

2016 Second Extraordinary Session

HOUSE BILL NO. 53

BY REPRESENTATIVES ABRAMSON AND JIMMY HARRIS

1 AN ACT

2 To amend and reenact R.S. 39:467 and 468, relative to sales of certain services and tangible  
3 personal property at public and other facilities; to provide for the collection and use  
4 of certain state and local sales and use tax revenues; to provide for exemptions from  
5 certain taxes; to provide for applicability and effectiveness of exemptions; to provide  
6 for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 CHAPTER 3-G. ~~TAX EXEMPTIONS~~; PUBLICLY-OWNED

11 FACILITIES, SALES OF SERVICES AND PROPERTY;

12 SALES AND USE TAX; EXEMPTIONS

13 §467. ~~Tax exemption~~, Sales of services and tangible personal property at a publicly  
14 owned domed stadium facilities; ~~facility or~~ baseball facilities facility; sales  
15 and use tax; exemptions

16 A. Definitions. For purposes of this Chapter the following terms and phrases  
17 shall have the following meanings:

18 (1) "Event" means any event, large scale bid-upon event, activity, or  
19 enterprise, excluding a trade show.

20 (2) "Large scale bid-upon event" means the instance when a nonprofit  
21 organization, located in a parish with a population of more than two hundred fifty  
22 thousand, whose mission is to bid upon, contract and manage large scale sporting

1 and entertainment events on behalf of the state of Louisiana, has bid upon or been  
2 awarded an event which may have a bid requirement of a waiver of taxes or a waiver  
3 of all tax has been offered as an enhancement to significantly increase the probability  
4 of awarding the event to Louisiana.

5 (3) "Locally or university owned domed facility" means a domed arena  
6 facility and adjacent and connected facilities which are under the jurisdiction of any  
7 political subdivision or any commission of such political subdivision if the domed  
8 arena facility on such property has a seating capacity of at least twelve thousand five  
9 hundred and is located within a parish with a population of more than one hundred  
10 eighty-five thousand according to the most recent federal decennial census, or the  
11 publicly owned property on which the facilities are located.

12 (4) "Sales" means sales of taxable services and tangible personal property  
13 at an event at a locally or university owned domed facility, a state-owned domed  
14 facility or baseball facility, or any other facility owned and operated by or for the  
15 state, or any of its agencies, boards, or commissions, or by any political subdivision  
16 or on the publicly owned property on which the facility is located, or as provided in  
17 Subsection G of this Subsection.

18 (5) "State owned domed facility or baseball facility" means a public facility  
19 or site that is owned and operated by or for the state, or any of its agencies, boards,  
20 or commissions and is located within a body politic and corporate and political  
21 subdivision of the state composed of more than one parish and that meets any of the  
22 following criteria:

23 (a) A domed facility which has a seating capacity of at least seventy  
24 thousand, or the publicly owned property on which the facility is located.

25 (b) A domed facility which has a seating capacity of at least twelve thousand  
26 five hundred, or the publicly owned property on which the facility is located.

27 (c) An open baseball site, or the property on which the site is located, which  
28 site has a seating capacity of at least seven thousand five hundred, and has a  
29 professional sports franchise that participates in Class Triple-A professional baseball.

1                   (6) "Trade show" means a trade show or other event at which the sale of  
 2                   goods is the primary purpose of the event.

3                   ~~(a) Any event, activity, or enterprise, or the right of admission thereto,~~  
 4                   ~~conducted in any domed stadium facility owned and operated by or for the state, or~~  
 5                   ~~any of its agencies, boards, or commissions, which facility has a seating capacity of~~  
 6                   ~~at least seventy thousand and is located within a body politic and corporate and~~  
 7                   ~~political subdivision of the state composed of more than one parish, or any sale,~~  
 8                   ~~service, or other transaction occurring in such facility or on the publicly owned~~  
 9                   ~~property on which the facility is located, including without limitation the sale of~~  
 10                   ~~admission tickets to events, activities, or enterprises, wherever sold; parking; and~~  
 11                   ~~tours of the facility shall be exempt from all present and future taxes levied by the~~  
 12                   ~~state or by any local taxing authority, including but not limited to the sales, use,~~  
 13                   ~~amusement, or any other tax.~~

