2 of the Constitution of
7 Louisiana.
- 8 (4) Water as provided in Article VII, Section 2.2 of the Constitution of
9 Louisiana.
- 10 (5) Prescription drugs as provided in Article VII, Section 2.2 of the
11 Constitution of Louisiana and R.S. 47:305(D)(1)(j), (4)(b), (5)(b) and (c)(i), and
12 305.2.
- 13 (6) Fuel that is subject to the road-use excise tax as provided in Article VII,
14 Section 27 of the Constitution of Louisiana.
- 15 (7) Purchases by a public trust as provided in law.
- 16 (8) Sales by state owned domed stadiums and baseball stadiums as provided
17 in R.S. 39:467.
- 18 (9) Sales by publicly owned facilities as provided in R.S. 39:468.
- 19 (10) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (11) Installation charges on tangible personal property as provided in R.S.
22 47:301(3)(a).
- 23 (12) Installation on oil field board roads as provided in R.S. 47:301(3)(c).
- 24 (13) Transaction involving the construction or overhaul of United States
25 Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 26 (14) Manufacturers rebates on new motor vehicles as provided in R.S.
27 47:301(3)(i).
- 28 (15) Lease or rentals of railroad rolling stock as provided in R.S.
29 47:301(4)(k).

- 1 (16) Purchases and leases by free hospitals as provided in R.S. 47:301(7),
2 (10)(r), and (18)(f).
- 3 (17) Certain educational materials and equipment used for classroom
4 instruction as provided in R.S. 47:301(7)(f), (10)(q), and (18)(e).
- 5 (18) Purchases by regionally accredited independent education institutions
6 as provided in R.S. 47:301(8)(b).
- 7 (19) Purchases by nonprofit entities that sell donated goods as provided in
8 R.S. 47:301(8)(f).
- 9 (20) Tangible personal property for resale as provided in R.S.
10 47:301(10)(a)(i).
- 11 (21) Purchase of property for lease or rental as provided in R.S.
12 47:301(10)(a)(iii) and (18)(a)(iii).
- 13 (22) Sales through coin-operated vending machines as provided in R.S.
14 47:301(10)(b)(i).
- 15 (23) Sales of materials for further processing into articles of tangible
16 personal property for sale at retail as provided in R.S. 47:301(10)(c)(i)(aa).
- 17 (24) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 18 (25) Sales of raw agricultural products as provided in R.S. 47:301(10)(e) and
19 305(A)(3).
- 20 (26) Sales to the United States government and its agencies as provided in
21 R.S. 47:301(10)(g).
- 22 (27) Sales of food by youth serving organizations chartered by Congress as
23 provided in R.S. 47:301(10)(h).
- 24 (28) Purchases by a private postsecondary academic degree-granting
25 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S. 47:301(18)(n).
- 26 (29) Tangible personal property sold to food banks as provided in R.S.
27 47:301(10)(j).
- 28 (30) Purchases of food items for school lunch or breakfast programs by
29 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).

- 1 (31) Articles traded in on purchases of tangible personal property as
2 provided in R.S. 47:301(13)(a).
- 3 (32) Repair services performed in Louisiana when the repaired property is
4 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 5 (33) Funeral directing services as provided in R.S. 47:301(14)(j).
- 6 (34) Stocks, bonds, notes, or other obligations or securities as provided in
7 R.S. 47:301(16)(b)(ii).
- 8 (35) Work product of certain professionals as provided in R.S.
9 47:301(16)(e).
- 10 (36) Pharmaceuticals administered to livestock for agricultural purposes as
11 provided in R.S. 47:301(16)(f).
- 12 (37) Other constructions permanently attached to the ground as provided in
13 R.S. 47:301(16)(l).
- 14 (38) Materials used in the collection of blood as provided in R.S.
15 47:301(16)(j).
- 16 (39) Aphaeresis kits and leuko reduction filters as provided in R.S.
17 47:301(16)(k).
- 18 (40) Donation to schools and food banks from resale inventory as provided
19 in R.S. 47:301(18)(a).
- 20 (41) Use of motor vehicles in Louisiana by active duty military as provided
21 in R.S. 47:303(A) and 305.48.
- 22 (42) Credit for sales and use taxes paid to other states on tangible personal
23 property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 24 (43) Gross proceeds derived from the sale of livestock, poultry, and other
25 farm products direct from the farm as provided in R.S. 47:305(A)(1).
- 26 (44) Feed and feed additives for animals held for business purposes as
27 provided in R.S. 47:305(A)(4).
- 28 (45) Materials used in the harvesting or production of crawfish as provided
29 in R.S. 47:305(A)(5).

