2021 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE DUPLESSIS

1	AN ACT
2	To amend and reenact R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and
3	248(C)(2)(introductory paragraph), (3), (4), and (5) and to enact R.S. 27:243(C)(6),
4	relative to non-gaming economic development by the casino gaming operator; to
5	provide relative to hotel room taxes; to provide relative to taxation of entertainment
6	and parking; to provide relative to the operating force or personnel level; to provide
7	relative to the employment positions toward the total operating force or personnel
8	level; to provide relative to the amount credited to the casino gaming operator; and
9	to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and
12	248(C)(2)(introductory paragraph), (3), (4), and (5) are hereby amended and reenacted and
13	R.S. 27:243(C)(6) is hereby enacted to read as follows:
14	§243. Requirements for casino operating contract
15	* * *
16	C. Beginning August 1, 2019, the casino operator is authorized to conduct
17	the following non-casino related activities at the official gaming establishment or at
18	another location subject to the requirements set forth in Paragraphs (1), (2), (3), and
19	(4), (5), and (6) of this Subsection:
20	* * *
21	(4)
22	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

- (i) Only for those additional rooms authorized by the memorandum of understanding and agreement dated April 2019, advertising of market rates shall be based on average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the City city of New Orleans, as compiled by a nationally recognized firm.
- (ii) For rooms existing prior to August 1, 2018, room taxes levied and collected by the city of New Orleans shall be paid by the casino gaming operator on all discounted and complimentary rooms to be paid at the applicable tax rates based upon average seasonal rates for the preceding year of hotels in the Central Business District and French Quarter of the City city of New Orleans, as compiled by a nationally recognized firm. For those hotel rooms added after 2019 and authorized by the memorandum of understanding and agreement dated April 2019, room taxes levied and collected by the city of New Orleans shall be paid by the casino operator on all discounted and complimentary rooms to be paid at the applicable tax rates based upon average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.
- (iii) Complimentary rooms provided by the casino gaming operator shall not be subject to the state sales and use tax. Room taxes levied and collected by the city of New Orleans, sales and use taxes levied by the state of Louisiana, and sales and use or occupancy taxes levied by any other political subdivision on rooms provided at a discount by the casino gaming operator shall be paid at the applicable rates based on the amount actually paid or charged for the room.
- (iv) In order to establish and stabilize the amount of occupancy taxes to be paid by the casino gaming operator to the Louisiana Stadium and Exposition District and the Ernest N. Morial-New Orleans Exhibition Hall Authority for complimentary rooms provided by the casino gaming operator, which amount is otherwise uncertain,

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1	the casino gaming operator shall enter into a binding memorandum of understanding
2	with the Louisiana Stadium and Exposition District and the Ernest N. Morial-New
3	Orleans Exhibition Hall Authority to provide for cumulative annual payments for the
4	occupancy taxes of not less than one million three hundred thousand dollars per year,
5	with the first payment beginning on July 1, 2022, and continuing through July 31,
6	2054, the payment to be made on a quarterly basis as may be set forth in the binding
7	memorandum of understanding. Any action related to the enforcement of the
8	binding memorandum of understanding set forth herein and any related agreements
9	shall be instituted in the Civil District Court for the parish of Orleans.
10	(5) The casino gaming operator shall remit state and local sales and use taxes
11	at the applicable tax rates on all complimentary and discounted food, beverage, or
12	entertainment offerings based on the actual value of food, beverage, or entertainment
13	provided. The casino gaming operator shall remit state and local sales and use taxes
14	at the applicable tax rates on all parking provided at a charge to the customer or the
15	general public.
16	(6) The casino gaming operator shall not engage in such activities as are
17	prohibited by the casino operating contract.
18	* * *
19	§248. Non-gaming economic development by casino gaming operator
20	* * *
21	C. As to non-gaming economic development activities:
22	* * *
23	(2) The total operating force or personnel level of the third-party tenants
24	shall be reported to the board quarterly on the following dates every year:
25	* * *
26	(3) The reported operating force or personnel level for the prior quarter shall
27	be determined by taking into account the greater of either the three-month average
28	for the applicable reporting quarter or the highest monthly total during the applicable
29	reporting quarter. The reported operating force or personnel level for the prior

quarter shall be credited to the casino gaming operator for purposes of meeting its

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RESIDENT OF THE SENATE

APPROVED: _____