

2016 Second Extraordinary Session

HOUSE BILL NO. 39

BY REPRESENTATIVE FOIL

TAX/SALES-USE, STATE: Provides for effectiveness of the exclusion for sales, leases, and rentals of tangible personal property and sales of services necessary to operate free hospitals (Item #18)

1 AN ACT

2 To amend and reenact R.S. 47:302(V)(introductory paragraph) as enacted by Act No. 25 of

3 the 2016 First Extraordinary Session of the Legislature and R.S.

4 47:321.1(F)(introductory paragraph) and to enact R.S. 47:302(AA) and 321.1(F)(66),

5 relative to state sales and use tax; to provide with respect to the exclusion for sales,

6 leases, and rentals of tangible personal property and sales of services necessary to

7 operate free hospitals; to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 47:302(V)(introductory paragraph) as enacted by Act No. 25 of the

10 2016 First Extraordinary Session of the Legislature and R.S. 47:321.1(F)(introductory

11 paragraph) are hereby amended and reenacted and R.S. 47:302(AA) and 321.1(F)(66) are

12 hereby enacted to read as follows:

13 §302. Imposition of tax

14 * * *

15 V. Notwithstanding any other provision of law to the contrary, including but

16 not limited to any contrary provisions of this Chapter, for the period April 1, 2016,

17 through July 1, 2018, the following there shall be no exclusions and exemptions to

18 the tax levied pursuant to the provisions of this Section ~~shall be the exclusive list of~~

1 ~~allowable~~ except for exemptions and exclusions: for sales or purchases of the
2 following items and for those items enumerated in Subsection AA of this Section:

3 * * *

4 AA. In addition to the exclusions and exemptions enumerated in Subsection
5 V of this Section, beginning July 1, 2016, the exclusion for sales, leases, and rentals
6 of tangible personal property and sales of services necessary to operate free hospitals
7 pursuant to R.S. 47:301(7)(e), (10)(p), and (18)(c) shall be applicable to the tax
8 levied pursuant to the provisions of this Section.

9 * * *

10 §321.1. Imposition of Tax

11 * * *

12 F. Notwithstanding any other provision of law to the contrary, including but
13 not limited to any contrary provision of this Chapter except as otherwise provided
14 in Paragraph (66) of this Subsection, there shall be no exemptions or exclusions as
15 defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section,
16 except for the sales or purchases of the following items:

17 * * *

18 (66) Beginning July 1, 2016, the exclusion for sales, leases, and rentals of
19 tangible personal property and sales of services necessary to operate free hospitals
20 pursuant to R.S. 47:301(7)(e), (10)(p), and (18)(c) shall be applicable to the tax
21 levied pursuant to the provisions of this Section.

22 * * *

23 Section 2. This Act shall become effective on July 1, 2016.

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 39 Original

2016 Second Extraordinary Session

Foil

Abstract: Adds the exclusion for sales, leases, and rentals of tangible personal property and sales of services necessary to operate free hospitals to the list of state sales and use tax exemptions to be given effect beginning July 1, 2016.

Present law establishes a state sales and use tax exclusion for sales, leases, and rentals of tangible personal property and sales of services necessary to operate free hospitals.

Present law suspends numerous exemptions and exclusions from the state sales and use tax (R.S. 47:302, 321, 321.1, and 331) for two different periods of time occurring between April 1, 2016, and June 30, 2018, inclusive of the exclusion for free hospitals.

Present law provides that the suspension of this exclusion for purposes of two of the tax levies, R.S. 47:321 and 331, expires June 30, 2016. The suspension with respect to the other two tax levies, R.S. 47:302 and 321.1 remains effective through June 30, 2018.

Proposed law changes present law by adding the exclusion for sales, leases, and rentals of tangible personal property and sales of services necessary to operate free hospitals to the list of state sales and use tax exemptions to the remaining two tax levies to be given effect beginning July 1, 2016.

Effective July 1, 2016.

(Amends R.S. 47:302(V)(intro. para.) as enacted by Act No. 25 of the 2016 1st E.S. and 321.1(F)(intro. para.); Adds R.S. 47:302(AA) and 321.1(F)(66))