

RÉSUMÉ DIGEST

ACT 319 (HB 415)

2021 Regular Session

Gaines

New law authorizes tourist commissions, for the purpose of facilitating the collection of supplementary funds to market and promote destinations in the state, to create tourism recovery and improvement districts upon the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either of the following:

- (1) The business owners in the proposed district who will pay more than 67% of the assessments proposed to be levied.
- (2) More than 67% of the total assessed businesses by number.

New law requires that all petitions be accompanied by a self-affirmation. Provides that a self-affirmation is not valid after one year has elapsed between the date of the self-affirmation as shown on the petition and the date the petition is filed with the tourist commission. Provides that it is unlawful for a person to make a false statement on the self-affirmation and further provides that a person is subject to penalties for perjury or false swearing.

New law requires that the petition include a summary of the management plan. Provides further with respect to the content requirements of the management plan, including the name and boundaries of the district, and the estimated cost of improvements within the district. Authorizes the tourist commission to modify the management plan.

New law provides that a tourist commission may, by resolution, propose to levy an assessment on businesses located within the district. Provides that an assessment may be levied based on a fixed amount, rate per transaction, fixed rate per transaction per day, percentage of sales, any combination of these methods, or any other method that confers benefit to the payor. The assessment cannot not exceed 5% if levied on a percentage basis or five dollars if levied on a dollar amount.

New law requires that the resolution describe the assessment to be levied in general terms and include a statement that the assessment is to be levied pursuant to new law. Requires the tourist commission to give notice by mail to the owners of the businesses proposed to be assessed. Further requires that the resolution provide for the collection of the assessment, interest charges, and penalties for delinquent remittance.

New law requires an assessed business to place the assessment as a mandatory surcharge on the consumer receipt or guest folio. Further requires that all assessments passed through to consumers and guests as surcharges be disclosed on all information or communication platforms of the business in the same manner as other surcharges.

New law provides that a protest to the levy of an assessment may be made orally or in writing by any interested person. Requires that every written protest be filed with the tourist commission at or before the time fixed for the public hearing and authorizes the written withdrawal of a protest before the conclusion of the public hearing. New law authorizes the tourist commission to waive any irregularity in the form or content of any written protest. Provides further with respect to the content requirements of the written protest. If written protests are received from a certain number of business owners, then no further proceedings to levy the assessment may take place for one year.

New law provides that in a newly created district the assessment may be levied for a term not to exceed five years, but authorizes renewal of the district for a term not to exceed 10 years. In order to finance capital improvements with bonds, however, a district may levy assessments until the maximum maturity of the bonds.

New law provides that if there are no changes to activities, assessment rates, assessment method, or boundaries, the district may be renewed by conducting a public hearing pursuant to new law. If there are any changes in these categories, the district may be renewed by following the procedures for the petition and public hearing as provided in new law. Provides for the allocation of revenues from the prior district.

New law provides for the dissolution of a district by resolution of the tourist commissioners if the district has no outstanding indebtedness and either of the following conditions are met:

- (1) Assesseees request the dissolution of the district during an annual 30 day period that tourist commissioners are required to hold open to receive any such request.
- (2) A written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district is received by the tourist commissioners and is signed by either:
 - (a) The business owners in the proposed district who will pay more than 67% percent of the assessments proposed to be levied.
 - (b) More than 67% percent of the total assessed businesses by number.

New law requires that the resolution state the reason for the dissolution and the time and place of the public hearing. Additionally requires that the resolution contain a proposal to dispose of any assets acquired with the revenues from the assessment.

New law does not apply to the parishes of Jefferson and Orleans.

Effective upon signature of governor (June 15, 2021).

(Adds R.S. 33:4600.1-4600.12)