

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~~

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

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

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

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

26 (i) The primary ticket market.

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

28 (2) Any sale, service, or other transaction occurring in such facility,
29 including the sale of parking on adjacent property under the same jurisdiction, in
30 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____