SLS 12RS-114 **REENGROSSED**

Regular Session, 2012

SENATE BILL NO. 600

BY SENATOR PERRY

TOURISM. Provides for the levy, collection, allocation, and use of certain taxes collected by the Vermilion Parish Tourist Commission. (gov sig)

AN ACT

To amend and reenact R.S. 33:4574.1.1(Q)(1), and to enact R.S. 33:4574.1.1(Q)(2)(g) and (3), relative to the tax upon occupancy on hotel rooms, motel rooms, and camping facilities; to terminate the tax upon occupancy on hotel rooms, motel rooms, and camping facilities levied and collected by the Vermilion Parish Tourist Commission for the purpose of funding recreation programs for youth; to authorize the tourist commission to levy and collect an additional two percent tax for certain purposes, subject to voter approval; 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. 33:4574.1.1(Q)(1) is hereby amended and reenacted and R.S. 33:4574.1.1(Q)(2)(g) and (3) are hereby enacted to read as follows:

§4574.1.1. Occupancy taxes levied by the commissions

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Q.(1)**(a)** Notwithstanding any other law to the contrary **and except as provided in Subparagraph (b) of this Paragraph**, the Vermilion Parish Tourist Commission shall levy and collect an additional tax of three percent upon the

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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.

(b)(i) The tax authorized in Subparagraph (a) of this Paragraph shall terminate on December 31, 2012.

(ii) The tourist commission may levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the parish on or after January 1, 2013, subject to approval by a majority of the electors in the parish who vote thereon in an election held for that purpose. The tax shall not exceed two percent of the rent or fee charged for such occupancy. The tax shall be allocated in accordance with the provisions of Paragraph (3) of this Subsection.

(2)(a) * * *

(g) The provisions of this Paragraph shall terminate on December 31, 2012.

(3)(a) Notwithstanding any other provision of law to the contrary, effective January 1, 2013, one-half of the monies collected by the Vermilion Parish Tourist Commission from the levy of the additional two 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.

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(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 the effective date of this Subparagraph shall be used to fund recreation programs in Vermilion Parish as provided in Subparagraph (c) of this Paragraph.

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

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

<u>(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.</u>

<u>(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.</u>

<u>(e) Notwithstanding any other provision of law to the contrary, one-half of the monies collected by the Vermilion Parish Tourist Commission from the levy of the additional two percent tax on the occupancy of hotel rooms, motel rooms, and 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.</u>

<u>(f) Notwithstanding any other provision of law to the contrary, monies collected by the Vermilion Parish Tourist Commission from the levy of the additional two 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.</u>

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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

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vetoed by the governor and subsequently approved by the legislature, this Act shall become 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 Michelle Ducharme.

DIGEST

Perry (SB 600)

Present law authorizes the Vermilion Parish Tourist Commission ("commission") to levy and collect an additional three percent tax on occupancy of hotel rooms, motel rooms, and overnight camping facilities.

Present law provides that two-thirds of the monies collected from the additional three percent tax shall be used to fund recreation programs for all youth in Vermilion Parish and provides for its allocation.

Present law provides that one-third of the monies collected from the additional three percent tax shall be dedicated for the promotion of tourism, including advertisements promoting festivals and other events within Vermilion Parish and provides for its allocation.

Proposed law terminates the additional three percent tax authorized by present law and provides that allocation of the tax provided for in present law is effective until December 31, 2012.

Proposed law provides that effective January 1, 2013, the tourist commission is authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission subject to approval by a majority of the voters residing in the parish voting in favor of the tax. The tax shall not exceed two percent of the rent or fee charged for such occupancy.

Proposed law allocates the additional two percent tax provided for in proposed law.

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

(Amends R.S. 33:4574.1.1(Q)(1); adds R.S. 33:4574.1.1(Q)(2)(g) and (3))

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