



**KNIGHTS  
OF COLUMBUS**  
IN SERVICE TO ONE. IN SERVICE TO ALL.

Eric R. Miller  
Louisiana State Council – State Advocate  
840 Shadow Oak Drive  
Baton Rouge, LA 70810

June 29, 2016

To: All Grand Knights and Faithful Navigators

CC: All Financial Secretaries, Comptrollers, State Officers

**RE: KC Sales Tax Exemptions Revocation - Supplemental Information**

Worth Grand Knights and Faithful Navigators:

**This letter includes information about legal and tax issues and developments. Such materials are for informational purposes only and may not reflect the most current legal or tax developments. These informational materials are not intended, and should not be taken, as legal or tax advice on any particular set of facts or circumstances. You should contact an attorney for advice on specific legal or tax problems or contact your CPA.**

As a follow-up to the June 12, 2016, letter, please note that on June 28, 2016, the Governor signed into law Act 12, which effectively reinstates the exemptions for the collection and remitting of sales taxes for fraternal non-profits. A copy of the Act is attached.

Please note that Councils should still file the Form 1048 for purposes of claiming exemptions on certain fund-raising activities. A copy is attached as well.

Questions regarding sales tax exemptions can be directed to the LDOR at (225) 219-7462 or [sales.inquiries@la.gov](mailto:sales.inquiries@la.gov).

Vivat Jesus, I remain,

Fraternally,

Eric R. Miller  
Louisiana State Advocate

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EM/

ACT No. 12

HOUSE BILL NO. 51

BY REPRESENTATIVES JIM MORRIS, ABRAMSON, AMEDEE, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GAINES, GAROFALO, LANCE HARRIS, HAVARD, HENSGENS, HILFERTY, HILL, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, JONES, LEBAS, LEGER, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, STOKES, THIBAUT, WHITE, WILLMOTT, AND ZERINGUE AND SENATORS LAMBERT AND PEACOCK

1 AN ACT

2 To amend and reenact R.S. 47:302(X)(introductory paragraph) and to enact R.S.

3 47:302(AA) and 321.1(F)(66), relative to state sales and use taxes; to provide with

4 respect to the effectiveness of exemptions and exclusions for sales of certain tangible

5 personal property and services; to provide for effectiveness; and to provide for

6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:302(X)(introductory paragraph) is hereby amended and reenacted

9 and R.S. 47:302(AA) and 321.1(F)(66) are hereby enacted to read as follows:

10 §302. Imposition of tax

11 \* \* \*

V. X. Notwithstanding any other provision of law to the contrary, including  
 but not limited to any contrary provisions of this Chapter, for the period April 1,  
 2016 through July 1, 2018, ~~the following~~ there shall be no exclusions and  
 exemptions to the tax levied pursuant to the provisions of this Section ~~shall be the~~  
~~exclusive list of allowable~~ except for exemptions and exclusions: for sales or  
purchases of the following items and for those items enumerated in Subsection AA  
 of this Section:

\* \* \*

AA. Notwithstanding any other provision of this Section to the contrary,  
beginning July 1, 2016, the following specific exclusions and exemptions shall be  
applicable to the tax levied pursuant to the provisions of this Section:

(1) Sales of room rentals by a camp or retreat facility owned by a nonprofit  
organization as provided in R.S. 47:301(6)(b).

(2) Sales of room rentals by a homeless shelter as provided in R.S.  
47:301(6)(c).

(3) Sales, leases, and rentals of tangible personal property and sales of services necessary to operate free hospitals as provided in R.S. 47:301(7)(e), (10)(p), and (18)(c).

(4) Sales, leases, or rentals of tangible personal property to Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g) and (10)(r).

(5) Sales by nonprofit entities that sell donated goods as provided in R.S. 47:301(8)(f).

(6) Isolated or occasional sales of tangible personal property by a person not engaged in such business as provided in R.S. 47:301(10)(c)(ii)(bb).

(7) Sales of human tissue transplants as provided in R.S. 47:301(10)(d).

(8) Sales of food items by a youth-serving organization chartered by the  
United States Congress as provided in R.S. 47:301(10)(h).

(9) Sales and donations of tangible personal property by food banks as  
provided in R.S. 47:301(10)(j) and (18)(a)(i).

1                   (10) Sales or purchases of fire-fighting equipment by volunteer fire  
2                   departments as provided in R.S. 47:301(10)(o).

