SLS 11RS-228 **ORIGINAL**

Regular Session, 2011

SENATE BILL NO. 106

BY SENATOR PERRY

LOCAL FINANCE. Provides for the levy, collection, and use of certain taxes collected for the benefit of the Vermilion Parish Tourist Commission. (8/15/11)

AN ACT

To amend and reenact R.S. 33:4574.1(Q), relative to the Vermilion Parish Tourist Commission; to provide for the levy, collection, and use of certain taxes collected for the benefit of the commission; to provide for the allocation and use of certain tax monies collected; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4574.1(Q) is hereby amended and reenacted to read as follows:

§4574.1.1. Occupancy taxes levied by the commissions

* * *

Q.(1)**(a)** Notwithstanding any other law to the contrary, the Vermilion Parish Tourist Commission shall levy and collect an additional tax of three percent upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. The tax shall be levied without a vote of the people by ordinance adopted by the governing authority of the tourist commission. The percentage rate provided in this Subsection shall be in addition to any other percentage authorized by law.

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(b) One-third of the proceeds of the tax collected pursuant to this Subsection shall be dedicated for the promotion and marketing of tourism within the jurisdiction of the commission.

(2)(a) ~~Notwithstanding any other provision of law to the contrary, two-thirds~~ **Two-thirds** of the monies collected by the Vermilion Parish Tourist Commission from the levy of the additional three percent tax on the occupancy of hotel rooms, motel rooms, and overnight camping facilities as authorized by law, shall be used to fund recreation programs for all youth in Vermilion Parish. The commission shall enter into a cooperative endeavor with the governing authority of Vermilion Parish and each entity provided for in this Subparagraph to provide for the allocation of revenue collected for such purposes. The revenue collected for purposes of this Subparagraph shall be allocated as follows:

(i) Twenty-eight and one-half percent shall be allocated to the city of Abbeville.

(ii) Twenty-three and one-half percent shall be allocated to the city of Kaplan.

(iii) Fourteen percent shall be allocated to the North Vermilion Youth Athletic Association.

(iv) Eight percent shall be allocated to the town of Delcambre.

(v) Eight percent shall be allocated to the town of Erath.

(vi) Eight percent shall be allocated to the town of Gueydan.

(vii) Five percent shall be allocated to the village of Maurice.

(viii) Five percent shall be allocated to the Vermilion Parish Police Jury.

(b) Any revenue collected by the Vermilion Parish Tourist Commission to fund athletic programs for all youth in Vermilion Parish and not expended prior to July 1, 2009 shall be used to fund recreation programs in Vermilion Parish as provided in Subparagraph (a) of this Paragraph.

(c)(i) A minimum of seventy-five percent of the revenue allocated to the governmental entities pursuant to Subparagraph (a) of this Paragraph shall be used

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by each governmental entity to provide funds to any qualified nonprofit youth recreation organization within the territorial jurisdiction of the governmental entity which agrees to enter into a cooperative endeavor with the governmental entities agreeing to use such funds for purposes of youth recreation.

(ii) The revenue allocated to the governmental entities shall be distributed by each entity to the qualified nonprofit youth recreation organizations on a pro-rata basis, based upon the number of youth participating in recreational programs of the organization compared to the total number of youth participating in programs of all the qualified nonprofit youth recreation organizations receiving funds from the governmental entity.

(iii) The remaining funds may be used by each governmental entity for youth recreation purposes as determined by such entity.

(d) As used in this Paragraph the following terms shall have the meanings ascribed to them:

(i) "Qualified nonprofit youth recreation organizations" means an organization whose primary function is related to youth recreation purposes and is recognized by the United States Internal Revenue Service as entitled to exemption under Section 501(c)(3) of the United States Internal Revenue Code. The term shall not include any organization which is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and against which an assessment or judgment that is final and nonappealable has been rendered, and remains outstanding, in favor of the state, or any of its agencies, or political subdivisions.

(ii) "Youth recreation purposes" means any use of funds which is related to recreation of persons eighteen years of age or younger, including but not limited to the purchase of uniforms and athletic equipment.

(e) Notwithstanding any other provision of law to the contrary, one-third of the monies collected by the Vermilion Parish Tourist Commission from the levy of the additional three percent tax on the occupancy of hotel rooms, motel rooms, and

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overnight camping facilities as authorized by law shall be dedicated for the promotion of tourism, including advertisements promoting festivals and other events within the parish.

(f) Notwithstanding any other provision of law to the contrary, monies collected by the Vermilion Parish Tourist Commission from the levy of the additional three percent tax on the occupancy of hotel rooms, motel rooms, and overnight camping facilities as authorized by law may be used or expended for capital outlay purposes.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present law provides that the Vermilion Parish Tourist Commission levy and collect an additional three percent tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities without a vote of the people. Proposed law retains these provisions.

Proposed law provides that 1/3 of the proceeds of the tax be dedicated for the promotion and marketing of tourism within the jurisdiction of the commission.

Present law provides that 2/3 of the proceeds of the tax be allocated as follows:

(i) 28.5% to the city of Abbeville.

(ii) 23.5% to the city of Kaplan.

(iii) 14% to the North Vermilion Youth Athletic Association.

(iv) 8% to the town of Delcambre.

(v) 8% to the town of Erath.

(vi) 8% to the town of Gueydan.

(vii) 5% to the village of Maurice.

(viii) 5% to the Vermilion Parish Police Jury.

Requires that at least 75% of the allocations listed above be used to provide funds to any qualified nonprofit youth recreation organization within the territorial jurisdiction of the governmental entity which agrees to enter into a cooperative endeavor with the governmental entities agreeing to use such funds for purposes of youth recreation. Requires that the revenue allocated to each governmental entity be distributed to the qualified nonprofit youth recreation organizations on a pro-rata basis, based upon the number of youth participating in recreational programs of the organization compared to the total number of youth participating in programs of all the qualified nonprofit youth recreation organizations receiving funds from the governmental entity and authorizes that the remaining funds to be

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used for youth recreation purposes as determined by each entity. Defines a "qualified nonprofit youth recreation organizations" as an organization whose primary function is related to youth recreation purposes and is recognized by the IRS as entitled to exemption under §501(c)(3) of the Internal Revenue Code with some exclusions for defaults by the organization and defines "youth recreation purposes." Provides that 1/3 of the monies collected be dedicated for the promotion of tourism, including advertisements promoting festivals and other events within the parish and authorizes the use of these monies capital outlay purposes.

Proposed law retains these provisions.

Effective August 15, 2011.

(Amends R.S. 33:4574.1.1(Q))

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