

2019 Regular Session

HOUSE BILL NO. 339

BY REPRESENTATIVE DWIGHT

TOURISM/COMMISSION: Provides relative to hotel occupancy taxes levied by certain tourist commissions and convention and visitors bureaus

1 AN ACT

2 To amend and reenact R.S. 33:4574.1(A)(1)(b), 4574.1.1(C), 4574.9(C)(1)(b),
3 4574.12(D)(1)(b), and 4574.13(C)(1)(b), relative to certain tourist commissions and
4 convention and visitors bureaus; to provide relative to hotel occupancy and sales and
5 use taxes levied by such commissions and bureaus; to provide relative to the
6 definition of hotel with respect to the levy of such taxes; and to provide for related
7 matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:4574.1(A)(1)(b), 4574.1.1(C), 4574.9(C)(1)(b), 4574.12(D)(1)(b),
13 and 4574.13(C)(1)(b) are hereby amended and reenacted to read as follows:

14 §4574.1. Taxes; occupancy; sales and use

15 A.(1)

16 * * *

17 (b)(i) The word "hotel" as used ~~herein shall mean and include any~~
18 ~~establishment, both public and private, engaged in the business of furnishing or~~
19 ~~providing rooms and overnight camping facilities intended or designed for dwelling,~~
20 ~~lodging, or sleeping purposes to transient guests where such establishment consists~~

1 ~~of two or more guest rooms and does not encompass any hospital, convalescent or~~
 2 ~~nursing home or sanitarium, or any hotel-like facility operated by or in connection~~
 3 ~~with a hospital or medical clinic providing rooms exclusively for patients and their~~
 4 ~~families. The word "hotel" used herein shall not include camp and retreat facilities~~
 5 ~~owned and operated by nonprofit organizations exempt from federal income tax~~
 6 ~~under Section 501(a) of the Internal Revenue Code as an organization described in~~
 7 ~~Section 501(c)(3) of the Internal Revenue Code provided that the net revenue derived~~
 8 ~~from the organization's property is devoted wholly to the nonprofit organization's~~
 9 ~~purposes~~ in this Section shall have the meaning provided in R.S. 47:301(6).

10 (ii) Notwithstanding any other provision of law to the contrary, the word
 11 "hotel" as used in this Section shall not encompass any establishment consisting of
 12 and operated solely as a facility zoned by local ordinance as workforce housing, or
 13 any other similar type of establishment which is closed to and does not accept
 14 reservations directly from individuals of the general public and which does not
 15 market, solicit, advertise, or accept reservations through the use of any online
 16 platform.

17 * * *

18 §4574.1.1. Occupancy taxes levied by the commissions

19 * * *

20 C.(1) ~~The word "hotel" as used in this Section shall mean and include any~~
 21 ~~establishment, either public or private, engaged in the business of furnishing or~~
 22 ~~providing rooms and overnight camping facilities intended or designed for dwelling,~~
 23 ~~lodging, or sleeping purposes to transient guests where such establishment consists~~
 24 ~~of two or more guest rooms and does not encompass any hospital, convalescent or~~
 25 ~~nursing home or sanitarium, or any hotel-like facility operated by or in connection~~
 26 ~~with a hospital or medical clinic providing rooms exclusively for patients and their~~
 27 ~~families~~ have the meaning provided in R.S. 47:301(6).

28 (2) ~~Notwithstanding any other provision of law to the contrary, in the parish~~
 29 ~~of Lafourche the word "hotel" as used in this Section shall mean and include any~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~establishment, either public or private, engaged in the business of furnishing or~~
2 ~~providing rooms and overnight camping facilities intended or designed for dwelling,~~
3 ~~lodging, or sleeping purposes to transient guests where such establishment consists~~
4 ~~of one or more guest rooms and does not encompass any hospital, convalescent or~~
5 ~~nursing home or sanitarium, or any hotel-like facility operated by or in connection~~
6 ~~with a hospital or medical clinic providing rooms exclusively for patients and their~~
7 ~~families.~~

8 (2) Notwithstanding any other provision of law to the contrary, the word
9 "hotel" as used in this Section shall not encompass any establishment consisting of
10 and operated solely as a facility zoned by local ordinance as workforce housing, or
11 any other similar type of establishment which is closed to and does not accept
12 reservations directly from individuals of the general public and which does not
13 market, solicit, advertise, or accept reservations through the use of any online
14 platform.

