AN ACT

To amend and reenact R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) and to enact R.S. 47:337.102(I)(4), relative to the collection and remittance of sales and use taxes; to provide with respect to the duties of the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Uniform Local Sales Tax Board to impose a fee on certain collectors; to provide for notice requirements for certain changes in tax, interest, and penalty rates; to require certain collectors to submit certain information to the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Sales and Use Tax Commission for Remote Sellers to deduct the amount of unpaid fees from a collector's monthly distribution under certain circumstances; to provide for the responsibilities of the Department of Revenue with respect to the collection and remittance of sales and use taxes; to provide relative to the Uniform Electronic Local Return and Remittance Advisory Committee; to require the board to manage and maintain a uniform electronic local return and remittance system; to require the board to design and implement a single remittance system for state and local sales and use taxes; to provide for the operation of the single remittance system; to provide for requirements and limitations; to provide for the funding of certain technology and programs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) are hereby amended and reenacted and R.S. 47:337.102(I)(4) is hereby enacted to read as follows:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§337.5. Local sales and use taxes effective date

A. (1) No political subdivision shall impose or increase a sale and use tax unless that tax or increase as established pursuant to R.S. 47:337.4, shall not be changed unless the change has an effective date of the first of January, the first of April, the first of July, or the first of October, and the secretary Louisiana Uniform Local Sales Tax Board and the Uniform Electronic Local Return and Remittance Advisory Committee have been notified in advance as provided for in R.S. 47:337.23. For purposes of this Section, a tax rate change shall include any of the following:

(a) A rate change due to the levy of a new tax.

(b) The change in a rate for an existing tax.

(c) A rate change due to an annexation or other boundary modification by the taxing authority.

(d) A rate change caused by the execution or expiration of a cooperative endeavor agreement to which the taxing authority is a party.

(e) Implementation, amendment, or repeal of an optional sales tax exemption or exclusion.

(2) Except for the notice to the secretary Louisiana Uniform Local Sales Tax Board and the advisory committee, the provisions of this Section shall not apply to the renewal of an existing sales tax.

B. A taxing authority shall notify the appropriate single collector for the parish no less than sixty days prior to the date a change in a tax, interest, or penalty rate becomes effective. However, the single collector for the parish may authorize a shorter time for a taxing authority to provide the notice required pursuant to the provisions of this Subsection. Failure or refusal of a taxing authority to provide timely notice to the single collector for a parish in accordance with the requirements of this Subsection shall be an absolute defense against any claim by a taxing authority against the single tax collector for the parish relating to a change in tax, interest, or penalty rate.

* * *
§337.23. Uniform electronic local return and remittance system; official record of

tax rates and exemptions; filing and remittance of local sales and use taxes;
penalties for violations

A.(1) The legislature recognizes both the need to make Louisiana a better
environment in which to do business and the complexities of the existing sales and
use tax system. It is the intention of this Section to provide taxpayers with a simple,
efficient, and cost-effective means of transmitting accurate sales and use tax returns
and remittances to political subdivisions of the state from a central site in the
quickest manner possible.

(2) Notwithstanding any other law to the contrary, beginning on the date
provided for in Subsection H of this Section, but no later than January 1, 2005, a taxpayer may file a sales and use tax return of a taxing authority and remit any tax,
interest, penalty, or other charge due by means of the uniform electronic local return
and remittance system provided for in this Section unless insufficient funds are
appropriated to fund the system as provided for in Subsection J of this Section.

B.(1) The system by which such taxpayers file electronically and pay their
taxes and by which the information provided for in Subsection H of this Section is
to be posted on the internet shall be established, managed, maintained, and
supervised by the secretary of the Department of Revenue Louisiana Uniform Local
Sales Tax Board, hereinafter referred to in this Section as the "board". The Uniform
Electronic Local Return and Remittance Advisory Committee shall provide advice
and may make enforceable recommendations to the secretary board for his
consideration with regard to the design, implementation, and operation, and
maintenance of the system in the manner provided for by this Section. The advisory
commitee is hereby created within the Department of Revenue under the jurisdiction
of the board and shall be composed of the following members:

(a) The secretary of the Department of Revenue or his designee.