14                   B. State owned facility. (1) Sales occurring for or at an event at a state  
 15                   owned domed facility or baseball facility shall be exempt from sales and use taxes  
 16                   imposed by the state and political subdivisions as follows:

17                   (a) Admission tickets to athletic contests or any large scale bid-upon events  
 18                   or any other events allowed under an existing lease or extension thereof, including  
 19                   for such contests and events where sales tax obligations created on or after April 1,  
 20                   2016, were absorbed and the outstanding tax has yet to be remitted, sold in either of  
 21                   the following:

22                   (i) The primary ticket market.  
 23                   (ii) Secondary market ticket sales by a nonprofit host organization whose  
 24                   mission is to bid upon, contract, and manage large scale sporting and entertainment  
 25                   events on behalf of the state of Louisiana.

26                   (b) Any sale, service, or other transaction, including the sale of parking, and  
 27                   for purposes of a state owned baseball facility parking on adjacent property under the  
 28                   same jurisdiction, such sales occurring in the facility in connection with athletic  
 29                   contests or any large scale bid-upon events or any other events allowed under an  
 30                   existing lease or extension thereof.

1                   (c) Sales of goods from a team merchandise store at the facility.

2                   (d) Fifty percent of the cost price of admission tickets to events, activities,  
3                   or enterprises other than tickets to athletic contests or any large scale bid-upon  
4                   events, including for such contests and events where sales tax obligations created on  
5                   or after April 1, 2016, were absorbed and the outstanding tax has yet to be remitted,  
6                   wherever sold.

7                   (e) Tours of the facility.

8                   (f) The full price of admission on tickets for non-athletic events and any sale,  
9                   service, or other transaction, including the sale of parking, relating to such non-  
10                  athletic events, if the event was bid upon, awarded, or under contract on or before  
11                  September 1, 2016.

12                  (2) Disposition of state tax proceeds. Of the monies remaining after  
13                  satisfaction of the requirements of Article VII, Section 9(B) of the Constitution of  
14                  Louisiana concerning the Bond Security and Redemption Fund, and R.S. 47:318(A)  
15                  concerning support of economic development, an amount equal to thirty percent of  
16                  the proceeds of the tax imposed under R.S. 47:321 on sales occurring for or at the  
17                  state owned domed facility described in Subparagraph (A)(5)(a) of this Section shall  
18                  be allocated one-half to the Louisiana School of Math, Science, and the Arts, and  
19                  one-half to the New Orleans Center for Creative Arts. All monies remaining  
20                  thereafter shall be deposited into the state general fund. For purposes of this  
21                  allocation, on the last day of November of each year the secretary of the Department  
22                  of Revenue shall provide to the chairman of the Joint Legislative Committee on the  
23                  Budget and the commissioner of administration an official estimate of the amount  
24                  of state revenues received within the previous twelve months which were derived  
25                  from the tax imposed pursuant to R.S. 47:321 from sales for or at the state owned  
26                  domed facility described in Subparagraph (A)(5)(a) of this Section. The estimate  
27                  shall be utilized by the commissioner of administration in the preparation of the  
28                  following year's executive budget in which a recommendation shall be made to  
29                  appropriate such amounts as may be necessary to provide for this allocation.

1                   (3) Disposition of local tax proceeds from event sales at a state owned  
2                   domed facility.

3                   (a) If the local sales and use tax proceeds were derived from event sales at  
4                   a facility located on the property of a public post-secondary educational institution  
5                   located in the parish, all such tax proceeds shall be distributed to that institution. This  
6                   provision shall not apply to the Baton Rouge River Center or the Cajundome and  
7                   Convention Center.

8                   (b) After satisfaction of the requirements of Subparagraph (a) of this  
9                   Paragraph, of the total remaining local sales and use tax proceeds in a parish having  
10                  a population in excess of three hundred twenty thousand and less than four hundred  
11                  thousand persons as of the latest federal decennial census, which proceeds were  
12                  derived from event sales at a state owned domed facility subject to the provisions of  
13                  this Section, an amount equal to twenty percent shall be distributed to the New  
14                  Orleans Council on Aging. Monies to satisfy this dedication shall be derived  
15                  proportionately from the sales and use tax distributions for the following purposes:  
16                  fifty percent from the Orleans Parish School Board, and fifty percent from the  
17                  Regional Transit Authority.