- 1 (1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n) through
2 (r) on January 1, 2003, as provided in Article VII, Section 2.2 of the Constitution of
3 Louisiana.
- 4 (2) Natural gas as provided in Article VII, Section 2.2 of the Constitution of
5 Louisiana.
- 6 (3) Electricity as provided in Article VII, Section 2.2 of the Constitution of
7 Louisiana.
- 8 (4) Water as provided in Article VII, Section 2.2 of the Constitution of
9 Louisiana.
- 10 (5) Prescription drugs as provided in Article VII, Section 2.2 of the
11 Constitution of Louisiana and R.S. 47:305(D)(1)(j), (4)(b), (5)(b) and (c)(i), and
12 305.2.
- 13 (6) Fuel that is subject to the road-use excise tax as provided in Article VII,
14 Section 27 of the Constitution of Louisiana.
- 15 (7) Purchases by a public trust as provided in law.
- 16 (8) Sales by state owned domed stadiums and baseball stadiums as provided
17 in R.S. 39:467.
- 18 (9) Sales by publicly owned facilities as provided in R.S. 39:468.
- 19 (10) Isolated or occasional sales of tangible personal property as provided
20 in R.S. 47:301(1) and (10)(c)(ii)(bb).
- 21 (11) Installation charges on tangible personal property as provided in R.S.
22 47:301(3)(a).
- 23 (12) Installation on oil field board roads as provided in R.S. 47:301(3)(c).
- 24 (13) Transaction involving the construction or overhaul of United States
25 Navy vessels as provided in R.S. 47:301(7)(c) and (14)(h).
- 26 (14) Manufacturers rebates on new motor vehicles as provided in R.S.
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- 28 (15) Lease or rentals of railroad rolling stock as provided in R.S.
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- 5 (18) Purchases by regionally accredited independent education institutions
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10 47:301(10)(a)(i).
- 11 (21) Purchase of property for lease or rental as provided in R.S.
12 47:301(10)(a)(iii) and (18)(a)(iii).
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- 15 (23) Sales of materials for further processing into articles of tangible
16 personal property for sale at retail as provided in R.S. 47:301(10)(c)(i)(aa).
- 17 (24) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).
- 18 (25) Sales of raw agricultural products as provided in R.S. 47:301(10)(e) and
19 305(A)(3).
- 20 (26) Sales to the United States government and its agencies as provided in
21 R.S. 47:301(10)(g).
- 22 (27) Sales of food by youth serving organizations chartered by Congress as
23 provided in R.S. 47:301(10)(h).
- 24 (28) Purchases by a private postsecondary academic degree-granting
25 institution as provided in R.S. 47:301(10)(cc) and as provided in R.S. 47:301(18)(n).
- 26 (29) Tangible personal property sold to food banks as provided in R.S.
27 47:301(10)(j).
- 28 (30) Purchases of food items for school lunch or breakfast programs by
29 nonpublic elementary or secondary schools as provided in R.S. 47:301(10)(dd).

