**NOTICE OF INTENT**

**West Baton Rouge Tourist Commission**

Definition of “overnight camping facilities;” other

Under the authority of provided to the West Baton Rouge Tourist Commission (the “Commission”) pursuant to La. R.S. 33:4574.1.1(F)(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, *et seq*., the Commission proposes to adopt a Regulation governing and interpreting the term, “overnight camping facilities,” to provide for additional clarity and certainty with respect to the collection, administration and enforcement of the Commission’s occupancy tax levy.

Along with “hotel rooms” and “motel rooms,” the Commission levies and imposes its occupancy tax at the rate of four percent (4%) on “overnight camping facilities.” The Louisiana Legislature enables the Commission to levy its occupancy tax in La. R.S. 33:4574.1.1 (the “Enabling Legislation”). While the Legislature defines the word “hotel” in La. R.S. 33:4574.1.1(A), the Enabling Legislation does not define the terms “motel” or “overnight camping facility.” Further, the Commission’s ordinance levying and imposing its occupancy tax also does not contain a definition of “overnight camping facilities.”

The proposed Regulation will define “overnight camping facilities” as:

The use of land for providing camping or parking areas and for persons in recreational vehicles or tents, consistent with the definition of a “campground” and “overnight camping facilities” defined in West Baton Rouge Parish Council Code of Ordinances, Part III “Unified Development Code,” Chapter 101 “General Provisions,” Section 101-1 “Definitions.”

An “overnight camping facility” shall further defined as any tract of land containing one or more cabin(s), lodge(s) and/or space(s) for tent(s) provided to guests or occupants. “Overnight camping facilities” shall mean and include any tract of land containing one or more paved or gravel parking spaces, which may include sewer and/or electrical hookups, meant to accommodate recreational vehicles.

A tract of land shall only be defined as an “overnight camping facility” if it either: (1) advertises and/or holds itself out to the public to be in the business of providing parking or camping spaces for overnight guests or guests who intend to remain less than thirty (30) days, or (2) has actually provided camping spaces or parking areas to overnight guests or guests who intend to remain less than thirty (30) days within the last two calendar years.

It is expressly provided herein that the definition of “overnight camping facilities” shall not mean or include a mobile home park which primarily consists of mobile, manufactured and/or factory built home units which have been built to the standards set forth in Section 22 5402 of Title 42 of the United States Code and immobilized by declaration of the owner, as contemplated in La. R.S. 47:301(16)(g) and La. R.S. 9:1149.4.

For purposes of this Regulation, the term “recreational vehicles” is defined as:

A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used primarily for temporary dwelling, recreational or sporting purposes. The term “recreational vehicle” shall include, but not be limited to, the following: travel trailers, pickup truck campers, camping trailers, park model units, and self-propelled motor homes, covered trucks and buses, and boats and boat trailers, consistent with the definition of a “recreational vehicle” defined in West Baton Rouge Parish Council Code of Ordinances, Part III “Unified Development Code,” Chapter 101 “General Provisions,” Section 101-1 “Definitions.”

A “recreational vehicle” shall further be defined as a self-contained wheeled vehicle that includes permanently installed cooking, sleeping, and sanitary facilities.

The full text of this proposed Regulation may be viewed in the About US/Board Meetings section of the Commission’s website at www.westbatonrouge.net until Monday, November 13, 2017 when the Commission considers this Regulation at a public hearing on Monday, November 13, 2017.

**Family Impact Statement**

This Family Impact Statement is provided as required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature.

1. Implementation of this proposed Regulation will have no impact on the stability of the family.
2. Implementation of this proposed Regulation will have no effect on the authority and rights of parents regarding the education and supervision of their children.
3. Implementation of this proposed Regulation will have no effect on the functioning of the family.
4. Implementation of this proposed Regulation will have no impact on family earnings and family budget.
5. Implementation of this proposed Regulation will have no effect on the behavior and personal responsibility of children.
6. Implementation of this proposed Regulation will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Sharon Stam Moran, Executive Director, 2750 North Westport Drive, sstam@westbatonrouge.net or by fax to 225-344-2931. All comments must be submitted by Friday, November 10, 2017 at 4:30 pm. A public hearing will be held **on Monday, November 13, 2017 at 5:00 pm** at the West Baton Rouge Tourist Information & Conference Center, 2750 North Westport Drive.

Sharon Stam Moran, Executive Director

**Fiscal and Economic Impact Statement for Administrative Rules**

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed Regulation, which provides for the definition of “overnight camping facility” is intended to be interpretative and clarify the original intent and scope of the occupancy tax imposition. Further, the proposed Regulation does not apply to a material number of businesses operating in the Commission’s jurisdiction. As such, this proposed Regulation will have negligible implementation costs or savings to the Commission.

1. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed Regulation, which provides for the definition of “overnight camping facility” is intended to be interpretative and clarify the original intent and scope of the occupancy tax imposition. The proposed Regulation does not purport to increase or expand the occupancy tax imposition beyond the Commission’s original intent or scope of imposition. Further, the proposed Regulation does not apply to a material number of businesses operating in the Commission’s jurisdiction. As such, this proposed Regulation will have a negligible effect on the Commission’s revenue collections.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Regulation interprets and clarifies the original intent and scope of the occupancy tax imposition, and it is not intended to increase or expand the occupancy tax imposition; therefore, this proposed Regulation shall not have any costs and/or economic benefits to directly affected persons or nongovernmental groups.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Regulation should not affect competition or employment in West Baton Rouge Parish.

Sharon Stam Moran, Executive Director