18                  (c) After satisfaction of the requirements of Subparagraph (a) of this  
19                  Paragraph, of the total remaining local sales and use tax proceeds derived from event  
20                  sales at the Angola State Penitentiary Prison Rodeo, an amount equal to sixty-six  
21                  percent shall be allocated to the West Feliciana Parish School Board, and an amount  
22                  equal to thirty-four percent shall be allocated to the West Feliciana Council on  
23                  Aging.

24                  ~~(b) Any event, activity, or enterprise, or the right of admission thereto,~~  
25                  ~~conducted on any property which contains a domed arena facility and adjacent and~~  
26                  ~~connected facilities which is under the jurisdiction of any political subdivision or any~~  
27                  ~~commission of such political subdivision if the domed arena facility on such property~~  
28                  ~~has a seating capacity of at least twelve thousand five hundred and is located within~~  
29                  ~~a parish with a population of more than one hundred eighty-five thousand and less~~  
30                  ~~than two hundred fifty thousand according to the most recent federal decennial~~

~~census, or any sale, service, rental, or other transaction occurring in any such facilities or on the publicly owned property on which the facilities are located, including without limitation the sale of food, drink, merchandise, services of any kind, admission tickets to events, activities, or enterprises, wherever sold; parking, including any parking on property under the jurisdiction of such commission for an event or activity; and tours of the facilities shall be exempt from all present and future taxes the local public entertainment facility access charge, and for purposes of sales and use taxes levied by the state of Louisiana, including but not limited to the sales, use, amusement, or any other tax.~~

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

C. Locally or university owned domed facility. For purposes of state sales and use taxes, the following exemptions shall apply to sales occurring at an event at a locally or university owned domed facility:

(1) Admission tickets to athletic contests or any large scale bid-upon events sold in either of the following:

(i) The primary ticket market.

(ii) Secondary market ticket sales by a nonprofit host organization.

(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.

1                   (3) Sales of goods from a team merchandise store at the facility.

2                   (4) Fifty percent of the cost price of admission tickets to events, activities,  
 3                   or enterprises other than tickets to athletic contests or any large scale bid-upon  
 4                   events, wherever sold.

5                   (5) Tours of the facility.

6                   (6) The full price of admission on tickets for non-athletic events if the event  
 7                   was bid upon, awarded, or under contract on or before September 1, 2016.

8                   D. The exemptions established in this Section shall apply to any event,  
 9                   activity, or enterprise held in conjunction with athletic events or any large scale bid-  
 10                   upon event or other event allowed under an existing lease or an extension thereof,  
 11                   inclusive of activities within and adjacent to the facility to which the exemptions  
 12                   apply.

13                   ~~B. This exemption~~ E. The exemptions established in this Section shall not  
 14                   extend to any sale of ~~goods or other~~ services or tangible personal property at a ~~trade~~  
 15                   ~~show or other event at which the sale of such goods or property is the primary~~  
 16                   ~~purpose of the show or event~~ not specifically provided for in this Section.

17                   F. The provisions of this Section shall not be interpreted as either imposing  
 18                   or rendering the following activities subject to the imposition of any state or local  
 19                   tax:

20                   (1) Sales of admission tickets and parking for intercollegiate athletic events  
 21                   sponsored or promoted by a Louisiana-based college or university, including any  
 22                   conferences, leagues, and associations in which they participate, and a nonprofit  
 23                   corporation affiliated with such college or university.

24                   (2) Sales of admission tickets and parking for high school athletic events  
 25                   sponsored or promoted by a Louisiana high school, including any conferences,  
 26                   leagues, and associations in which they participate.

27                   (3) Sales of admission tickets and parking for youth sports events sponsored  
 28                   or promoted by a Louisiana-based youth sports league or association.

