

LOUISIANA SALES AND USE TAX COMMISSION FOR REMOTE SELLERS

Minutes of April 11, 2019 Meeting

- I. **Call to Order/Roll Call** - The meeting of the Louisiana Sales and Use Tax Commission for Remote Sellers (Commission) was called to order at 1:30 PM by Secretary Robinson, of the Louisiana Department of Revenue. A quorum was established with all eight members being in attendance. Members present were:
 1. Kimberly Robinson (LDR)
 2. Vanessa LaFleur (LDR)
 3. Darlene Allen (LDR)
 4. Kelli Jumper (LDR)
 5. Tiffani Delapasse (ULSTB)
 6. Donna Andries (ULSTB)
 7. Amber Hymel (ULSTB)
 8. Jeanine Theriot (ULSTB)

- II. **Approval of Meeting Minutes from March 14, 2019**
 - A motion was made to approve the meeting minutes from the meeting of March 14, 2019 by Ms. Allen and seconded by Ms. Andries. The minutes were unanimously approved without corrections.

- III. **Update from Technology Sub-Committee**
 - Ms. Delapasse reported that at the meeting of the ULSTB earlier that day it was determined the ULSTB will move forward with the collection of rate information from the local jurisdictions. She explained the ULSTB will have adequate funding to create a lookup tool to be able to assist the Commission with the information they will need regarding tax rates. The sub-committee plans to meet again in the near future. Secretary Robinson asked about the number of parishes still needing to provide the data. Ms. Delapasse answered that there are still nine parishes that have not provided their data. Ms. Delapasse suggested the chair of the ULSTB will either give those parishes a call or send another email.
 - Secretary Robinson asked about the plan forward for the Commission being able to collect sales tax at the destination tax rates. Ms. Delapasse answered that once the rate information is received from the last nine parishes the ULSTB will be able to provide the information to be certified on the rates. Ms. Robinson added that states are no longer certifying software providers and that software providers are certifying the information on their own. Ms. Robinson added that Avalara stated all that was needed was the creation of a return and they would program their system for collection purposes. If, and

when the state develops a tool with rates, the software provider would then use that information to check against their information to make any changes necessary. The technology sub-committee will meet to discuss the path forward and report back to the Commission at the next meeting.

IV. Update on Direct Marketer Registrations by LDR

- As of the date of the meeting, 673 direct marketer applications have been approved. A steady stream of applications are coming in and being reviewed. Ms. Jumper will provide an update at the next meeting of the Commission.
- Mr. Morris added that the Department of Revenue is receiving applications from companies who voluntarily registered with local parishes after the Wayfair decision and have since been approved to file via the DMR. These are being reported to Mr. Bergeron with the ULSTB to filter down to the local governments.

V. Discussion Items:

A. RSIB 19-001

- A draft bulletin was provided to the Commission members for their review and consideration. The purpose of the bulletin is to provide guidance to Louisiana taxpayers in local political jurisdictions with a local sales and use tax rate lower than the 4% additional tax levied by LA R.S. 47:302(K)(1) and (2). The bulletin was drafted by the Department following inquiries from taxpayers in Rapides Parish who paid 8.45% on purchases from remote sellers. Current law (LA R.S. 47:302(W)) provides a refund process in which the Department issues the refund to the taxpayer and the bulletin provides a step-by-step explanation on requesting the refund. Additionally, further revisions to the refund statute have been included in HB 524 (RS2019) to address the issue where a taxpayer resides in a jurisdiction with a tax rate less than 4% or in a jurisdiction that does not levy a local sales and use tax. Ms. Hymel requested additional time to review and provide or suggest any changes from the local members of the Commission.

B. Revisions for the Direct Marketer Application and Return

- Members were provided a draft of proposed changes to the DMR Application. Mr. Morris explained the proposed changes, which includes (1) revision to Item 9 on Page 2 to provide clarification on registration requirements and (2) an additional item for an applicant to list any state and local sales tax account numbers. LDR has had several instances where an applicant has already applied for and received an account from local tax collectors prior to submitting the DMR Application. Discussion included the language in the introductory paragraph of the DMR Application and whether applicants defined as a dealer provided by LA R.S. 47:301(4)(a)-(l) should be permitted to

use the Direct Marketer Return. Ms. Hymel noted she would like more time to review and provide input on the draft changes proposed.

- Members were also provided a draft of proposed changes to the Direct Marketer Return. Mr. Morris explained that new lines were added in the Schedule A (Lines 16 and 17) for “Other Deductions”. Ms. Andries asked if a deduction page could be added if needed. Mr. Morris answered that yes, an attachment/supplement page can be added if needed.

VI. Other Business

- Mr. Bergeron asked about the VDA Program language included in HB 524 for the Commission and has requested that the Commission discuss the fact that the ULSTB also has a VDA program. Mr. Morris answered that the VDA program for the Commission will be only for those remote sellers registered with the Commission. Mr. Bergeron raised another concern regarding when the Commission actually starts to collect the correct local tax and whether the taxpayer would be able to go to the ULSTB for a VDA instead of the Commission. Secretary Robinson clarified that a dealer is not required to be registered with the Commission and can register with the State and local parishes if they so choose. The current statutory language states that the Commission does not supersede the authority of the local governments. Further discussion was had that if a taxpayer had already entered into a VDA with the local jurisdictions and then afterward registered with the Commission, the Commission would have no recourse on anything entered into with the local governments prior to registration with the Commission.
- Next meeting date is scheduled for May 16, 2019.

VII. Public Comment

- Mr. Andre Burvant asked about the proposed change to the language in the Direct Marketer Application regarding vendors in LA R.S. 47:301(4)(a-l). After discussion of Mr. Burvant’s concerns Ms. Hymel asked if Mr. Burvant would submit his suggested language to the Commission email box so that it could be disseminated and reviewed by members prior to the next meeting. Mr. Burvant agreed to do so.

VIII. Adjournment

- Meeting was adjourned at approximately 2:47 PM.