- 1 (31) Articles traded in on purchases of tangible personal property as
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- 3 (32) Repair services performed in Louisiana when the repaired property is
4 exported as provided in R.S. 47:301(14)(g)(i)(bb).
- 5 (33) Funeral directing services as provided in R.S. 47:301(14)(j).
- 6 (34) Stocks, bonds, notes, or other obligations or securities as provided in
7 R.S. 47:301(16)(b)(ii).
- 8 (35) Work product of certain professionals as provided in R.S.
9 47:301(16)(e).
- 10 (36) Pharmaceuticals administered to livestock for agricultural purposes as
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- 12 (37) Other constructions permanently attached to the ground as provided in
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- 14 (38) Materials used in the collection of blood as provided in R.S.
15 47:301(16)(j).
- 16 (39) Aphaeresis kits and leuko reduction filters as provided in R.S.
17 47:301(16)(k).
- 18 (40) Donation to schools and food banks from resale inventory as provided
19 in R.S. 47:301(18)(a).
- 20 (41) Use of motor vehicles in Louisiana by active duty military as provided
21 in R.S. 47:303(A) and 305.48.
- 22 (42) Credit for sales and use taxes paid to other states on tangible personal
23 property imported in Louisiana as provided in R.S. 47:303(A)(3)(a).
- 24 (43) Gross proceeds derived from the sale of livestock, poultry, and other
25 farm products direct from the farm as provided in R.S. 47:305(A)(1).
- 26 (44) Feed and feed additives for animals held for business purposes as
27 provided in R.S. 47:305(A)(4).
- 28 (45) Materials used in the harvesting or production of crawfish as provided
29 in R.S. 47:305(A)(5).

1 (46) Materials used in the harvesting or production of catfish as provided in

2 R.S. 47:305(A)(6).

3 (47) Farm products produced and used by farmers as provided in R.S.

4 47:305(B).

5 (48) Sales of fertilizers and containers to farmers as provided in R.S.

6 47:305(D)(1)(f).

7 (49) Sales of seeds for planting crops as provided in R.S. 47:305.5.

8 (50) Sales of pesticides for agricultural purposes as provided in R.S.

9 47:305.8.

10 (51) Property purchased for exclusive use outside the state as provided in

11 R.S. 47:305.10.

12 (52) Certain farm equipment as provided in R.S. 47:305.25.

13 (53) Diesel fuel, butane, propane, or other liquefied petroleum gases used for

14 farm purposes as provided in R.S. 47:305.37.

15 (54) Purchases made with food stamps and WIC as provided in R.S.

16 47:305.46.

17 (55) Pharmaceutical samples distributed in Louisiana as provided in R.S.

18 47:305.47.

19 (56) Commercial farm irrigation equipment as provided in R.S. 47:305.63.

20 (57) Purchases and leases of durable medical equipment under the provisions

21 of Medicare as provided in R.S. 47:315.3.

22 Section 2. The provisions of this Act shall be applicable to taxable periods beginning

23 on and after April 1, 2016.

24 Section 3. This Act shall become effective upon signature by the governor or, if not

25 signed by the governor, upon expiration of the time for bills to become law without signature

26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

27 vetoed by the governor and subsequently approved by the legislature, this Act shall become

28 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)]

HB 101 Engrossed

2016 First Extraordinary Session

Jackson

Abstract: Imposes an additional 0.5% state sales and use tax on April 1, 2016, and provides for the expansion of the tax base by reducing the applicability of certain exclusions and exemptions.

Proposed law imposes a 4% state sales and use tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of each item or article of tangible personal property as well as certain services.

Proposed law imposes an additional 0.5% state sales and use tax beginning April 1, 2016.

Present law provides definitions for terms used for purposes of state and local sales and use tax. Present law establishes the following *exclusions* from tax in the form of definitions:

(1) From the definition of "cost price":

Specific method for determining pricing relative to the publication of a free news publication.

(2) From the definition of "lease or rental":

Oilfield drilling equipment to be re-leased or re-rented.

Airplanes or airplane equipment used by a commuter airline domiciled in La.