29                   G. Notwithstanding any provision of law to the contrary, for purposes of  
 30                   state and local sales and use taxes, the exemptions provided in Subsection B of this

1           Section shall apply to sales for or at a regularly scheduled major annual sporting  
 2           event when the income taxes attributable to the nonresident professional athletes  
 3           participating in the event are dedicated to the Sports Facility Assistance Fund in  
 4           accordance with the provisions of R.S. 39:100.1.

5           H. Notwithstanding any provision of law to the contrary, including any  
 6           contrary provisions of R.S. 47:302(V) and (W) as enacted by Act No. 25 of the 2016  
 7           First Extraordinary Session of the Legislature, R.S. 47:321(L) and (M), R.S.  
 8           47:321.1(F), or R.S. 47:331(S) and (T), and except as otherwise specifically provided  
 9           for in Subparagraphs (B)(1)(a), (d), and (f) and Paragraph (C)(6) of this Section, the  
 10          exemptions from state sales and use taxes authorized in this Section shall be  
 11          applicable and effective on and after April 1, 2016.

12          §468. ~~Tax exemption, publicly-owned facility~~ Sales of services and tangible  
 13                personal property at certain public facilities; sales and use tax; exemptions  
 14                ~~Any event, activity, or enterprise, or the right of admission thereto, conducted~~  
 15                ~~in any publicly-owned~~ A. The provisions of this Section shall apply to any public  
 16                facility that is not subject to the provisions of R.S. 39:467. Sales occurring at an  
 17                event conducted at a facility owned and operated by or for the state, or any of its  
 18                agencies, boards, or commissions, or by any political subdivision, or any sale,  
 19                ~~service, or other transaction occurring in such facility or on the publicly-owned or~~  
 20                on the publicly owned property on which the facility is located, including without  
 21                ~~limitation the sale of admission tickets to events, activities, or enterprises, wherever~~  
 22                ~~sold; parking, and tours of the facility~~ hereinafter referred to collectively as  
 23                "facility", shall be exempt from all present and future sales and use and amusement  
 24                ~~taxes levied by the state including but not limited to the sales, use, amusement, or~~  
 25                ~~any other tax; provided however, that such exemption shall not apply unless the local~~  
 26                ~~taxing authority first exempts from any tax levied by that authority such events,~~  
 27                ~~activities, enterprises, sales, services, or other transaction occurring within all~~  
 28                ~~publicly-owned facilities within the jurisdiction of said local taxing authority.~~  
 29                ~~However, this exemption shall not extend to any sale of goods or other tangible~~  
 30                ~~personal property at a trade show or other event at which the sale of such goods or~~

1 ~~property is the primary purpose of the show or event.~~ and political subdivisions as  
2 provided for in Subsections B and C of this Section.

3 B. The exemptions from the state sales and use tax for event sales at a  
4 facility shall be the same as those in effect for purposes of local sales and use taxes.

5 C. Local sales and use tax exemptions.

6 (1) A local taxing authority may adopt exemptions from any tax levied by  
7 that authority for any and all sales at or for an event or events occurring at a facility  
8 within the jurisdiction of the local taxing authority.

9 (2) As an alternative to the provisions of Paragraph (1) of this Subsection,  
10 a local taxing authority may adopt any and all of the following exemptions:

11 (a) Admission tickets to athletic events sold in either of the following:

12 (i) The primary ticket market.

13 (ii) Secondary market ticket sales by a nonprofit host organization.

14 (b) Any sale, service, or other transaction occurring in such facility in  
15 connection with officially sanctioned events affiliated with athletic contests held at  
16 a facility subject to the provisions of R.S.39:467.

17 (c) Sales of goods from a team merchandise store at the facility.

18 (d) Fifty percent of the cost price of admission tickets to events, activities,  
19 or enterprises other than tickets to athletic events, wherever sold.

20 (e) Tours of the facility.

21 (f) The full price of admission on tickets for non-athletic events if the event  
22 was bid upon, awarded, or under contract on or before September 1, 2016.

23 (g) Parking pursuant to events allowed under an existing lease or extension  
24 thereof.