(b) The chairman of the Louisiana Uniform Local Sales Tax Board board,
or in the absence of the chairman, the vice chairman of the board, who shall serve as
chair of the advisory committee.
(c) A member appointed by the governor from a list of three names provided to him by the Louisiana Society of Certified Public Accountants Society of Louisiana Certified Public Accountants, to serve at the pleasure of the governor.

(d) The two members who shall each be the head of a collector's office, appointed by the Louisiana Uniform Local Sales Tax Board board from a list of three six names provided by the board of directors of the Louisiana Association of Tax Administrators, to serve for a three-year term.

(e) A representative of a business that is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided to him jointly by the Louisiana Retailers Association and the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.

(f) A representative of a business that is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided by the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.

(2) Each appointment by the governor shall be submitted to the Senate for confirmation. All vacancies shall be filled in the same manner that is provided for the original member.

(3) The members of the advisory committee shall serve without additional compensation except for their reasonable and necessary expenses related to the performance of their duties as members of the committee, and then only in such amounts as is provided by law for state employees.

(4) Meetings shall be called by the chair at a time and place to be selected by the chair, or at a time and place provided for upon the written request of three members. Four members of the advisory committee shall be considered a quorum and the committee may make official recommendations and take other official action upon the affirmative vote of four members.

(5)(a) If at any time the advisory committee believes the secretary board has taken action contrary to the advice or recommendation of the committee, it may
make a written request to the secretary board specifying the advice or recommendation, the action which the committee believes the secretary board has taken, and asking him the board to provide written reasons for such the action. The secretary the chairman of the board shall provide a written answer to the chairman of the committee within fifteen days or such a longer time as the committee shall allow allows.

(b) If, after receiving and considering the written answer of the secretary board, the committee believes it unsatisfactory, the committee may make a written request to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means specifying the recommendation and asking the committees to make it an enforceable recommendation.

(c)(i) The request of the advisory committee shall be considered as a proposed rule or regulation of the Department of Revenue board and shall be subjected to the same oversight procedure as is set forth provided for in the Administrative Procedure Act for such rules and regulations, except for the need for publication.

(ii) Notwithstanding any other law to the contrary, if the oversight procedure under the Administrative Procedure Act results in approval of the advisory committee's request to make its recommendation an enforceable recommendation, then the advisory committee's recommendation shall be followed by the secretary board.

C. The uniform electronic local return and remittance system and the posting of the information required by Subsection I H of this Section shall be established, managed, maintained, and supervised by the secretary board with the advice of the advisory committee and the secretary and the system shall include the following:

(1)(a) The system shall allow the taxpayer to file a sales and use tax return that is uniform for each taxing authority except for the following:

(i) The rate of the taxing authority's tax.

(ii) The vendor's compensation allowed.
(iii) Optional exclusions or exemptions allowed by state sales and use tax law, adopted by the local ordinance pursuant to such state law.

(iv) Exclusions and exemptions in the local ordinance which were adopted prior to July 1, 2003, pursuant to state law authorizing such its adoption, but not allowed as an exclusion or exemption from state sales and use tax.

(v) Exclusions and exemptions adopted by local ordinance pursuant to legislation enacted under Article VI, Section 29(D)(1) of the Constitution of Louisiana, but not allowed as an exclusion or exemption from state sales and use tax.

(vi) Penalty, penalties and interest, or attorney fees due on the sales and use tax. The amount of such penalty, penalties and interest, and attorney fees, shall be limited as provided by law, including relevant jurisprudence, until such the statute or jurisprudence is changed.

(b) The filing and remittance shall be done at no charge to the taxpayer by the state, the collector, or any taxing authority levying a tax.

(2) A web page through which a secured electronic local sales and use tax return may be filed, which return shall be established by the Department of Revenue. The board shall maintain the secured electronic local sales and use tax return as well as the web page in which the return shall be accessed by taxpayers and collectors.

(3) A system to allow for the remittance of any tax, penalty, interest, or other amounts due.

(4) A system for the transmission and retrieval of the appropriate a collector's data and funds to him.

