

2016 Second Extraordinary Session

SENATE BILL NO. 12

BY SENATOR MORRELL

TAX/TAXATION. Provides for the modification of the sales and use tax exemption for domed stadium facilities, baseball facilities, and other publicly owned facilities. (Item #35)(gov sig)

1 AN ACT

2 To amend and reenact R.S. 39:467 and 468, relative to sales and use tax exemptions for  
3 publicly owned facilities; to limit the application of the exemptions; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:467 and 468 are hereby amended and reenacted to read as follows:

7 §467. Tax exemption, domed stadium facilities; baseball facilities

8 A.(1)(a) ~~Any event, activity, or enterprise, or the right of admission thereto,~~  
9 **Events, activities, or enterprises** conducted in any domed stadium facility owned  
10 and operated by or for the state, or any of its agencies, boards, or commissions,  
11 which facility has a seating capacity of at least seventy thousand and is located  
12 within a body politic and corporate and political subdivision of the state composed  
13 of more than one parish, ~~or any sale, service, or other transaction occurring in such~~  
14 ~~facility~~ or on the publicly owned property on which the facility is located, including  
15 ~~without limitation~~ the sale of admission tickets to events, activities, or enterprises,  
16 wherever sold; ~~parking, and tours of the facility;~~ **the sale** shall be exempt from ~~all~~  
17 ~~present and future~~ **sales and use and amusement** taxes levied by the state or by any

1 local taxing authority, ~~including but not limited to the sales, use, amusement, or any~~  
2 ~~other tax.~~ **as follows:**

3 **(i) Admission tickets to athletic contests or any large scale bid-upon**  
4 **events, sold in the primary ticket market, but not secondary market sales of**  
5 **such tickets unless such sales are made by a nonprofit host organization.**

6 **(ii) Any sale, service, or other transaction, including the sale of parking,**  
7 **occurring in such facility in connection with athletic contests or any large scale**  
8 **bid-upon events.**

9 **(iii) Sales of goods from a team merchandise store at the facility.**

10 **(iv) Fifty percent of the cost price of admission tickets to events,**  
11 **activities, or enterprises other than tickets to athletic contests or any large scale**  
12 **bid-upon events, wherever sold.**

13 **(v) Tours of the facility.**

14 **(vi) The full price of admission tickets for non-athletic events if the event**  
15 **was under contract on or before April 1, 2016.**

16 **(vii) Parking pursuant to events allowed under an existing lease or**  
17 **extension thereof.**

18 (b) ~~Any event, activity, or enterprise, or the right of admission thereto,~~  
19 **Events, activities, or enterprises** conducted on any property which contains a  
20 domed arena facility and adjacent and connected facilities which is under the  
21 jurisdiction of any political subdivision or any commission of such political  
22 subdivision if the domed arena facility on such property has a seating capacity of at  
23 least twelve thousand five hundred and is located within a parish with a population  
24 of more than one hundred eighty-five thousand and less than two hundred fifty  
25 thousand according to the most recent federal decennial census, ~~or any sale, service,~~  
26 ~~rental, or other transaction occurring in any such facilities~~ or on the publicly owned  
27 property on which the facilities are located, including ~~without limitation the sale of~~  
28 ~~food, drink, merchandise, services of any kind,~~ admission tickets to events, activities,  
29 or enterprises, wherever sold, ~~parking, including any parking on property under the~~

1 ~~jurisdiction of such commission for an event or activity; and tours of the facilities;~~  
2 shall be exempt from all ~~present and future~~ **sales and use and amusement** taxes  
3 levied by the state of Louisiana, including ~~but not limited to the sales, use,~~  
4 ~~amusement, or any other tax.~~ **as follows:**

5 **(i) Admission tickets to athletic contests or any large scale bid-upon**  
6 **events, sold in the primary ticket market, but not secondary market sales of**  
7 **such tickets unless such sales are made by a nonprofit host organization.**

8 **(ii) Any sale, service, or other transaction occurring in such facility,**  
9 **including the sale of parking on adjacent property under the same jurisdiction,**  
10 **in connection with athletic contests or any large scale bid-upon events.**

