



1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 47:338.220 is hereby enacted to read as follows:

3 §338.220. City of New Orleans; additional hotel occupancy tax; authorization;  
4 infrastructure fund

5 A. Notwithstanding any other provision of law to the contrary, the governing  
6 authority of the city of New Orleans may levy and collect an additional tax upon the  
7 paid occupancy of hotel rooms located within the city of New Orleans. The hotel  
8 occupancy tax shall not exceed one percent of the rent or fee charged for such  
9 occupancy. The tax shall not apply to the rent for a hotel room rented to the same  
10 occupant for a period of thirty or more consecutive calendar days, nor shall it apply  
11 to hotel rooms rented for less than three dollars a day.

12 B.(1) The word "hotel" in this Section means any establishment engaged in  
13 the business of furnishing or providing rooms intended or designed for dwelling,  
14 lodging, or sleeping purposes to transient guests, where such establishment consists  
15 of ten or more guest rooms. "Hotel" does not include any hospital, convalescent or  
16 nursing home, or sanitarium, or hotel-like facility operated by or in connection with  
17 a hospital or medical clinic providing room exclusively for patients and their  
18 families.

19 (2) The person who exercises or is entitled to occupancy of the hotel room  
20 shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid.  
21 "Person" as used in this Paragraph shall have the same definition as that contained  
22 in R.S. 47:301(8).

23 C. The governing authority of the city of New Orleans shall levy a tax  
24 authorized by this Section by ordinance or resolution. The governing authority may  
25 adopt an ordinance or resolution levying the tax authorized by this Section only after  
26 a proposition authorizing the levy of the tax has been approved by a majority of the  
27 electors of the city of New Orleans voting at an election held for that purpose in  
28 accordance with the Louisiana Election Code. The governing authority may provide

1       in the ordinance or resolution necessary and appropriate rules and regulations for the  
2       imposition, collection, and enforcement of the tax.

3               D. The governing authority may enter into a contract with any public entity  
4       authorized to collect sales or use taxes, under such terms and conditions as it may  
5       deem appropriate, including payment of a reasonable collection fee, for the  
6       collection of the hotel occupancy tax authorized by this Section. The hotel  
7       occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel  
8       rooms located within the city of New Orleans.

9               E. The proceeds of the tax authorized by this Section shall be deposited into  
10       the city's infrastructure fund.

11       Section 2. Section 20(B), (C), and (D) of Act No. 305 of the 1978 Regular Session  
12 of the Legislature as the Act has been amended by Act No. 657 of the 1979 Regular Session  
13 of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of  
14 the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular  
15 Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act  
16 No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular  
17 Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act  
18 Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of  
19 the 1997 Regular Session of the Legislature, Act No. 72 of the 2002 First Extraordinary  
20 Session of the Legislature, and Act No. 557 of the 2014 Regular Session of the Legislature  
21 are hereby repealed in their entirety.

22       Section 3. Notwithstanding the provisions of this Act, the Ernest N. Morial-New  
23 Orleans Exhibition Hall Authority may continue to collect the hotel occupancy and food and  
24 beverage taxes under authority repealed by this Act at a rate necessary to meet any  
25 contractual obligation to which such proceeds are specifically dedicated until the expiration  
26 of such obligations. The authority shall take no action that would delay the expiration or  
27 extend the term of any such contractual obligation, and the pledge of proceeds of such taxes  
28 by the authority after the effective date of this Act is hereby expressly prohibited. The  
29 combined rate of a hotel occupancy tax being collected by the authority pursuant to this

1 Section and the same tax being collected by the city pursuant to R.S. 47:338.220 as enacted  
2 by this Act shall at no time exceed the rate provided in R.S. 47:338.220.

3 Section 4. This Act shall become effective on July 1, 2019; if vetoed by the governor  
4 and subsequently approved by the legislature, this Act shall become effective on July 1,  
5 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 588 Original

2019 Regular Session

Hilferty

**Abstract:** Removes authority granted to the Morial Convention Center to levy hotel occupancy and food and beverage taxes for certain purposes; authorizes the city of New Orleans to levy a hotel occupancy tax.

Present law creates the Ernest N. Morial-New Orleans Exhibition Hall Authority (convention center authority). The purpose of the convention center authority is to acquire, construct, reconstruct, extend, improve, maintain, and operate projects within the city of New Orleans in order to promote the economic growth and development of the city and its neighboring parishes.

Proposed law retains present law.

Present law authorizes the convention center authority to undertake specified "expansion projects", one of which is designated Phase IV, which includes construction of a free-standing building across Henderson Street from the existing convention center, on a site owned by the convention center authority, containing approximately 1,500,000 square feet under roof, including approximately 500,000 square feet of exhibit space, with accompanying meeting rooms, food service areas, building service areas, and other facilities functionally related thereto.

Proposed law retains present law.

Present law authorizes the convention center authority, for the purpose of funding Phase IV, to impose an additional 1% hotel occupancy tax and a 1/4% tax on food and beverages sold by any food service establishment located within Orleans Parish or in any airport or air transportation facility owned and operated by the city of New Orleans, excluding any food service establishments owned by any individual or corporation who had gross receipts of less than \$500,000 from the operation of all such establishments during the calendar year prior to the year in which the food and beverage tax is assessed. Further provides that the term "food service establishment" does not include convenience stores or grocery stores.

Proposed law removes present law.

Proposed law authorizes the governing authority of the city, subject to voter approval, to levy and collect an additional hotel occupancy tax. Provides that such tax shall not exceed 1% of the rent or fee charged for such occupancy. Requires that the tax be paid by the person who exercises or is entitled to occupancy of the hotel room at the time the rent or fee for occupancy is paid. Requires that the proceeds of the tax be deposited into the city's infrastructure fund.

Eff. July 1, 2019.

(Adds R.S. 47:338.220; Repeals §20(B), (C), and (D) of Act No. 305 of the 1978 R.S., as amended)