HLS 22RS-1331 ENGROSSED

2022 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 41

BY REPRESENTATIVE GREGORY MILLER

LEGISLATIVE AGCY/LAW INST: Directs the La. State Law Institute to direct printers to add a validity note following Article IX, Section 9 of the La. Constitution

A CONCURRENT RESOLUTION

2	To authorize and direct the Louisiana State Law Institute to direct the printer of the
3	Constitution of Louisiana to add a validity note following Article IX, Section 9 of
4	the Constitution of Louisiana.
5	WHEREAS, the legislature enacted Act No. 797 of the 1978 Regular Session of the
6	Legislature, providing for a First Use Tax Trust Fund; and
7	WHEREAS, on November 7, 1978, by majority vote, the electorate approved Act
8	No. 797 of the 1978 Regular Session of the Legislature; and
9	WHEREAS, in Maryland v. Louisiana, 451 U.S. 725 (1981), the United States
10	Supreme Court held that the First Use Tax was unconstitutional for violating the Supremacy
11	Clause and Commerce Clause of the Constitution of the United States of America; and
12	WHEREAS, the Legislature of Louisiana repealed the First Use Tax in Act 4 of the
13	1998 Regular Session of the Legislature; and
14	WHEREAS, the printer of the Constitution of Louisiana continues to print Article
15	IX, Section 9 of the Constitution of Louisiana without a validity note following it concerning
16	its unconstitutionality and creating confusion regarding the constitutionality of the First Use
17	Tax Trust Fund.
18	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19	authorize and direct the Louisiana State Law Institute to direct the printer of the Constitution
20	of Louisiana to add a validity note following Article IX, Section 9 of the Louisiana
21	Constitution noting the decision of the United States Supreme Court in Maryland v.

HLS 22RS-1331

ENGROSSED
HCR NO. 41

1 Louisiana, 451 U.S. 725 (1981) and the subsequent repeal of the First Use Tax by Act 4 of

- 2 the 1998 Regular Session of the Legislature.
- 3 BE IT FURTHER RESOLVED that two copies of this Resolution be transmitted to
- 4 the Louisiana State Law Institute and that the Louisiana State Law Institute forward one such
- 5 copy to the printer of the Constitution of Louisiana.

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)]

HCR 41 Engrossed

2022 Regular Session

Gregory Miller

Directs the La. State Law Institute to direct the printer of the La. Const. to add a validity note following Article IX, Section 9 of the La. Const. noting the decision of the U.S. Supreme Court in Maryland v. Louisiana and the subsequent repeal of the First Use Tax in Act 4 of the 1998 Regular Session of the Legislature.