3                   (11) Sales to, and leases, rentals, and use of educational materials and  
4                   equipment used for classroom instruction by parochial and private elementary and  
5                   secondary schools that comply with the court order from the Dodd Brumfield  
6                   decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.  
7                   47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

8                   (12) Sales by parochial and private elementary and secondary schools that  
9                   comply with the court order from the Dodd Brumfield decision and Section 501(c)(3)  
10                  of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and (18)(e)(i).

11                  (13) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to  
12                  athletic and entertainment events held for or by an elementary or secondary school  
13                  and membership fees or dues of nonprofit, civic associations.

14                  (14) Sales or use of materials used directly in the collection of blood as  
15                  provided in R.S. 47:301(16)(j).

16                  (15) Sales or use of apheresis kits and leukoreduction filters as provided in  
17                  R.S. 47:301(16)(k).

18                  (16) Sales or use of orthotic devices, prosthetic devices, hearing aids,  
19                  eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists,  
20                  or licensed chiropractors used exclusively by the patient for personal use as provided  
21                  in R.S. 47:305(D)(1)(k).

22                  (17) Sales or use of ostomy, colostomy, and ileostomy devices and  
23                  equipment as provided in R.S. 47:305(D)(1)(l).

24                  (18) Sales or use of adaptive driving equipment and motor vehicle  
25                  modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

26                  (19) Sales of meals by educational institutions, medical facilities, mental  
27                  institutions, and occasional meals furnished by educational, religious, or medical  
28                  organizations as provided in R.S. 47:305(D)(2).

29                  (20) Purchase or rental of kidney dialysis machines, parts, materials, and  
30                  supplies for home use under a physician's prescription as provided in R.S. 47:305(G).

(21) Sales of admissions to entertainment events by Little Theater organizations as provided in R.S. 47:305.6.

(22) Sales of admissions to musical performances sponsored by nonprofit organizations as provided in R.S. 47:305.7.

(23) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations as provided in R.S. 47:305.13.

(24) Sales of admissions, parking fees, and sales of tangible personal property at events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious nonprofit organizations as provided in R.S. 47:305.14(A)(1).

(25) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations as provided in R.S. 47:305.18.

(26) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

(27) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption as provided in R.S. 47:305.39.

(28) Sales and purchases by certain organizations that provide training for blind persons as provided in R.S. 47:305.15.

\* \* \*

§321.1. Imposition of Tax

\* \* \*

F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provision of this Chapter, there shall be no exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section, except for the sales or purchases of the following items:

\* \* \*

(66) Beginning July 1, 2016, in addition to those exclusions and exemptions provided for in Paragraphs (1) through (65) of this Subsection, the following exclusions and exemptions shall be allowable for purposes of the tax levied pursuant to the provisions of this Section:

1 (a) Sales of room rentals by a camp or retreat facility owned by a nonprofit  
2 organization as provided in R.S. 47:301(6)(b).

3 (b) Sales of room rentals by homeless shelter as provided in R.S.  
4 47:301(6)(c).

5 (c) Sales, leases, or rentals of tangible personal property to Boys State of  
6 Louisiana, Inc. and Girls State of Louisiana, Inc. as provided in R.S. 47:301(7)(g)  
7 and (10)(r).

8 (d) Sales or purchases of fire-fighting equipment by volunteer fire  
9 departments as provided in R.S. 47:301(10)(o).

10 (e) Sales to, and leases, rentals, and use of educational materials and  
11 equipment used for classroom instruction by parochial and private elementary and  
12 secondary schools that comply with the court order from the Dodd Brumfield  
13 decision and Section 501(c)(3) of the Internal Revenue Code as provided in R.S.  
14 47:301(7)(f), (10)(q)(ii), and (18)(e)(ii).

15 (f) Sales by parochial and private elementary and secondary schools that  
16 comply with the court order from the Dodd Brumfield decision and Section 501(c)(3)  
17 of the Internal Revenue Code as provided in R.S. 47:301(10)(q)(i) and (18)(e)(i).

18 (g) Sales, as provided in R.S. 47:301(14)(b)(i), but only of admissions to  
19 athletic and entertainment events held for or by an elementary or secondary school  
20 and membership fees or dues of nonprofit, civic associations.

21 (h) Sales or use of orthotic devices, prosthetic devices, hearing aids,  
22 eyeglasses, contact lenses, and wheelchairs prescribed by physicians, optometrists,  
23 or licensed chiropractors used exclusively by the patient for personal use as provided  
24 in R.S. 47:305(D)(1)(k).

