

**FOR OFFICE USE ONLY**

**HOUSE FLOOR AMENDMENTS**

2016 First Extraordinary Session

Amendments proposed by Representative Ivey to Engrossed House Bill No. 117 by Representative Ivey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through  
3 18 in their entirety and on page 2, delete lines 1 and 2 and insert the following:

4 "R.S. 47:301(10)(x) and 305(D)(1)(b), (c), (d), and (g), to enact R.S. 47:301(10)(ii)  
5 and 331(S), and to repeal R.S. 47:301(3)(j), (10)(c)(i)(bb) and (ii)(aa), (n), (z), and  
6 (bb), (13)(m) and (18)(l) and 305(D)(1)(h), relative to the state sales and use tax; to  
7 repeal certain exemptions relative to utilities; to enact certain exclusions relative to  
8 utilities; to provide for applicability; to provide for effectiveness; and to provide for  
9 related matters."

10 AMENDMENT NO. 2

11 On page 2, delete lines 4 through 29 in their entirety and delete pages 3 through 80 in their  
12 entirety and insert the following:

13 "Section 1. R.S. 47:331(S) is hereby enacted to read as follows:

14 §331. Imposition of tax  
15

16 \* \* \*

17 S.(1) Notwithstanding any other provision of law to the contrary, for the  
18 period July 1, 2015 through June 30, 2018, the exemptions for industrial business  
19 utilities as to the tax levied pursuant to this Section for sales of steam, water, electric  
20 power or energy, and natural gas, including but not limited to the exemption in R.S.  
21 47:305(D)(1)(b), (c), (d), and (g), and any other exemptions provided in those  
22 portions of Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of  
23 1950, that provide for exemptions for business utilities from the taxes imposed  
24 therein shall be inapplicable, inoperable, and of no effect.

25 (2) For purposes of this Section, "industrial business" shall mean any entity  
26 that is assigned a North American Industry Classification System (NAICS) Code of  
27 31,32, or 33.

28 Section 2. R.S. 47:301(10)(x) and 305(D)(1)(b), (c), (d), and (g) are hereby  
29 amended and reenacted and R.S. 47:301(10)(ii) is hereby enacted to read as follows:

30 §301. Definitions

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

34 \* \* \*

1 (10)

2 \* \* \*

3  
4 (x) For purposes of the sales and use tax imposed by the state or any political  
5 subdivision whose boundaries are coterminous with those of the state, the terms  
6 "retail sale" or "sale at retail" shall not include the following:

7 (i) The sale or purchase by a person of any fuel or gas for residential  
8 purposes, including but not limited to butane and propane.

9 (ii) Beginning July 1, 2008, the sale or purchase by any person of butane and  
10 propane for residential purposes.

11 \* \* \*

12 (ii) For purposes of sales and use tax imposed by the state, the term "retail  
13 sale" shall not include industrial business utilities, which are those utilities purchased  
14 by any entity that is assigned a North American Industry Classification System  
15 (NAICS) Code of 31,32, or 33. For purposes of this Subparagraph, the following  
16 types of energy sources are industrial business utilities:

17 (i) "Alternative substance used as fuel" means petroleum coke, landfill gas,  
18 reclaimed or waste oil, unblended biodiesel, or tire-derived fuel. "Alternative  
19 substance used as fuel" does not mean oil, natural gas, any product of oil or natural  
20 gas, coal, lignite, refinery gas, nuclear fuel, or electricity.

21 (ii) "Industrial business utilities" means and includes any of the following:

22 (AA) Steam.

23 (BB) Water, excluding mineral and carbonated water and any other water  
24 contained in a bottle or other receptacle.

25 (CC) Electric power or energy and any materials or energy sources used to  
26 fuel the generation of electric power for resale or electric power used by an industrial  
27 manufacturing plant for self-consumption or cogeneration.

28 (DD) Natural gas.

29 (EE) All energy sources including pelletized paper waste used for boiler fuel  
30 except refinery gas.

31 (FF) Butane.

32 (GG) Propane.

33 (iii) "Industrial business" means any entity that is assigned a North American  
34 Industry Classification System (NAICS) Code of 31,32, or 33. that purchases  
35 business utilities for purposes other than residential use.

36 \* \* \*

37 305. Exclusions and exemptions from the tax

38 \* \* \*

39 D.(1) The sale at retail, the use, the consumption, the distribution, and the  
40 storage to be used or consumed in the taxing jurisdiction of the following tangible

1 personal property is hereby specifically exempted from the tax imposed by taxing  
2 authorities, except as otherwise provided in this Paragraph:

3 \* \* \*

4 (b) Steam for residential purposes.

5 (c) Water for residential purposes (not including mineral water or carbonated  
6 water or any water put in bottles, jugs, or containers, all of which are not exempted).

7 ~~(d) Electric power or energy and any materials or energy sources used to fuel~~  
8 ~~the generation of electric power for resale or used by an industrial manufacturing~~  
9 ~~plant for self-consumption or cogeneration~~ for residential purposes.

10 \* \* \*

11 (g) Natural gas for residential purposes.

12 \* \* \*

13 Section 3. R.S. 47:301(3)(j), (10)(c)(i)(bb) and (ii)(aa), (n), (z), and (bb),  
14 (13)(m) and (18)(l) and R.S. 47:305(D)(1)(h) are hereby repealed in their entirety.

15 Section 4. The provisions of Sections 2, 3, and 4 of this Act shall become  
16 effective on July 1, 2018, and shall be applicable for taxable periods beginning on  
17 and after July 1, 2018.

18 Section 5. The provisions of Section 1 and 5 of this shall become effective  
19 on April 1, 2016."