Crane with an operator.

Pallets used by a manufacturer for packaging.

(3) From the definition of "retail sale":

Pollution control equipment.

Natural gas used in the production of iron.

Electricity for chlor-alkali manufacturing processes.

La. manufactured passenger aircraft.

Specific method of pricing equipment and devices associated with the wireless communication devices and wireless telephone service.

Alternative substance used as fuel.

Telephone directories used for advertising.

Butane and propane used for non-residential purposes.

Natural gas to be held, used or consumed in providing natural gas storage ("cushion" or "pad" gas).

Pelletized paper waste used as fuel for power generation.

Storm shutter devices.

Anthropogenic carbon dioxide used in a qualified tertiary recovery project (mineral exploration and production).

Property sold at an event for La. culture, crafts, food, art, and music, with a five year annual attendance in excess of 300,000 (New Orleans Jazz Festival).

That portion of the value of refinery gas sold to another person by the person who owns the gas generation facility, whether at retail or wholesale, that is in excess of 52 cents per thousand cubic feet multiplied by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December first of the preceding calendar year and the denominator of which shall be \$29.

Specific method for determining pricing relative to the publication of a free news publication.

Payments made by a manufacturer directly to a dealer of the manufacturer's product for the purpose of reducing the retail "sales price" of the product.

Specialty items sold to members of a nonprofit carnival organizations for fund-raising purposes if the members are participating in a parade sponsored by the organization.

Electric power and natural gas purchased or used by paper or wood products manufacturing facilities.

Specific method of pricing equipment and devices associated with the wireless communication devices and wireless telephone service.

(4) From the definition of "sales of services":

Services performed at an event for La. culture, crafts, food, art, and music, with a five year annual attendance in excess of 300,000 (New Orleans Jazz Festival).

(5) From the definition of "tangible personal property":

Numismatic coins, and platinum, gold, and silver bullion.

Custom computer software.

Equipment used for digital television conversion.

Newspapers.

(6) From the definition of "use":

Free telephone directories used for advertising.

Alternative substance use as fuel.

Property created or derived as a residue or byproduct of certain manufacturing processes.

Specific method of pricing equipment and devices associated with the wireless communication devices and wireless telephone service.

Storm shutter device.

Anthropogenic carbon dioxide used in a qualified tertiary recovery project (mineral exploration and production).

Proposed law changes present law by limiting the application of the following exclusions to sales and use taxes imposed by a political subdivision.

- (1) Oilfield drilling equipment to be re-leased or re-rented.
- (2) Airplanes or airplane equipment used by a commuter airline domiciled in La.
- (3) Pallets used by a manufacturer for packaging.
- (4) La. manufactured passenger aircraft
- (5) Equipment and devices associated with the wireless communication devices and wireless telephone service.
- (6) Telephone directories used for advertising.
- (7) Specific method for determining pricing relative to the publication of a free news publication.
- (8) Pelletized paper waste used as fuel for power generation.
- (9) Anthropogenic carbon dioxide used in a qualified tertiary recovery project (mineral exploration and production).
- (10) Property and services sold at an event for La. culture, crafts, food, art, and music, with a five year annual attendance in excess of 300,000 (New Orleans Jazz Festival).
- (11) That portion of the value of refinery gas sold to another person by the person who owns the gas generation facility, whether at retail or wholesale, that is in excess of 52 cents per thousand cubic feet multiplied by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December first of the preceding calendar year and the denominator of which shall be \$29.
- (12) Payments made by a manufacturer directly to a dealer of the manufacturer's product for the purpose of reducing the retail "sales price" of the product.
- (13) Speciality items sold to members of a nonprofit carnival organization for fund-raising purposes if the members are participating in a parade sponsored by the organization.
- (14) Equipment and devices associated with wireless communication devices and wireless telephone service.
- (16) Numismatic coins, and platinum, gold, and silver bullion.
- (17) Newspapers.
- (18) Free telephone directories used for advertising.
- (19) Property created or derived as a residue or byproduct of certain manufacturing processes.
- (20) Rental of a crane with an operator.