15 * * *

16 §4574.9. Concordia Parish Tourist Commission

17 * * *

18 C.(1)

19 * * *

20 (b)(i) ~~The word "hotel" as used herein shall mean and include any~~
21 ~~establishment, both public and private, engaged in the business of furnishing or~~
22 ~~providing rooms and overnight camping facilities intended or designed for dwelling,~~
23 ~~lodging, or sleeping purposes to transient guests where such establishment consists~~
24 ~~of two or more guest rooms and does not encompass any hospital, convalescent or~~
25 ~~nursing home, or sanitarium, or any hotel-like facility operated by or in connection~~
26 ~~with a hospital or medical clinic providing rooms exclusively for patients and their~~
27 ~~families in this Section shall have the meaning provided in R.S. 47:301(6).~~

28 (ii) Notwithstanding any other provision of law to the contrary, the word
29 "hotel" as used in this Section shall not encompass any establishment consisting of

1 C.(1)

2 * * *

3 (b)(i) The word "hotel" as used ~~herein~~ in this Section shall have the meaning
4 provided in ~~R.S. 33:4574.1(A)(1)(b)~~ R.S. 47:301(6).

5 (ii) Notwithstanding any other provision of law to the contrary, the word
6 "hotel" as used in this Section shall not encompass any establishment consisting of
7 and operated solely as a facility zoned by local ordinance as workforce housing, or
8 any other similar type of establishment which is closed to and does not accept
9 reservations directly from individuals of the general public and which does not
10 market, solicit, advertise, or accept reservations through the use of any online
11 platform.

12 * * *

13 Section 2. This Act shall become effective on July 1, 2019; if vetoed by the governor
14 and subsequently approved by the legislature, this Act shall become effective on July 1,
15 2019, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 339 Reengrossed 2019 Regular Session Dwight

Abstract: Relative to tourist commissions and convention and visitors bureaus, changes the definition of hotel with respect to the levy of hotel occupancy taxes to provide funds for the operation of the commissions and bureaus.

Present law authorizes parish governing authorities to create tourist commissions and convention and visitors bureaus. Provides for the boundaries, governance, and powers and duties of the commissions and bureaus. Authorizes parish governing authorities, for the purpose of funding the commissions and bureaus, to levy hotel occupancy taxes not to exceed 2% and sales taxes not to exceed 1%, subject to voter approval. Provides additional restrictions with respect to the levy of these taxes.

Proposed law retains present law.

Present law creates and provides for certain tourist commissions and convention and visitors bureaus as political subdivisions of the state. Provides for the boundaries, governance, and powers and duties of the commissions and bureaus, including the authority to levy hotel occupancy taxes at rates set by statute.

Proposed law retains present law.

Present law generally defines the term "hotel" for purposes of levying hotel occupancy taxes pursuant to present law to mean any establishment, either public or private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

Present law relative to the levy of hotel occupancy taxes by parish governing authorities, provides that the term "hotel" does not include camp and retreat facilities owned and operated by nonprofit organizations exempt from federal income tax under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3) of the Internal Revenue Code provided that the net revenue derived from the organization's property is devoted wholly to the nonprofit organization's purposes.

Proposed law provides instead that the term "hotel" shall have the same meaning as provided in present law for the levy of state sales taxes on hotels. Present law defines "hotel" for such purposes to mean any establishment or person engaged in the business of furnishing sleeping rooms, cottages, or cabins to transient guests, where such establishment consists of sleeping rooms, cottages, or cabins at any of the following:

- (1) A single business location.
- (2) A residential location, including but not limited to a house, apartment, condominium, camp, cabin, or other building structure used as a residence.

Provides that "hotel" does not mean or include any establishment or person leasing apartments or single family dwelling on a month-to-month basis and does not include certain facilities operated by nonprofit organizations.

Proposed law additionally provides that "hotel" does not mean any establishment operated solely as a facility zoned by local ordinance as workforce housing, or any other similar type of establishment which does not accept reservations directly from individuals of the general public and which does not market, solicit, advertise, or accept reservations through the use of any online platform.

Effective July 1, 2019.

(Amends R.S. 33:4574.1(A)(1)(b), 4574.1.1(C), 4574.9(C)(1)(b), 4574.12(D)(1)(b), and 4574.13(C)(1)(b))

The House Floor Amendments to the engrossed bill:

1. Add provisions to change the definition of "hotel" with respect to the levy of hotel occupancy taxes by parish governing authorities to fund tourist commissions and bureaus.
2. Add provisions to exclude certain workforce housing from the definition of "hotel".