

HOUSE BILL 104

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 67,  
relative to an occupational privilege tax for athletes  
and entertainers to provide funding for programs  
benefiting juvenile courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding  
the following as a new part 31:

Section 67-4-3101.

(a) The engaging in the occupations of professional athlete and  
professional entertainer is declared to be a privilege taxable by the state alone.  
The privilege tax established in this part shall be collected by the commissioner  
of revenue and deposited with the state treasurer in accordance with § 67-4-  
3104.

(b) There is levied a tax on the privilege of engaging in the occupations  
of professional athlete and professional entertainer. The privilege tax established  
by this part is four hundred dollars (\$400) annually. The privilege tax is due and  
payable on June 1 of each year. Taxes paid after June 1 are delinquent.

(c) The tax shall apply only to professional entertainers and professional  
athletes who earn more than fifty thousand dollars (\$50,000) per year from such  
professional activities. For entertainers, the tax shall apply to each artistically  
performing member of a touring entourage.

(d) Penalties and interest shall be assessed and collected by the  
commissioner of revenue on delinquent taxes in accordance with chapter 1 of  
this title.

(e)

(1) The tax levied by this part shall be in addition to any other taxes levied on the privilege of engaging in the occupations of professional athlete and professional entertainer including, but not limited to, any tax levied on a player as defined in § 67-4-1702(a)(7).

(2) The tax levied by this part shall not be construed to be a regulatory fee.

Section 67-4-3102. The commissioner of revenue is authorized to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement, administer and enforce this part.

Section 67-4-3103. Each individual engaged in an occupation listed in § 67-4-3101 shall be liable for the tax. Any employer, including any governmental entity, may choose to remit the tax imposed by this part on behalf of persons subject to the tax who are employed by such employer.

Section 67-4-3104. There is established a general fund reserve to be allocated by the general appropriations act which shall be known as the "juvenile court-related programs fund." Moneys deposited with the state treasurer in accordance with § 67-4-3101 shall be allocated to this fund. Moneys from the fund may be expended to fund activities authorized by § 67-4-3105. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this part, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

Section 67-4-3105. The treasurer shall allocate moneys from the juvenile court-related programs fund to the administrative office of the courts to fund programs and activities that benefit juvenile courts. Programs that may be funded shall include, but not be limited to, court appointed special advocates (CASA) programs and similar programs. Moneys shall be allocated to juvenile courts on a pro rata basis on the basis of the caseload of the court.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.