11 **(iii) Sales of goods from a team merchandise store at the facility.**

12 **(iv) Fifty percent of the cost price of admission tickets to events,**  
13 **activities, or enterprises other than tickets to athletic contests or any large scale-**  
14 **bid-upon events, wherever sold.**

15 **(v) Tours of the facility.**

16 **(vi) The full price of admission tickets for non-athletic events if the event**  
17 **was under contract on or before April 1, 2016.**

18 (2) ~~Any event, activity, or enterprise, or the right of admission thereto,~~  
19 **Events, activities, or enterprises** conducted in any open baseball site owned and  
20 operated by and for the state, or any of its agencies, boards, or commissions, which  
21 site has a seating capacity of at least ~~ten thousand~~ **seven thousand five hundred**, has  
22 a professional sports franchise that participates in Class Triple A professional  
23 baseball and is located within a body politic and corporate and political subdivision  
24 of the state composed of more than one parish, ~~or any sale, service, or other~~  
25 ~~transaction occurring in such facility~~ or on the publicly owned property on which the  
26 site is located, including ~~without limitation~~ the sale of admission tickets to events,  
27 activities, or enterprises, wherever sold, ~~parking, and tours of the site shall be exempt~~  
28 ~~from all present and future~~ **shall be exempt from sales and use and amusement**  
29 taxes levied by the state or by any local taxing authority, ~~including but not limited~~

1 to the sales, use, amusement, or any other tax: as follows:

2 (i) Admission tickets to athletic events, or any large scale bid-upon events  
3 or any other events allowed under an existing lease or extension thereof, sold in  
4 the primary ticket market, but not secondary market sales of such tickets unless  
5 such sales are made by a nonprofit host organization.

6 (ii) Any sale, service, or other transaction, including the sale of parking,  
7 occurring in such facility in connection with athletic contests.

8 (iii) Sales of goods from a team merchandise store at the facility.

9 (iv) Fifty percent of the cost price of admission tickets to events,  
10 activities, or enterprises other than tickets to athletic contests, wherever sold.

11 (v) Tours of the site.

12 (vi) The full price of admission tickets for non-athletic events if the event  
13 was under contract on or before April 1, 2016.

14 (3) The exemptions provided in this Section shall apply to any event,  
15 activity, or enterprise held in conjunction with athletic contests held in or  
16 adjacent to the facility to which the exemptions apply.

17 B. This exemption shall not extend to any sale of goods, ~~or~~ other tangible  
18 personal property, ~~at a trade show or other event at which the sale of such goods or~~  
19 ~~property is the primary purpose of the show or event~~ or services not specifically  
20 provided in Subsection A of this Section.

21 §468. Tax exemption, publicly-owned facility

22 A.(1)(a) Any event, activity, or enterprise, or the right of admission thereto,  
23 Events, activities, or enterprises conducted in any publicly-owned facility owned  
24 and operated by or for the state, or any of its agencies, boards, or commissions, or  
25 by any political subdivision, ~~or any sale, service, or other transaction occurring in~~  
26 ~~such facility~~ or on the publicly-owned property on which the facility is located, the  
27 sale of admission tickets to events, activities, or enterprises, wherever sold, ~~parking;~~  
28 ~~and tours of the facility~~ shall be exempt from all present and future sales and use  
29 and amusement taxes levied by the state, ~~including but not limited to the sales, use,~~

1 amusement, or any other tax; provided however, that such **as follows:**

2 **(i) Admission tickets to athletic events, sold in the primary ticket market,**  
3 **but not secondary market sales of such tickets unless such sales are made by a**  
4 **nonprofit host organization.**

5 **(ii) Any sale, service, or other transaction occurring in such facility,**  
6 **including the sale of parking on adjacent property under the same jurisdiction,**  
7 **in connection with athletic contest or any large scale bid-upon events.**

8 **(iii) Sales of goods from a team merchandise store at the facility.**

9 **(iv) Fifty percent of the cost price of admission tickets to events,**  
10 **activities, or enterprises other than tickets to athletic events or any large scale**  
11 **bid-upon events or any other events allowed under an existing lease or extension**  
12 **thereof, wherever sold.**

13 **(v) Tours of the facility.**

14 **(vi) The full price of admission tickets for non-athletic events if the event**  
15 **was under contract on or before April 1, 2016.**

16 **(b) This** exemption shall not apply unless the local taxing authority first  
17 exempts from any tax levied by that authority such **rights of admission to** events,  
18 activities, **and** enterprises, ~~sales, services, or other transaction~~ occurring within all  
19 publicly-owned facilities within the jurisdiction of said local taxing authority.

