

# ACT No. 408

2021 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE DUPLESSIS

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AN ACT

To amend and reenact R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and 248(C)(2)(introductory paragraph), (3), (4), and (5) and to enact R.S. 27:243(C)(6), relative to non-gaming economic development by the casino gaming operator; to provide relative to hotel room taxes; to provide relative to taxation of entertainment and parking; to provide relative to the operating force or personnel level; to provide relative to the employment positions toward the total operating force or personnel level; to provide relative to the amount credited to the casino gaming operator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and 248(C)(2)(introductory paragraph), (3), (4), and (5) are hereby amended and reenacted and R.S. 27:243(C)(6) is hereby enacted to read as follows:

§243. Requirements for casino operating contract

\* \* \*

C. Beginning August 1, 2019, the casino operator is authorized to conduct the following non-casino related activities at the official gaming establishment or at another location subject to the requirements set forth in Paragraphs (1), (2), (3), ~~and~~ (4), (5), and (6) of this Subsection:

\* \* \*

(4)

\* \* \*

1 (b) Among other things, the memorandum of understanding and agreement  
2 with the Greater New Orleans Hotel and Lodging Association dated April 2019, shall  
3 provide for the following:

4 (i) Only for those additional rooms authorized by the memorandum of  
5 understanding and agreement dated April 2019, advertising of market rates shall be  
6 based on average seasonal rates for the preceding year of luxury hotels in the Central  
7 Business District, French Quarter, and Warehouse District of the ~~City~~ city of New  
8 Orleans, as compiled by a nationally recognized firm.

9 (ii) For rooms existing prior to August 1, 2018, room taxes levied and  
10 collected by the city of New Orleans shall be paid by the casino gaming operator on  
11 all ~~discounted and complimentary rooms to be paid~~ at the applicable tax rates based  
12 upon average seasonal rates for the preceding year of hotels in the Central Business  
13 District and French Quarter of the ~~City~~ city of New Orleans, as compiled by a  
14 nationally recognized firm. For those hotel rooms added after 2019 and authorized  
15 by the memorandum of understanding and agreement dated April 2019, room taxes  
16 levied and collected by the city of New Orleans shall be paid by the casino operator  
17 on all ~~discounted and complimentary rooms to be paid~~ at the applicable tax rates  
18 based upon average seasonal rates for the preceding year of luxury hotels in the  
19 Central Business District, French Quarter, and Warehouse District of the City of  
20 New Orleans, as compiled by a nationally recognized firm.

21 (iii) Complimentary rooms provided by the casino gaming operator shall not  
22 be subject to the state sales and use tax. Room taxes levied and collected by the city  
23 of New Orleans, sales and use taxes levied by the state of Louisiana, and sales and  
24 use or occupancy taxes levied by any other political subdivision on rooms provided  
25 at a discount by the casino gaming operator shall be paid at the applicable rates  
26 based on the amount actually paid or charged for the room.

27 (iv) In order to establish and stabilize the amount of occupancy taxes to be  
28 paid by the casino gaming operator to the Louisiana Stadium and Exposition District  
29 and the Ernest N. Morial-New Orleans Exhibition Hall Authority for complimentary  
30 rooms provided by the casino gaming operator, which amount is otherwise uncertain,



1 obligations under R.S. 27:244(A)(11), provided that such credit shall be limited to  
2 ~~four hundred employment positions toward~~ no more than half of the total operating  
3 force or personnel level required by R.S. 27:244(A)(11).

4 (4) For purposes of this Section, "operating force or personnel level" shall  
5 mean the number of people employed by the casino and any related non-gaming  
6 entity, including hotel operations, hospitality outlets, third-party tenants, ~~and~~  
7 corporate employees, and any third-party contractors that work at the casino and any  
8 related non-gaming venue, excluding any third-party contractors providing personal  
9 or professional services; however, the employees of third-party contractors shall be  
10 included only until the capital investment requirement set forth in R.S.  
11 27:241(A)(2)(b) has been fulfilled.

12 (5) The casino gaming operator shall be credited an amount equal to the ~~pro~~  
13 ~~rata share of~~ compensation to employees of the third-party tenants. The credited  
14 amount shall be applied to the total salary level or compensation reported under R.S.  
15 27:244(A)(12) and shall be calculated based on the total operating force or personnel  
16 level reported pursuant to ~~R.S. 27:248(C)(2)~~ Paragraph (2) of this Subsection.

17 Section 2. The provisions of this Act shall be effective on July 1, 2021.

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

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

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

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