

2017 Regular Session

SENATE BILL NO. 238

BY SENATOR PERRY

MUNICIPALITIES. Authorizes the town of Duson to levy and collect an additional sales and use tax. (gov sig)

1 AN ACT

2 To enact R.S. 47:338.24.4, relative to municipal sales and use taxes; to authorize the
3 governing authority for the town of Duson to levy and collect an additional sales and
4 use tax; to require voter approval; to provide for the use of the tax revenue; and to
5 provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:338.24.4 is hereby enacted to read as follows:

9 **§338.24.4. Town of Duson; authority to levy additional sales and use tax**

10 **A. The governing authority of the town of Duson may levy and collect an**
11 **additional sales and use tax not in excess of one percent within the corporate**
12 **limits of the municipality.**

13 **B. The tax authorized by this Section shall be in addition to all other**
14 **taxes which the town of Duson is authorized to levy and, pursuant to Section**
15 **29(B) of Article VI of the Constitution of Louisiana, shall not be subject to the**
16 **combined rate limitation established in Section 29(A) of Article VI of the**
17 **Constitution of Louisiana nor to the rate limitations established by R.S. 47:338.1**

1 and 338.54, nor shall it be included in the rate limitation of any other political
 2 subdivision. The authority granted in this Section shall not limit any prior
 3 taxing authority granted to the town of Duson or any other political subdivision
 4 by any other provision of law, including any authority granted to any other
 5 political subdivision to exceed any constitutional or statutory rate limitations.

6 C. The sales and use tax shall be imposed by ordinance of the governing
 7 authority of the town of Duson and shall be levied upon the sale at retail, the
 8 use, lease, or rental, the consumption, and the storage for use or consumption
 9 of tangible personal property and on sales of services, all as defined in Chapter
 10 2-D of this Subtitle; however, the ordinance imposing the tax shall be adopted
 11 only after the proposed tax is approved by a majority of the qualified electors
 12 voting on the proposition at an election held for that purpose and conducted in
 13 accordance with the Louisiana Election Code.

14 D. The sales and use tax authorized by this Section shall be collected at
 15 the same time and in the same manner as set forth in Chapter 2-D of this
 16 Subtitle.

17 E. The proceeds of the tax authorized by this Section may be used to
 18 fund the infrastructure and repairs of roads in the town of Duson, and
 19 permitted by the election proposition authorizing the levy of the tax.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
 21 signed by the governor, upon expiration of the time for bills to become law without signature
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 24 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

Present law authorizes any municipality, subject to voter approval, to levy sales and use taxes not to exceed 2 ½%; however, authorizes such taxes levied in a municipality to exceed the limit established by present constitution by only 1%.

Proposed law authorizes the town of Duson, subject to voter approval, to levy an additional sales and use tax not to exceed 1%. Provides that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by present constitution or present law. Further provides that the authority granted in proposed law shall not limit prior taxing authority granted to the town of Duson or any other political subdivision.

Proposed law further provides that the additional tax shall be collected at the same time and in the same manner as other sales and use taxes.

Proposed law further provides that the proceeds of the tax may be used to fund the infrastructure and repairs of roads in the town and permitted by the election proposition authorizing the levy of the tax.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:338.24.4)