- (21) Anthropogenic carbon dioxide used in a qualified tertiary recovery project (mineral exploration and production).

Proposed law repeals present law for the following exclusions from state and local sales and use tax:

- (1) Pollution control equipment
- (2) Natural gas used in the production of iron
- (3) Electricity for chlor-alkali manufacturing processes.
- (4) Alternative substance used as fuel.
- (5) Natural gas to be held, used or consumed in providing natural gas storage ("cushion" or "pad" gas).
- (6) Storm shutter devices.
- (7) Electric power and natural gas purchased or used by paper or wood products manufacturing facilities.
- (8) Custom computer software.
- (9) Equipment used for digital television conversion.

Present law excludes from the definition of "retail sale" the sale of butane and propane.

Proposed law changes present law by limiting the exclusions to butane and propane sold for residential use.

Present law establishes the following exemptions from state sales and use taxes:

- (1) Racehorses.
- (2) Non-residential electric power utilities, natural gas, water, boiler fuel, and steam.
- (3) Motor vehicles returned to dealer inventory.
- (4) Amounts paid by radio and television stations for rights to broadcast content.
- (5) Motor vehicles, boats, and airplanes used as demonstrators.
- (6) Component parts for ships and barges in excess of 50 tons of displacement which are used in foreign or coastwise commerce.
- (7) Gate admissions to various charitable and nonprofit entertainment events.
- (8) Cable television installation.
- (9) Motion picture film rental.
- (10) Income from coin operated laundries.
- (11) Specific method of pricing equipment and devices associated with the wireless communication devices and wireless telephone service.
- (12) Leased vessels used in the production of minerals.

- (13) Purchases of materials, equipment, supplies, and services, and leases, by commercial fishers and seafood processors.
- (14) New vehicles furnished by dealers for drivers education.
- (15) Sales of gasohol.
- (16) Building materials for a nonprofit retirement center.
- (17) Speciality items sold to members of a nonprofit carnival organization for fund-raising purposes if the members are participating in a parade sponsored by the organization.
- (18) Admissions to performances by domestic nonprofit ballet companies.
- (19) Sales made by a nonprofit organization for the conservation of fish or migratory water fowl.
- (20) Ducks Unlimited and Bass Life.
- (21) Raw materials used in the printing process.
- (22) Per diem or car hire on freight cards, piggy-back cars, and rolling stock.
- (23) Purchase of trucks with a gross weight of 26,000 pounds or more and certain trailers if used at least 80% of the time in interstate commerce and whose activities are subject to the jurisdiction of the U.S. D.O.T.
- (24) Catalogs.
- (25) Railroad ties to be modified for installation at a location outside of the taxing jurisdiction.
- (26) Utilities, including electricity, used by steelworks and blast furnaces.
- (27) Off-road vehicles purchased by out of state buyers.
- (28) Sale of original, one-of-a-kind art from an established location within the boundaries of a cultural product district.
- (29) Purchase of certain water conservation equipment for use within the Sparta Groundwater Conservation District.
- (30) Capital equipment and software purchased by a radiation treatment center.
- (31) Purchases of construction supplies by Habitat for Humanity affiliates, Fuller Center for Housing covenant partners, and the Make it Right Foundation.
- (32) Purchase of certain construction materials by Hands on New Orleans and Rebuilding Together New Orleans covenant partners used on residential dwellings destroyed or damaged by Hurricanes Katrina or Rita.
- (33) Purchase, use, or rental of materials, services, property, and supplies by the Fore!Kids Foundation.
- (34) Purchase of certain construction supplies by the Make it Right Foundation.
- (35) Purchase of certain construction supplies by the St. Bernard Project, Inc.

