

GREEN SHEET REDIGEST

HB 415

2021 Regular Session

Gaines

TOURISM: Provides for the creation of tourism recovery and improvement districts.

DIGEST

Proposed 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 tourism recovery and improvement 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.

Proposed 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.

Proposed 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 the boundaries of the district and the estimated cost of improvements within the district. Authorizes the tourist commission to modify the management plan.

Proposed law provides that a tourist commission may, by resolution, propose to levy an assessment on businesses. 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.

Proposed 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 proposed 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.

Proposed law provides that in a newly created tourism recovery and improvement district the assessment may be levied for a term not to exceed five years, but the district may be renewed for a term not to exceed 10 years. Proposed law provides that in order to finance capital improvements with bonds, a district may levy assessments until the maximum maturity of the bonds.

Proposed 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 proposed law. Further provides that if there are changes in these categories, the district may be renewed by following the procedures for the petition and public hearing as provided in proposed law. Provides for the allocation of assessment revenues from the prior district.

Proposed 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. Proposed law authorizes the tourist commission to waive any irregularity in the form or content of any written protest. Provides that a written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Provides further with respect to the content requirements of the written

protest. Provides that 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.

Proposed 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.

Proposed law provides for the dissolution of a tourism recovery and improvement district by resolution of the tourist commissioners if the district has no outstanding indebtedness and meets either of the following conditions:

- (1) During the operation of the district, there shall be a 30 day period each year in which assessee may request dissolution of the district.
- (2) The tourist commission must initiate proceedings to dissolve a district upon the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either:
 - (a) The business owners in the proposed tourism recovery and improvement 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.

Proposed 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.

Proposed law provides that the provisions of proposed law will not be applicable to the parishes of Jefferson and Orleans.

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

(Adds R.S. 33:4600.1-4600.11)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change the definition of "assessed business".
2. Remove retail from the definition of "business".
3. Add other tourism businesses that benefit the visitor economy to the definition of "business".
4. Authorize a tourist commissioner to request a list of businesses from the secretary of state to confirm information regarding ownership and provide that the list is final and conclusive as to the ownership of any business.
5. Relative to a petition weighted by the amount of assessment proposed to be levied, increase the maximum amount of assessment attributable to a business owned by the same owner from 40% to 50%, and increase the maximum value of the businesses from 40% to 50%.
6. Increase the number of business owners required to sign a petition from those who pay more than 50% of the assessments to those who pay more than 67% of the assessments, and increase the number of total assessed businesses required to sign from 50% to 67%.

7. Require that all signatures on petitions be accompanied by a self-affirmation and provides for the requirements of the self-affirmation.
8. Remove proposed law reference to property assessments.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the reengrossed bill

1. Exempts the parishes of Jefferson and Orleans from proposed law.