D.(1) Each collector shall provide to the secretary board and the advisory committee within ninety days of its written request, or such other time as may be allowed by the advisory committee, the information necessary to design and maintain the system provided for in this Section. Each collector shall follow the data validation procedures established recommended by the advisory committee and adopted by the board. If the collector fails or refuses to timely provide such the required information, the secretary board and the advisory committee shall design and implement the system from the best information.
available to them. A collector's failure or refusal to provide the requested
information as required in this Paragraph shall be an absolute defense against any
claim by a taxing authority or collector against the board or advisory committee
relating to the data utilized in the system provided for in this Section.

(2) Each collector shall provide written notification to the secretary board
and the advisory committee by certified mail, return receipt requested, of any change
in the information provided to it pursuant to Subparagraph (C)(1)(a) thirty days prior
to such changes becoming effective, or such other shorter time as may be allowed
by the advisory committee. Each collector shall follow the data validation
procedures established recommended by the advisory committee and adopted by the
board.

E. A taxpayer may rely on the information on the uniform electronic local
return and remittance system and such the reliance shall be an absolute defense
against any claim for a taxing authority's sales and use tax.

F.(1) It shall be the duty of the state through the Department of Revenue
board, with the advice of the advisory committee, to design, implement, maintain and
operate the system required by this Section and to provide the staff and equipment
necessary to receive and transmit to the collectors the electronic returns and funds.

(2)(a) It shall be the duty of the collector of each parish to provide and make
available the appropriate staff, equipment, and information necessary for the receipt
and transmission of electronic returns and funds. The Department of Revenue board
shall not be responsible for any loss of revenue attributable to the failure of a
collector to comply with the provisions of this Paragraph.

(b) The advisory committee may determine alternate distribution methods
and the appropriate fees to be charged for such these methods when a collector fails
to comply with the provisions of this Paragraph. The amount of the fee shall not
exceed the cost of the alternate distribution method.

G.(1) It is the intention of this Section only to provide to taxpayers a simple,
efficient, and cost-effective means of transmitting accurate tax returns and taxes to
taxing authorities of the state from a central site in the quickest manner possible.
This Section shall not be construed to grant to the advisory committee or the Department of Revenue board any authority to collect or administer such taxes. In addition, any funds transmitted through the system as provided for in this Section shall be considered the funds of the taxing authorities to be distributed by the collector in the manner provided by local ordinances and shall not in any way be considered state funds or funds of the board.

(2) The advisory committee shall provide a method for all questions related to the application and interpretation of the sales and use tax law of a particular taxing authority received by the committee, the board, or the Department of Revenue to be forwarded to the appropriate collector for response.

H.(1) The uniform electronic local return and remittance system provided in this Section shall become operative on a date that the advisory committee determines such system is ready, but no later than January 1, 2005.

(2) However, the system shall not become operative until all of the following occurs:

(a) Notice is provided to each collector of the date upon which the system is to be operative and the date of the public meeting provided for in Subparagraph (2)(b).

(b) After the notice is provided as required by Subparagraph (2)(a), but in no case less than thirty days before the date the system becomes operative, the advisory committee shall hold a public hearing to receive comments on the system.

I: (1)(a) In addition to the uniform electronic local return and remittance system provided for in this Section, a link shall be created on the Department of Revenue's board's web site to a web page where the following information provided by the collectors shall be posted:

(i) A list of Applicable tax rates.

(ii) A list of the Applicable optional exemptions enacted by a tax authority as provided for in R.S. 47:337.10.

(b) The secretary board and the advisory committee shall be notified of any changes in such the information as provided for in Subsection D of this Section: and
R.S. 47:337.5. Each collector shall follow the data validation procedures established by the advisory committee and adopted by the board. A collector's failure or refusal to provide the information as required in this Paragraph shall be an absolute defense against any claim by a taxing authority or collector against the board or advisory committee relating to the data utilized in the system provided for in this Section.

(2) The tax rates and optional exemptions posted on the web page as provided for in this Section shall be considered an official record of such the tax rates and optional exemptions and any court, whether requested to do so or not, shall take judicial notice thereof. A taxpayer may rely on the optional exemptions and tax rates posted on the web page and such this reliance shall be an absolute defense against any claim for a taxing authority's sales and use tax.