25 D. The exemptions provided in this Section shall apply to any event, activity,  
26 or enterprise held in conjunction with athletic events or any large scale bid-upon  
27 event or other event allowed under an existing lease or an extension thereof,  
28 inclusive of activities within and adjacent to the facility to which the exemptions  
29 apply.

30 E. Disposition of local tax proceeds.

1                   (1) If the local sales and use tax proceeds were derived from event sales at  
 2                   a facility located on the property of a public post-secondary educational institution  
 3                   located in the parish, all such tax proceeds shall be distributed to that institution.

4                   (2) After satisfaction of the requirements of Paragraph (1) of this Subsection,  
 5                   of the total remaining local sales and use tax proceeds in a parish having a population  
 6                   in excess of three hundred twenty thousand and less than four hundred thousand  
 7                   persons as of the latest federal decennial census which proceeds were derived from  
 8                   event sales at a facility subject to the provisions of this Section, an amount equal to  
 9                   twenty percent shall be distributed to the New Orleans Council on Aging. Monies  
 10                   to satisfy this dedication shall be derived proportionately from the sales and use tax  
 11                   distributions for the following purposes: fifty percent from the Orleans Parish  
 12                   School Board, and fifty percent from the Regional Transit Authority.

13                   (3) After satisfaction of the requirements of Paragraph (1) of this  
 14                   Subsection, of the total remaining local sales and use tax proceeds derived from  
 15                   event sales at the Angola State Penitentiary Prison Rodeo, an amount equal to sixty-  
 16                   six percent shall be allocated to the West Feliciana Parish School Board, and an  
 17                   amount equal to thirty-four percent shall be allocated to the West Feliciana Council  
 18                   on Aging.

19                   F. The provisions of this Section shall not be interpreted as either imposing  
 20                   or rendering the following activities subject to the imposition of any state or local  
 21                   tax:

22                   (1) Sales of admission tickets and parking for intercollegiate athletic events  
 23                   sponsored or promoted by a Louisiana-based college or university, including any  
 24                   conferences, leagues, and associations in which they participate, and a nonprofit  
 25                   corporation affiliated with such a college or university.

26                   (2) Sales of admission tickets and parking for high school athletic events  
 27                   sponsored or promoted by a Louisiana high school, including any conferences,  
 28                   leagues, and associations in which they participate.

29                   (3) Sales of admission tickets and parking for youth sports events sponsored  
 30                   or promoted by a Louisiana-based youth sports league or association.

1           G. Notwithstanding any provision of law to the contrary, including any  
2           contrary provisions of R.S. 47:302(V) and (W) as enacted by Act No. 25 of the 2016  
3           First Extraordinary Session of the Legislature, R.S. 47:321(L) and (M), R.S.  
4           47:321.1(F), or R.S. 47:331(S) and (T), and except as otherwise specifically provided  
5           for in Subparagraph (C)(2)(f) of this Section, the exemptions from state sales and use  
6           taxes authorized in this Section shall be applicable and effective on and after April  
7           1, 2016.

8           H. The provisions of this Section shall not be interpreted as either imposing  
9           or rendering the following activities subject to the imposition of any state or local  
10          tax:

11           (1) Sales of admission tickets and parking for intercollegiate athletic events  
12           sponsored or promoted by a Louisiana-based college or university, including any  
13           conferences, leagues, and associations in which they participate, and a nonprofit  
14           corporation affiliated with such a college or university.

15           (2) Sales of admission tickets and parking for high school athletic events  
16           sponsored or promoted by a Louisiana high school, including any conferences,  
17           leagues, and associations in which they participate.

18           (3) Sales of admission tickets and parking for youth sports events sponsored  
19           or promoted by a Louisiana-based youth sports league or association.

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

22          Section 3. Notwithstanding the provisions of R.S. 24:175, if any provision of this  
23          Act or the application thereof is held invalid, every other provision or application of this Act  
24          shall not be effective regardless of whether it could have been given effect without the  
25          invalid provisions or applications. To this end, the provisions of this Act or the application  
26          thereof are hereby declared unseverable.

27          Section 4. If any provision of this Act or the application thereof is held to be  
28          unconstitutional there shall be no allocation of the avails of the sales and use tax provided  
29          by those provisions of this Act.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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