

Regular Session, 2014

HOUSE BILL NO. 1245

BY REPRESENTATIVE PIERRE

TAX/HOTEL OCCUPANCY: Requires the approval of legislators representing Lafayette Parish prior to issuance of bonds secured by state sales tax monies collected from hotel occupancy taxes in Lafayette Parish

1 AN ACT

2 To enact R. S. 47:302.18(C), 322.28(E), and 332.9(B)(4), relative to the disposition of
3 certain collections in Lafayette Parish; to require the approval of certain legislators
4 prior to the issuance of certain bonds; to provide for requirements and procedures for
5 such legislative approval; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:302.18(C), 322.28(E), and 332.9(B)(4) are hereby enacted to read
8 as follows:

9 §302.18. Disposition of certain collections in Lafayette Parish; approval of
10 Lafayette Parish legislators prior to issuance of certain bonds; procedure

11 * * *

12 C. The issuance of any bonds secured by the monies deposited in the fund
13 pursuant to this Section shall be subject to approval by the members of the House
14 and Senate who represent Lafayette Parish prior to approval by the State Bond
15 Commission.

16 (1) In order to obtain the consent of the elected members of each house who
17 represent Lafayette Parish, the clerk of the House of Representatives and the
18 secretary of the Senate shall prepare and transmit a ballot to each such member by
19 certified mail with return receipt requested, unless it is determined that the legislature

1 will be in session in time for the ballots to be distributed to them and returned by
2 them during the session.

3 (2) Each ballot shall contain the name of the member to whom it is to be
4 mailed and the member shall sign the ballot after casting his vote.

5 (3) The ballots mailed to the members of each house who represent Lafayette
6 Parish shall be postmarked on the same day and shall be returned to the clerk of the
7 House of Representatives and the secretary of the Senate within fifteen days after the
8 postmarked date.

9 (4) When such ballots are delivered to the members of each house who
10 represent Lafayette Parish while in session, they shall be returned to the clerk and the
11 secretary within five days of the date which the clerk and secretary certify as the date
12 that the ballots were delivered to members then present to which delivery was
13 possible.

14 (5) No ballot received by the clerk or the secretary after five o'clock p.m. on
15 the fifth day after the date on which the ballots were delivered to the members of
16 each house who represent Lafayette Parish while in session, or after five o'clock p.m.
17 on the fifteenth day after the date on which the ballots were mailed, shall be valid or
18 counted, but the day and time received shall be marked on each ballot received after
19 such time and the ballot shall be marked "Invalid". However, prior to five o'clock
20 p.m. on the fifth day when delivered to the members of each house who represent
21 Lafayette Parish while in session or prior to five o'clock p.m. on the fifteenth day
22 after the postmarked date if mailed to the members of each house who represent
23 Lafayette Parish, a member may withdraw his ballot or change his vote upon his
24 written request.

25 (6) For purposes of this Section, an electronically transmitted ballot shall be
26 sealed immediately upon receipt and its contents not disclosed until the day when all
27 ballots are opened and tabulated.

28 (7) On the sixteenth day after the date on which the ballots were mailed, as
29 provided herein, the clerk of the House of Representatives and the secretary of the

1 Senate shall open and tabulate the vote in roll call order for each house of the
2 legislature. The clerk and the secretary shall hold such ballots unopened and shall
3 not disclose the contents to any person until the day when such ballots are opened
4 and tabulated. No ballot shall be deemed spoiled if inadvertently opened in
5 processing or if received and sealed pursuant to Paragraph (6) of this Subsection.

6 (8) The tabulation shall indicate by name those members of each house who
7 represent Lafayette Parish who voted in favor of the issuance of such bonds and
8 those who voted against the issuance of such bonds, those who did not return the
9 ballot by the due date and time, and those whose ballots were invalid because not
10 signed by the member. The clerk and the secretary shall sign the tabulation sheet or
11 sheets and cause a summary thereof to be transmitted to the State Bond Commission.

12 * * *

13 §322.28. Disposition of certain collections in Lafayette Parish; approval of
14 Lafayette Parish legislators prior to issuance of certain bonds

15 * * *

16 E. The issuance of any bonds secured by the monies deposited in the fund
17 shall be subject to approval by the members of the House and Senate who represent
18 Lafayette Parish pursuant to the provisions of R.S. 47:302.18(C).

19 * * *

20 §332.9. Disposition of certain collections in Lafayette Parish; approval of Lafayette
21 Parish legislators prior to issuance of certain bonds

22 * * *

23 B.

24 * * *

25 (4) The issuance of any bonds secured by the monies deposited in the fund
26 shall be subject to approval by the members of the House and Senate who represent
27 Lafayette Parish pursuant to the provisions of R.S. 47:302.18(C).

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)]

Pierre

HB No. 1245

Abstract: Requires members of the House and Senate who represent Lafayette Parish to approve the issuance of bonds secured by the state hotel occupancy tax collected in Lafayette Parish.

Present law provides that the avails of the state hotel occupancy tax collected in Lafayette Parish be credited to the Lafayette Parish Visitor Enterprise Fund to be used for planning, development, and capital improvements at or adjacent to the Cajundome site and for museum purposes. Further provides that "capital improvements" shall include expenditures for payment of principal, interest, or premium, and other obligations incident to the issuance, security, and payment of bonds or other evidences of indebtedness.

Proposed law provides that the issuance of any bonds secured by monies deposited into the Lafayette Parish Visitor Enterprise Fund shall subject to approval by members of the House and Senate who represent Lafayette Parish prior to approval of the State Bond Commission.

Proposed law provides that in order to obtain the approval of the elected members of the House and Senate who represent Lafayette Parish, the clerk of the House of Representatives ("the clerk") and the secretary of the Senate ("the secretary") shall prepare and transmit a ballot to each member of the House and Senate who represent Lafayette Parish by certified mail with return receipt requested, unless it is determined that the legislature is in session in time for the ballots to be distributed to them and returned by them during the session. Further provides for the procedure for returning the ballots, counting of the ballots, and tabulation of results.

Proposed law requires the clerk and the secretary to sign the tabulation sheet or sheets and cause a summary to be transmitted to the State Bond Commission.

(Adds R.S. 47:302.18(C), 322.28(E), and 332.9(B)(4))