J. If the secretary of the Department of Revenue and the commissioner of administration certify to the advisory committee that there was not a separate line item in the general appropriations bill appropriating funds to the Department of Revenue for the design, implementation, and operation of the system provided for in this Section for the fiscal year, or that insufficient funds were appropriated in such line item, then such electronic filing and remittance shall not be available to taxpayers from the first of the month following such certification and the secretary may take such steps as he deems necessary to prevent access to the system until the secretary and the commissioner certify that such funds have been appropriated in a separate line item.

K. Beginning January 1, 2015, the collector for each taxing authority may require the electronic filing and remittance of local sales and use tax by any taxpayer required to electronically file or electronically remit state sales and use tax by the Department of Revenue. If the local collector for a taxing authority chooses the option of requiring the electronic filing and remittance of local sales and use tax returns in accordance with the provisions of this Subsection, then all taxpayers required to collect and remit sales or use tax on taxable events occurring within the jurisdiction of the taxing authority who are required by the Department of Revenue to electronically file and remit such taxes shall file all applicable sales taxes.
and use tax returns and remittances through the electronic filing options available for
such those purposes; however, in cases where the taxpayer can show cause that the
electronic filing of a return and remittance would create an undue hardship on the
taxpayer, the collector for the taxing authority may exempt the taxpayer from the
requirements of this Subsection.

(2) Failure of a taxpayer to comply with the electronic filing requirements
set forth in this Subsection shall result in the collector for the taxing authority
assessing a penalty of one hundred dollars or five percent of the tax owed on the
return, whichever is greater; however, the total penalty per return shall not exceed
five thousand dollars. The local collector for the taxing authority may waive
remittance and payment of the penalty in whole or in part if the local collector
determines that the failure to comply by the taxpayer was reasonable and was
attributable, not to any negligence on the part of the taxpayer, but for a cause which
is submitted to the local collector in writing.

*          *          *
§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership;
powers and duties

*          *          *

C. Powers and duties of the board. (1) The board may:

(1) Support and advise local sales and use tax collectors concerning the
imposition, collection, and administration of local sales and use taxes authorized
under the constitution and laws of this state.

(2) Promulgate rules and regulations in accordance with Part H of
Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(c) Enter into agreements with local tax collectors.

(d) Enter into contracts for the services of legal counsel, analysts,
auditors, appraisers, and witnesses, as well as any agency or department of the state
or any state or local political subdivision.

(e) Issue policy advice on matters concerning the imposition, collection,
and administration of local sales and use tax.
(f) Prescribe uniform forms and model procedures to be used by local sales and use tax collectors.

(g) Procure the development of computer software and equipment for the collection and administration of local sales and use taxes.

(h) Employ an executive director, and any necessary agents, assistants, auditors, clerks, inspectors, investigators, or other experts and employees.

(i) Issue private letter rulings when requested pursuant to this Section as to the imposition, collection, and administration of local sales and use tax.

(j) Hold an executive session pursuant to R.S. 42:16 for any of the reasons contained in R.S. 42:17 and for the discussion of matters involving confidential taxpayer information including policy advice, private letter rulings, multi-parish audits, or other matters. The records and files of the board held for the purpose of enforcement of the tax laws of this state and its political subdivisions shall be considered to be the files and records of a political subdivision of the state subject to the provisions of R.S. 47:1508 in the same manner as any other political subdivision enforcing tax laws related to sales and use taxes.

(k) Impose a fee on any local collector that does not have an executed agreement as provided for in Subparagraph (c) of this Paragraph in an amount equal to the pro-rata share of the total actual costs incurred by the board for the creation, implementation, and on-going maintenance and operation of the uniform local return and remittance system. The pro-rata fee owed by each local collector shall be based on the parish's share of the state's total population according to the most recent federal decennial census. The fee authorized in this Subparagraph shall be billed by the board to each collector not having an agreement as provided for in Subparagraph (c) of this Paragraph. If a collector does not pay the fee authorized pursuant to the provisions of this Subparagraph within thirty calendar days after imposition of the fee by the board, the board shall notify the Louisiana Sales and Use Tax Commission for Remote Sellers of the delinquency, and the Louisiana Sales and Use Tax Commission for Remote Sellers shall deduct the amount of the unpaid fee from the collector's next monthly distribution and remit the funds directly to the board.
(2) The board shall do all of the following:

(a) Manage, maintain, and supervise a uniform electronic local return and remittance system pursuant to the provisions of R.S. 47:337.23 by which taxpayers can electronically file and remit state and local sales and use taxes.

