Regular Session, 2011

HOUSE BILL NO. 207

BY REPRESENTATIVE JOHNSON

TAX/HOTEL OCCUPANCY: Authorizes certain municipalities, subject to voter approval, to levy and collect a hotel occupancy tax

AN ACT

To enact R.S. 33:2740.18.5, relative to taxing authority of municipalities; to authorize certain municipalities, subject to voter approval, to levy and collect a hotel occupancy tax; to provide relative to collection and use of proceeds of the tax; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.18.5 is hereby enacted to read as follows:

§2740.18.5. Hotel occupancy tax; certain municipalities

A.(1) In addition to any other tax levied and collected, the governing authority of a municipality with a population of between four thousand one hundred fifty and four thousand two hundred fifty persons according to the most recent federal decennial census may levy and collect a tax upon the paid occupancy of hotel rooms located within the municipality. The hotel occupancy tax shall not exceed five percent of the rent or fee charged for such occupancy.

(2) The word "hotel" as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or 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

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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.

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

B. The governing authority of the municipality shall impose the hotel occupancy tax by ordinance or resolution. The governing authority may adopt such ordinance or resolution only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the municipality voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance or resolution necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract, under terms and conditions it deems appropriate, including payment of a reasonable collection fee, with any public entity authorized to collect sales or use taxes for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the municipality.

D. Except as provided in Subsection C of this Section, the proceeds of the tax shall be deposited in the general fund of the municipality and shall be used solely for public purposes within the municipality.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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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)]

Johnson HB No. 207

Abstract: Authorizes the governing authority of a municipality with a population between 4,150 and 4,250, subject to voter approval, to levy and collect a hotel occupancy tax not to exceed 5%.

Proposed law authorizes the governing authority of a municipality with a population between 4,150 and 4,250, subject to voter approval, to levy and collect a hotel occupancy tax. Provides that such tax shall not exceed 5% of the rent or fee charged for such occupancy.

Proposed law 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. Authorizes the governing authority to contract with any public entity authorized to collect sales or use taxes for the collection of the hotel occupancy tax. Requires that the proceeds of the tax be deposited in the general fund of the municipality and be used solely for public purposes within the municipality.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2740.18.5)

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