Proposed law changes present law by limiting the applicability of the following exemptions to sales and use taxes imposed by a political subdivision:

- (1) Racehorses.
- (2) Non-residential electric power utilities, and boiler fuel, steam.
- (3) Motor vehicle returned to dealer inventory.
- (4) Amounts paid by radio and television stations for rights to broadcast content.
- (5) Motor vehicles, boats, and airplanes used as demonstrators.
- (6) Component parts for ships and barges used in foreign or coastwise commerce.
- (7) Labor, or sale of materials, services, and supplies, used for repairing, renovating or converting of any drilling rig, and associated machinery and equipment, which is used for the exploration or development of minerals outside the territorial limits of the state in Outer Continental Shelf waters,
- (8) Gate admissions to various charitable and nonprofit entertainment events.
- (9) Cable television installation.
- (10) Motion picture film rental
- (11) Admissions to performances at a little theater.
- (12) Income from coin operated laundries.
- (13) Specific method of pricing equipment and devices associated with the wireless communication devices and wireless telephone service.
- (14) Leased vessels used in the production of minerals.
- (15) Purchases of materials, equipment, and supplies, and leases, and services by commercial fishers and seafood processors.
- (16) Sales of gasohol.
- (17) Raw materials used in the printing process.
- (18) Per diem or car hire on freight cards, piggy-back cars, and rolling stock.
- (19) Purchase of trucks with a gross weight of 26,000 pounds or more and certain trailers if used at least 80% of the time in interstate commerce and whose activities are subject to the jurisdiction of the U.S. D.O.T.
- (20) Catalogs.
- (21) Railroad ties to be modified for installation at a location outside of the taxing jurisdiction.
- (22) Utilities, including electricity, used by steelworks and blast furnaces.
- (23) Sale of original, one-of-a-kind art from an established location within the boundaries of a cultural product district.

- (24) Purchase of certain water conservation equipment for use within the Sparta Groundwater Conservation District.
- (25) Capital equipment and software purchases by a radiation treatment center.
- (26) Purchases of construction supplies by Habitat for Humanity affiliates, Fuller Center for Housing covenant partners, and the Make it Right Foundation.
- (27) Purchase of certain construction materials by Hands on New Orleans and Rebuilding Together New Orleans covenant partners used on residential dwellings destroyed or damaged by Hurricanes Katrina or Rita.
- (28) Purchases, use, or rental of materials and services by the Fore!Kids Foundation.
- (29) Purchase of certain construction supplies by the Make it Right Foundation.
- (30) Purchase of certain construction supplies by the St. Bernard Project, Inc.
- (31) Ducks Unlimited and Bass Life.

Proposed law repeals present law for the following sales and use tax exemptions:

- (1) New vehicles furnished by dealers for drivers education.
- (2) Building materials for a nonprofit retirement center.
- (3) Admissions to performances by domestic nonprofit ballet companies.
- (4) Sales made by a nonprofit organization for the conservation of fish or migratory water fowl.
- (5) Purchase by Sparta Groundwater District (obsolete).
- (6) Off-road vehicles purchased by out of state buyers.

Present law establishes a sales and use tax refund for materials used in the construction or restoration of a home in certain specific development areas.

Proposed law repeals present law.

Proposed law specifies that exclusions and exemptions applicable to the state sales and use tax are limited to the follow:

- (1) Food for home consumption.
- (2) Natural gas for residential use.
- (3) Electricity for residential use.
- (4) Water for residential use.
- (5) Prescription drugs.
- (6) Fuel that is subject to the road-use excise tax.
- (7) Purchases by a public trust.
- (8) Sales by state owned domed stadiums and baseball stadiums.

