

2016 First Extraordinary Session

SENATE BILL NO. 22

BY SENATOR MORRELL

TAX EXEMPTIONS. Modifies the sales and use tax exemption for domed stadium facilities, baseball facilities, and other publicly owned facilities. (Item #36)(gov sig)

1 AN ACT

2 To amend and reenact R.S. 39:467 and 468, and to enact R.S. 39:470, relative to sales and
3 use tax exemptions for publicly owned facilities; to limit the application of the
4 exemptions; to allocate a portion of the tax to Louisiana School of Math, Science,
5 and the Arts and the New Orleans Center for Creative Arts; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:467 and 468 are hereby amended and reenacted and R.S. 39:470
9 is hereby enacted to read as follows:

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

11 A.(1)(a) ~~Any event, activity, or enterprise, or the~~ **The** right of admission
12 ~~thereto;~~ **to any event, activity, or enterprise** conducted in any domed stadium
13 facility owned and operated by or for the state, or any of its agencies, boards, or
14 commissions, which facility has a seating capacity of at least seventy thousand and
15 is located within a body politic and corporate and political subdivision of the state
16 composed of more than one parish, ~~or any sale, service, or other transaction~~
17 ~~occurring in such facility~~ or on the publicly owned property on which the facility is

1 located, including ~~without limitation~~ the sale of admission tickets to events,
2 activities, or enterprises, wherever sold; ~~parking, and~~ tours of the facility; **the sale**
3 **of officially licensed team merchandise; and the sale of merchandise at annual**
4 **music festivals** shall be exempt from all ~~present and future~~ taxes levied by the state
5 or by any local taxing authority, ~~including but not limited to the sales, use,~~
6 ~~amusement, or any other tax.~~

7 (b) ~~Any event, activity, or enterprise, or the~~ **The** right of admission ~~thereto,~~
8 **to any event, activity, or enterprise** conducted on any property which contains a
9 domed arena facility and adjacent and connected facilities which is under the
10 jurisdiction of any political subdivision or any commission of such political
11 subdivision if the domed arena facility on such property has a seating capacity of at
12 least twelve thousand five hundred and is located within a parish with a population
13 of more than one hundred eighty-five thousand and less than two hundred fifty
14 thousand according to the most recent federal decennial census, ~~or any sale, service,~~
15 ~~rental, or other transaction occurring in any such facilities~~ or on the publicly owned
16 property on which the facilities are located, including ~~without limitation the sale of~~
17 ~~food, drink, merchandise, services of any kind,~~ admission tickets to events, activities,
18 or enterprises, wherever sold; ~~parking, including any parking on property under the~~
19 ~~jurisdiction of such commission for an event or activity; and~~ tours of the facilities;
20 **the sale of officially licensed team merchandise; and the sale of merchandise at**
21 **annual music festivals** shall be exempt from all ~~present and future~~ taxes levied by
22 the state of Louisiana, ~~including but not limited to the sales, use, amusement, or any~~
23 ~~other tax.~~

24 (2) ~~Any event, activity, or enterprise, or the~~ **The** right of admission ~~thereto,~~
25 **to any event, activity, or enterprise** conducted in any open baseball site owned and
26 operated by and for the state, or any of its agencies, boards, or commissions, which
27 site has a seating capacity of at least ten thousand, has a professional sports franchise
28 that participates in Class Triple A professional baseball and is located within a body
29 politic and corporate and political subdivision of the state composed of more than

1 one parish, ~~or any sale, service, or other transaction occurring in such facility~~ or on
 2 the publicly owned property on which the site is located, including ~~without limitation~~
 3 the sale of admission tickets to events, activities, or enterprises, wherever sold;
 4 ~~parking, and tours of the site;~~ **and the sale of officially licensed team merchandise**
 5 shall be exempt from all ~~present and future~~ taxes levied by the state or by any local
 6 taxing authority, ~~including but not limited to the sales, use, amusement, or any other~~
 7 tax.

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

12 §468. Tax exemption, publicly-owned facility

13 ~~A. Any event, activity, or enterprise, or the~~ **The** right of admission thereto,
 14 **to any event, activity, or enterprise** conducted in any publicly-owned facility
 15 owned and operated by or for the state, or any of its agencies, boards, or
 16 commissions, or by any political subdivision, ~~or any sale, service, or other~~
 17 ~~transaction occurring in such facility~~ or on the publicly-owned property on which the
 18 facility is located, the sale of admission tickets to events, activities, or enterprises,
 19 wherever sold; ~~parking, and tours of the facility;~~ **the sale of officially licensed team**
 20 **merchandise; and the sale of merchandise at annual music festivals** shall be
 21 exempt from all ~~present and future~~ taxes levied by the state ~~including but not limited~~
 22 ~~to the sales, use, amusement, or any other tax;~~ provided however, that such
 23 exemption shall not apply unless the local taxing authority first exempts from any
 24 tax levied by that authority such **rights of admission to** events, activities, **and**
 25 enterprises, ~~sales, services, or other transaction~~ occurring within all publicly-owned
 26 facilities within the jurisdiction of said local taxing authority.

27 ~~B. However, this~~ **This** exemption shall not extend to:

28 **(1) Any** any sale of goods, ~~or other tangible personal property,~~ **or services**
 29 **not specifically provided in Subsection A of this Section** ~~at a trade show or other~~

1 event at which the sale of such goods or property is the primary purpose of the show
2 or event.

3 **(2) Any facility that is subject to the exemption provided for in R.S.**
4 **39:467.**

5 **§470. Dedication of state sales and use tax from sales at publicly owned facilities**

6 **The avails of the state sales and use taxes imposed pursuant to R.S.**
7 **47:321 attributable to sales in domed stadium facilities, baseball facilities,**
8 **publicly owned facilities, and the publicly owned property on which these**
9 **facilities are located shall first be credited to the Bond Security and Redemption**
10 **Fund, and after a sufficient amount is allocated from that fund to pay all of the**
11 **obligations secured by the full faith and credit of the state which become due**
12 **and payable within any fiscal year, thirty percent of these avails shall be**
13 **allocated to the Louisiana School of Math, Science, and the Arts and the New**
14 **Orleans Center for Creative Arts, pursuant to legislative appropriation. This**
15 **allocation shall not include the sales and use tax applicable to sales at trade**
16 **shows or other events at which the sale of such goods or property is the primary**
17 **purpose of the show or event.**

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

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

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

DIGEST

SB 22 Engrossed

2016 First Extraordinary Session

Morrell

Present law provides an exemption from state and local sales and use tax from sales at 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 retains the exemption for ticket sales, tours of the facility, sales of officially licensed team merchandise, and the sale of merchandise at annual music festivals, but eliminates the exemption for all other sales.

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 retains the state sales tax exemption for ticket sales, tours of the facility, sales of officially licensed team merchandise, and the sale of merchandise at annual music festivals, but eliminates the exemption for all other sales.

Proposed law allocates 30% of one cent of the state tax revenue derived from the newly taxable sales to the Louisiana School of Math, Science, and the Arts and the New Orleans Center for Creative Arts, pursuant to legislative appropriation.

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; adds R.S. 39:470)