

2016 Second Extraordinary Session

HOUSE BILL NO. 43

BY REPRESENTATIVE EDMONDS

TAX/SALES & USE: Provides relative to sales by nonprofit entities that sell donated goods and spend 75% or more of the revenue on directly employing or training persons with disabilities (Item #15)

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 by certain nonprofit entities that sell donated goods; to provide for effectiveness; and
7 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 by nonprofit entities
6 that sell donated goods and spend seventy-five percent or more of the revenue on
7 directly employing or training persons with disabilities as provided in R.S.
8 47:301(8)(f) shall be applicable to the tax levied pursuant to the provisions of this
9 Section.

10 * * *

11 §321.1. Imposition of Tax

12 * * *

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

18 * * *

19 (66) Beginning July 1, 2016, the exclusion for sales by nonprofit entities that
20 sell donated goods and spend seventy-five percent or more of the revenue on directly
21 employing or training persons with disabilities as provided in R.S. 47:301(8)(f) shall
22 be applicable to the tax levied pursuant to the provisions of this Section.

23 * * *

24 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 43 Original

2016 Second Extraordinary Session

Edmonds

Abstract: Adds the exclusion for sales by nonprofit entities that sell donated goods and spend 75% or more of the revenue on directly employing or training persons with disabilities 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 the exclusion for sales by nonprofit entities that sell donated goods and spend 75% or more of the revenue on directly employing or training persons with disabilities.

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 sales by nonprofit entities that sell donated goods and spend 75% or more of the revenue on directly employing or training persons with disabilities .

Present law provides that the suspension 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 by nonprofit entities that sell donated goods and spend 75% or more of the revenue on directly employing or training persons with disabilities to the list of state sales and use tax exemptions and exclusions 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 R.S. 47:321.1(F)(intro. para.); Adds R.S. 47:302(AA) and 321.1(F)(66))