(b) Design, implement, manage, maintain, and supervise a single remittance system whereby each taxpayer can remit state and local sales and use taxes through a single transaction. Any contract for the selection of a vendor or service provider to design the single remittance system, including the procurement of software, hardware, or any other technology or electronic platform, or service shall be procured through the office of technology services and shall be in compliance with the provisions of R.S. 39:196 et seq.

(c) Design, manage, and maintain a link on the board's web page for the posting of information required to be posted pursuant to the provisions of R.S. 47:337.23(H).

* * *

I. Funding. (1) Except as provided for in Paragraph (4) of this Subsection, the board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, as provided for in an agreement with local collectors and in accordance with the limitations provided in this Paragraph and the budgetary policy as provided in Paragraph (2) of this Subsection. Monies shall be payable monthly from the current collections of the tax. The dedication shall be considered a cost of collection and shall be deducted by the state office of motor vehicles and disbursed to the board prior to distribution of tax collections to local taxing authorities. The dedication shall be in addition to any fee imposed by the office of motor vehicles for the collection of the local sales and use tax on motor vehicles. The amount to be disbursed to the board in any fiscal year after Fiscal Year 2018-2019 shall not, under any circumstances and notwithstanding any budget adopted by the board, exceed three-tenths of one percent of the collections.
(2)(a) The actual amount to be disbursed to the board by the office of motor
vehicles in any fiscal year shall be determined by the requirements of the annual
budget adopted by the board for that year, subject to the limitations established in
Subparagraphs (1)(a) through (c) of Paragraph (1) of this Subsection. To accomplish
this, by the first day of June each year the chairman of the board shall notify the
commissioner of the office of motor vehicles regarding the amount to be disbursed
to the board for the ensuing fiscal year, with the exception of Fiscal Year 2018, when
the date for such notification shall be determined by agreement of the chairman and
the commissioner.

*          *          *

(4)(a) The board shall fund the initial costs incurred for designing and
implementing a single remittance system from the percentage of funding it currently
receives pursuant to the provisions of Paragraph (1) of this Subsection. Thereafter,
the board shall fund the costs associated with the management, maintenance, and
supervision of the single remittance system from the funding it currently receives
pursuant to the provisions of Paragraph (1) of this Subsection, subject to the state
providing funding for any maintenance or modifications to the single remittance
system requested by the state.

(b) The Department of Revenue shall continue to operate the electronic local
return and remittance system used and administered by the department as of January
1, 2024, until the board certifies to the Department of Revenue that the uniform
electronic local return and remittance system required in this Section is fully
designed, implemented, and available for use by taxpayers. The uniform electronic
local return and remittance system required in this Section shall be fully designed,
implemented, and available for use by taxpayers no later than January 1, 2026.
However, from January 1, 2024, through December 31, 2025, the Department of
Revenue's annual cost to continue to operate the electronic local return and
remittance system shall not exceed five hundred four thousand dollars. Any
enhancement to the electronic local return and remittance system requested between
January 1, 2024, and December 31, 2025, shall be paid for on a pro rata basis by the
collector or collectors requesting the enhancement.

§340. Louisiana Sales and Use Tax Commission for Remote Sellers; members;
powers

(2) The commission shall monthly remit monies, less any refunds, fees owed
to the board pursuant to the provisions of R.S. 47:337.102(C)(1)(k), and amounts
retained for expenses as defined in Paragraph (3) of this Subsection, to the
appropriate state or local collector by electronic funds to the designated bank account
of that state or local collector on or before the tenth business day of the month
following the month of collection. Records of gross collections, refunds, and
amounts retained for expenses shall be made accessible to the respective state or
local collector on a monthly basis.

Section 2. This Act shall become effective on January 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.