- (9) Sales by publicly owned facilities as provided in R.S. 39:468.
- (10) Isolated or occasional sales of tangible personal property.
- (11) Installation charges on tangible personal property.
- (12) Installation on oil field board roads.
- (13) Transaction involving the construction or overhaul of United States Navy vessels.
- (14) Manufacturers rebates on new motor vehicles.
- (15) Lease or rentals of railroad rolling stock.
- (16) Purchases and leases by free hospitals.
- (17) Certain educational materials and equipment used for classroom instruction.
- (18) Purchases by regionally accredited independent education institutions.
- (19) Purchases by nonprofit entities that sell donated goods.
- (20) Tangible personal property for resale.
- (21) Purchase of property for lease or rental.
- (22) Sales through coin-operated vending machines.
- (23) Sales of materials for further processing into articles of tangible personal property for sale at retail.
- (24) Sales of human tissue transplants.
- (25) Sales of raw agricultural products.
- (26) Sales to the United States government.
- (27) Sales of food by youth serving organizations chartered by Congress.
- (28) Purchases by a private postsecondary academic degree-granting institution.
- (29) Tangible personal property sold to food banks.
- (30) Purchases of food items for school lunch or breakfast programs by nonpublic elementary or secondary schools.
- (31) Articles traded in on purchases of tangible personal property.
- (32) Repair services performed in Louisiana when the repaired property is exported.
- (33) Funeral directing services.
- (34) Stocks, bonds, notes, or other obligations or securities.
- (35) Work product of certain professionals.
- (36) Pharmaceuticals administered to livestock for agricultural purposes.
- (37) Other constructions permanently attached to the ground.

- (38) Materials used in the collection of blood.
- (39) Aphaeresis kits and leuko reduction filters.
- (40) Donation to schools and food banks from resale inventory.
- (41) Use of motor vehicles in Louisiana by active duty military.
- (42) Credit for sales and use taxes paid to other states on tangible personal property imported in Louisiana.
- (43) Gross proceeds derived from the sale of livestock, poultry, and other farm products direct from the farm).
- (44) Feed and feed additives for animals held for business purposes.
- (45) Materials used in the harvesting or production of crawfish.
- (46) Materials used in the harvesting or production of catfish.
- (47) Farm products produced and used by farmers.
- (48) Sales of fertilizers and containers to farmers.
- (49) Sales of seeds for planting crops.
- (50) Sales of pesticides for agricultural purposes.
- (51) Property purchased for exclusive use outside the state.
- (52) Specific types of farm equipment.
- (53) Diesel fuel, butane, propane, or other liquefied petroleum gases used for farm purposes.
- (54) Purchases made with food stamps and WIC.
- (55) Pharmaceutical samples distributed in Louisiana.
- (56) Commercial farm irrigation equipment.
- (57) Purchases and leases of durable medical equipment under the provisions of Medicare.

Applicable to taxable periods beginning on and after April 1, 2016.

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

(Amends R.S. 47:301(3) through (17) and (18)(d)(ii), (h), (i) through (l), and (o), 302(A), (B), and (C)(1), 305(A)(2), (C), (D)(1)(b) through (d) and (g) through (i), (F), (H)(introductory paragraph), and (I), 305.1(A) and (B), 305.6, 305.7, 305.9, 305.13, 305.14(A)(1), 305.16, 305.17, 305.18, 305.19, 305.20(A), (C)(introductory paragraph), and (G), 305.26, 305.28(A), 305.33, 305.39, 305.40, 305.41(A), 305.42, 305.43, 305.44(A)(introductory paragraph), 305.45(A)(introductory paragraph) and (B), 305.50(A)(1) and (2)(a)(introductory paragraph) and (F), 305.51(A), 305.56, 305.57(A), 305.59, 305.60, 305.61(A), 305.64(A)(1), (B), 305.49, and (C), 305.65(A) and (C), 305.68, 305.70, 305.71, and 315.2; Adds R.S. 47:302(V), 321(L), and 331(S))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Add the imposition of an additional .50% sales and use tax beginning April 1, 2016.
2. Restore changes to present law concerning the sales and use tax exclusions and exemptions for manufacturing machinery and equipment for various business sectors.