25 (i) Sales or use of ostomy, colostomy, and ileostomy devices and equipment  
26 as provided in R.S. 47:305(D)(1)(l).

27 (j) Sales or use of adaptive driving equipment and motor vehicle  
28 modifications prescribed for personal use as provided in R.S. 47:305(D)(1)(u).

(k) Sales or use of meals by education institutions, medical facilities, mental institutions, and occasional meals furnished by educational, religious, or medical organizations as provided in R.S. 47:305(D)(2).

(l) Purchases or rentals of kidney dialysis machines, parts, materials, and supplies for home use under a physician's prescription as provided in R.S. 47:305(G).

(m) Sales of admissions to entertainment events by Little Theater  
organizations as provided in R.S. 47:305.6.

(n) Sales of admissions to musical performances sponsored by nonprofit organizations as provided in R.S. 47:305.7.

(o) Sales of admissions to entertainment events sponsored by domestic nonprofit charitable, religious, and educational organizations as provided in R.S. 47:305.13.

(p) Sales of admissions, parking fees, and sales of tangible personal property at events sponsored by domestic, civic, educational, historical, charitable, fraternal, or religious nonprofit organizations as provided in R.S. 47:305.14(A)(1).

(q) Sales of admissions and parking fees at fairs and festivals sponsored by nonprofit organizations as provided in R.S. 47:305.18.

(r) Purchases of fishing vessels, supplies, fuels, lubricants, and repairs for  
the vessels of licensed commercial fishermen as provided in R.S. 47:305.20.

(s) Sales of butane, propane, or other liquified petroleum gases for private, residential consumption as provided in R.S. 47:305.39.

(t) Sales and purchases by certain organizations that provide training for  
blind persons as provided in R.S. 47:305.15.

\* \* \*

Section 2. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_





**Louisiana Department of Revenue**  
 PO Box 201 Baton Rouge LA 70821-0201  
**Application for Exemption from Collection of Louisiana Sales Taxes**  
**at Certain Fund-Raising Activities**  
 (Louisiana Revised Statute 47:305.14)

This form is for use by any nonprofit domestic, civic, educational, historical, charitable, fraternal, or religious organization when applying for exemption from the collection of state sales tax on parking fees, admissions to, or sales by the organization at fund-raising events. Approval of the application does not authorize the nonprofit organization to be exempted from taxes required by law to be paid on the organization's purchases.

Answers to the questions below should be as full and complete as possible. Incomplete answers will cause the processing to be delayed or the exemption

to be denied. Applications should be submitted as far in advance as possible, but no later than two weeks prior to the event.

Return the completed form to any of the Department's regional offices listed on the back of this application or to the main office: Department of Revenue, Taxpayer Services Division, 617 North Third, PO Box 201, Baton Rouge, LA 70821-0201, Telephone (225) 219-7356.

1. Name of nonprofit organization \_\_\_\_\_
2. Represented by \_\_\_\_\_
3. Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Daytime telephone number \_\_\_\_\_
4. Purpose of organization \_\_\_\_\_
5. Does this organization endorse candidates for political office? Yes ☐ No ☐ Explain "yes" answers. \_\_\_\_\_  
 Is the organization otherwise involved in political activities? Yes ☐ No ☐ \_\_\_\_\_
6. Describe the event for which exemption is sought. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7. Location and dates of event \_\_\_\_\_
8. How will the proceeds, after the payment of direct necessary expenses, be used? If the proceeds are to be donated to a nonprofit organization, explain how the organization will use the funds.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. Will the event potentially yield a profit to any promoter, individual, or business which has contracted to provide services or equipment for the event?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
10. Does any profit-seeking business enterprise, operating in the trade area where this event will be held, sell products or services that are identical or similar to the products or services that will be sold by this organization during the fund-raising event? If yes, please give full details.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby certify that the above-named organization is a bona fide domestic, civic, educational, historical, charitable, fraternal, or religious organization; that the organization is the actual sponsor of the event described; and that all the proceeds from the event, after necessary direct expenses, will be used to further the organization's own purpose or for the educational, chari-

table, religious, or historical restoration purpose stated above. The answers to the above questions are correct and complete, to the best of my knowledge and belief. I also understand that any organization that fraudulently seeks exemption under R.S. 47:305.14 shall be subject to the civil and criminal penalties provided for in the statutes.

APPROVED: \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Date

DISAPPROVED: \_\_\_\_\_  
 Date