20 **(2) The exemptions provided in this Section shall apply to any event,**  
21 **activity or enterprise held in conjunction with athletic events or any large scale**  
22 **bid-upon events or any other events allowed under an existing lease or extension**  
23 **thereof held in or adjacent to the facility to which the exemptions apply.**

24 **B.** However, this exemption shall not extend to:

25 **(1) any Any** sale of goods, or other tangible personal property, ~~at a trade~~  
26 ~~show or other event at which the sale of such goods or property is the primary~~  
27 ~~purpose of the show or event~~ **or services not specifically provided in Subsection**  
28 **A of this Section.**

29 **(2) Any facility that is subject to the exemption provided for in R.S.**

1           **39:467.**

2           Section 2. The provisions of this Act shall be applicable to all taxable periods  
3 beginning on or after April 1, 2016.

4           Section 3. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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

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DIGEST

SB 12 Original

2016 Second Extraordinary Session

Morrell

Present law provides an exemption from state and local sales and use tax for sales at certain domed stadium facilities, baseball facilities, and the publicly owned property on which these facilities are located. The only taxable sales are sales at trade shows at which the sale of such goods is the primary purpose of the show.

Proposed law removes the exemptions from sales and use and amusement taxes at such events, except as follows:

- (1) Admission tickets to athletic contests or any large scale bid-upon event, wherever sold.
- (2) Any sale, service, or other transaction, including the sale of parking, occurring in such facility in connection with athletic contests or any large scale bid-upon events.
- (3) Sales of goods from a team merchandise store at the facility.
- (4) 50% of the cost price of admission tickets to events, activities, or enterprises other than tickets to athletic contests or any large scale bid-upon events, wherever sold.
- (5) Tours of the facility.
- (6) The full price of admission tickets for non-athletic events if the event was under contract on or before April 1, 2016.
- (7) Parking pursuant to events allowed under an existing lease or extension thereof.

Proposed law provides that these exemptions will apply to any event, activity, or enterprise held in conjunction with an athletic contest held in or adjacent to the facility to which the exemptions apply.

Present law applies to events, activities, or enterprises conducted on property containing a domed arena facility with a seating capacity of at least 12,500 located in a parish with a population of more than 185,00 and less than 250,000 based on the most recent federal decennial census.

Proposed law removes upper population limit for parish.

Present law applies to events, activities, or enterprises at an open baseball site publicly owned with a seating capacity of at least 10,000 having a class Triple A professional baseball franchise and located in more than one parish.

Proposed law changes seating capacity to 7,500.

Present law provides an exemption from state sales tax for sales at other publicly owned facilities if the local jurisdiction in which the facility is located also exempts these sales. The only taxable sales are sales at trade shows at which the sale of such goods is the primary purpose of the show.

Proposed law removes the exemptions from state sales and use and amusement taxes for sales at these facilities, except as follows:

- (1) Admission tickets to athletic contests or any large scale bid-upon events, wherever sold.
- (2) Any sale, service, or other transaction occurring in such facility, including the sale of parking on adjacent property under the same jurisdiction, in connection with athletic contests or any large scale bid-upon events.
- (3) Sales of goods from a team merchandise store at the facility.
- (4) 50% of the cost price of admission tickets to events, activities, or enterprises other than tickets to athletic contests, wherever sold.
- (5) Tours of the facility.
- (6) The full price of admission tickets for non-athletic events if the event was under contract on or before April 1, 2016.

Proposed law provides that these exemptions will apply to any event, activity, or enterprise held in conjunction with an athletic contest held in or adjacent to the facility to which the exemptions apply.

Applicable to taxable periods beginning on or after April 1, 2016.

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

(Amends R.S. 39:467 and 468)