

ACT No. 366

HOUSE BILL NO. 596

BY REPRESENTATIVES STEFANSKI, ABRAHAM, ADAMS, BAGNERIS, BOURRIAQUE, TERRY BROWN, DAVIS, DEVILLIER, DWIGHT, EMERSON, GISCLAIR, GUINN, LANCE HARRIS, HORTON, MIKE JOHNSON, ROBERT JOHNSON, LACOMBE, MCFARLAND, JIM MORRIS, PIERRE, AND PYLANT

1 AN ACT

2 To amend and reenact R.S. 47:301(30), relative to sales and use tax; to define commercial
3 farmer; to require the submission of certain information; to require the Department
4 of Revenue to make certain determinations; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:301(30) is hereby amended and reenacted to read as follows:

8 §301. Definitions

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

12 * * *

13 (30)(a) Except as provided in Subparagraph (b) of this Paragraph, the ~~The~~
14 term "commercial farmer" shall mean only those persons occupationally engaged in
15 producing food or agricultural commodities for sale. These terms are limited to
16 those persons, partnerships, or corporations regularly engaged in the commercial
17 production for sale of vegetables, fruits, crops, livestock, poultry, and other food or
18 agricultural products that report farm income and expenses on a federal Schedule F
19 or similar federal tax form, including but not limited to 1065, 1120, and 1120S filed
20 by a person assigned a North American Industry Classification System (NAICS)
21 Code beginning with 11. The Department of Revenue, in consultation with the
22 Department of Agriculture and Forestry, shall develop and promulgate rules to

1 determine who meets this definition no later than January 1, 2019. Notwithstanding
2 any contrary provision of this Paragraph, the Department of Revenue shall honor
3 existing farmer exemption certificates issued by the department until July 1, 2019.

4 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
5 the term "commercial farmer" may include a landowner who is a party of a joint
6 venture and who leases land to a commercial farmer as defined in Subparagraph (a)
7 of this Paragraph. In order to qualify as a commercial farmer, the lessee landowner
8 shall submit documentation of the joint venture arrangement or a report of farm
9 income and expenses, including proof of lease income, from the joint venture on a
10 federal Schedule F form or similar federal tax form to the Department of Revenue
11 in order for the secretary of the department to make a determination that the taxpayer
12 is a commercial farmer.

13 Section 2. This Act shall become effective on July 1, 2019.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____