

ACT No. 668

Regular Session, 2014

HOUSE BILL NO. 1097

BY REPRESENTATIVE NORTON

1 AN ACT

2 To amend and reenact R.S. 47:338.16, relative to the city of Shreveport; to provide relative
3 to an additional sales and use tax imposed within the city; to provide relative to the
4 power granted to the governing authority of the city to impose and renew such tax;
5 to remove requirement that the governing authority adopt a plan specifying the
6 purposes of such tax prior to submitting a proposition to the voters; to remove
7 provisions that place duration limits on the imposition of the tax and remove
8 provisions relative to the renewal of the tax; to provide relative to the tax being
9 levied on the effective date of the Act; and to provide for related matters.

10 Notice of intention to introduce this Act has been published
11 as provided by Article III, Section 13 of the Constitution of
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 47:338.16 is hereby amended and reenacted to read as follows:

15 §338.16. City of Shreveport; authority to levy additional sales and use tax

16 A. The governing authority of the city of Shreveport may levy and collect
17 an additional sales and use tax not in excess of one-quarter of one percent within the
18 corporate limits of the city ~~for an initial term not to exceed four years from and after~~
19 ~~the date such additional tax is first levied, and for such additional terms as provided~~
20 ~~for in Subsection F of this Section, all as provided for in this Section.~~

21 B. The tax authorized by this Section shall be in addition to all other taxes
22 which the city is authorized to levy and, pursuant to Article VI, Section 29(B) of the
23 Constitution of Louisiana, shall not be subject to the combined rate limitation
24 established in Article VI, Section 29(A) of the Constitution of Louisiana, nor to the

1 rate limitations established by R.S. 47:338.1 or ~~R.S. 47:338.54~~, nor to any rate
 2 limitation established in any other authority. The authority granted in this Section
 3 shall not limit any prior taxing authority granted to the city or any other political
 4 subdivision by any other provision of law, including any authority granted to any
 5 other political subdivision to exceed the rate limitations cited in this Subsection.

6 C.(1) Such sales and use tax shall be imposed by ordinance of the governing
 7 authority of the city and shall be levied upon the sale at retail, the use, lease, or
 8 rental, the consumption, and the storage for use or consumption of tangible personal
 9 property and on sales of services, all as defined in Chapter 2 of this Subtitle, within
 10 the corporate limits of the city of Shreveport ~~for an initial term not to exceed four~~
 11 ~~years from and after the date such additional tax is first levied, and for such~~
 12 ~~additional terms as provided for in Subsection F of this Section, all as provided for~~
 13 ~~in this Section.~~

14 (2) ~~However, the~~ The ordinance imposing the tax ~~for each term~~ shall be
 15 adopted only if the question of the imposition of the tax is approved by a majority
 16 of the qualified electors voting on the proposition at ~~an election held for that purpose~~
 17 ~~and conducted in accordance with the Louisiana Election Code.~~ the election
 18 scheduled to be held in the city of Shreveport on November 8, 2016.

19 (3) ~~The governing authority of the city of Shreveport may call the election~~
 20 ~~and submit a proposition to the voters for the levy of the tax for each of the terms~~
 21 ~~provided for in Subsection F of this Section only after it has adopted a plan or plans,~~
 22 ~~by resolution or ordinance, specifying the purposes for which the additional sales and~~
 23 ~~use tax will be used. Any such plan shall include:~~

24 (a) ~~An estimate of the annual and aggregate cost of the salaries, benefits,~~
 25 ~~equipment, and personnel to be funded by the additional sales and use tax.~~

26 (b) ~~An estimate of the rate of the sales and use tax, not to exceed one-quarter~~
 27 ~~of one percent, necessary to be levied in each year to fund such estimated cost of~~
 28 ~~salaries, benefits, equipment, and personnel.~~

1 ~~(4)(a) If the imposition of the tax is not approved by a majority of such~~
 2 ~~electors at any election provided for in this Section, then the provisions of this~~
 3 ~~Section shall be null and void and the tax herein shall not be levied or collected.~~

4 ~~(b) If the tax is approved it shall be levied for the initial term and for~~
 5 ~~subsequent terms which shall not exceed the terms provided for in Subsection F of~~
 6 ~~this Section and shall not be levied thereafter.~~

7 D. The sales and use tax herein authorized in this Section shall be collected
 8 at the same time and in the same manner as set forth in Chapter 2 of this Subtitle.

9 E.(1) The proceeds of the tax shall be used for salaries, benefits, equipment
 10 and personnel for the fire and police departments of the city of Shreveport.

11 (2) The proposition ~~or propositions~~ shall state the purposes for which the tax
 12 is to be dedicated and the proceeds from ~~said~~ the tax shall be expended only in
 13 accordance with the proposition ~~or propositions~~ approved by the electors at the
 14 election authorizing such tax.

15 ~~F.(1) Any tax imposed under the provisions of this Section may be renewed~~
 16 ~~after its initial term but such renewal shall be for a term not to exceed six years from~~
 17 ~~and after the date such tax is renewed, and thereafter for terms not to exceed five~~
 18 ~~years each from and after the date such tax is renewed.~~

19 ~~(2) The ordinance imposing the renewed tax shall be adopted only if the~~
 20 ~~question of the imposition of the renewal is approved by a majority of the qualified~~
 21 ~~electors voting on the proposition at an election held for that purpose and conducted~~
 22 ~~in accordance with the Louisiana Election Code in 2006 prior to the expiration of the~~
 23 ~~initial term of the original tax imposed under this Section.~~

24 ~~(3) If the imposition of the renewal is not approved by a majority of such~~
 25 ~~electors at the election provided for in Paragraph (2) of this Subsection, then the~~
 26 ~~provisions of this Subsection shall be null and void and the renewal of the tax herein~~
 27 ~~shall not be levied or collected.~~

28 Section 2. The provisions of this Act shall have no effect on the additional sales and
 29 use tax being imposed within the city of Shreveport on the effective date of this Act that was
 30 approved by the voters in the city of Shreveport at an election held on December 8, 2012.

1 The governing authority of the city shall continue to impose the additional sales and use tax
2 as provided by law until such time as it expires as provided in the proposition. The
3 governing authority of the city may then impose a tax as provided in this Act if the
4 imposition of the tax has been approved by the city's voters as provided in this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____