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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

ENROLLED

HOUSE BILL No. 2432

(By ~~Del.~~ Secrist & Ashcraft)

— ● —

Passed April 8, 1989

In Effect Ninety Days from Passage

ENROLLED
H. B. 2432

(By DELEGATES SEACRIST AND ASHCRAFT)

[Passed April 8, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article eighteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hotel occupancy tax; proceeds of tax, application of proceeds; and making historic sites an eligible purpose for expenditures.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article eighteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. HOTEL OCCUPANCY TAX.

§7-18-14. Proceeds of tax; application of proceeds.

1 (a) *Application of proceeds.*—The net proceeds of the
2 tax collected and remitted to the taxing authority
3 pursuant to this article shall be deposited into the
4 general revenue fund of such municipality or county
5 commission, and after appropriation thereof shall be
6 expended only as provided in subsections (b) and (c) of
7 this section.

8 (b) *Required expenditures.*—At least fifty percent of
9 the net revenue receivable during the fiscal year by a
10 county, or a municipality, pursuant to this article shall
11 be expended in the following manner for the promotion
12 of conventions and tourism:

13 (1) *Municipalities*.—If a convention and visitor's
14 bureau is located within the municipality, the governing
15 body of such municipality shall appropriate the percent-
16 age required by this subsection (b) to that bureau. If a
17 convention and visitor's bureau is not located within the
18 municipality, but such a bureau is located within the
19 county in which the municipality is located, then the
20 percentage appropriation required by this subsection (b)
21 shall be appropriated to such convention and visitor's
22 bureau located within such county. If a convention and
23 visitor's bureau is not located within such county, then
24 the percentage appropriation required by this subsec-
25 tion (b) shall be appropriated as follows:

26 (i) Any hotel located within such municipality may
27 apply to such municipality for an appropriation to such
28 hotel of a portion of the tax authorized by this article
29 and collected by such hotel and remitted to such
30 municipality, for uses directly related to the promotion
31 of tourism and travel, including advertising, salaries,
32 travel, office expenses, publications and similar ex-
33 penses. The portion of such tax allocable to such hotel
34 shall not exceed seventy-five percent of that portion of
35 such tax collected and remitted by such hotel which is
36 required to be expended pursuant to subsection (b) of
37 this section: *Provided*, That prior to appropriating any
38 moneys to such hotel such municipality shall require the
39 submission of, and give approval to, a budget setting
40 forth the proposed uses of such moneys.

41 (ii) The balance of net revenue required to be ex-
42 pended by subsection (b) of this section shall be
43 appropriated to the regional travel council serving the
44 area in which the municipality is located.

45 (2) *Counties*.—If a convention and visitor's bureau is
46 located within a county, the county commission shall
47 appropriate the percentage required by this subsection
48 (b) to that convention and visitor's bureau. If a conven-
49 tion and visitor's bureau is not located within such
50 county, then the percentage appropriation required by
51 this subsection (b) shall be appropriated as follows:

52 (i) Any hotel located within such county may apply to

53 such county for an appropriation to such hotel of a
54 portion of the tax authorized by this article and collected
55 by such hotel and remitted to such county, for uses
56 directly related to the promotion of tourism and travel,
57 including advertising, salaries, travel, office expenses,
58 publications and similar expenses. The portion of such
59 tax allocable to such hotel shall not exceed seventy-five
60 percent of that portion of such tax collected and
61 remitted by such hotel which is required to be expended
62 pursuant to subsection (b) of this section: *Provided*, That
63 prior to appropriating any moneys to such hotel such
64 county shall require the submission of, and give
65 approval to, a budget setting forth the proposed uses of
66 such moneys.

67 (ii) The balance of net revenue required to be ex-
68 pended by subsection (b) of this section shall be
69 appropriated to the regional travel council serving the
70 area in which the county is located.

71 (3) *Legislative finding*.—The Legislature hereby finds
72 that the support of convention and visitor's bureaus,
73 hotels and regional travel councils is a public purpose
74 for which funds may be expended. Local convention and
75 visitor's bureaus, hotels and regional travel councils
76 receiving funds under this subsection (b) may expend
77 such funds for the payment of administrative expenses,
78 and for the direct or indirect promotion of conventions
79 and tourism, and for any other uses and purposes
80 authorized by subdivisions one and two of this subsec-
81 tion (b).

82 (c) *Permissible expenditures*.—After making the
83 appropriation required by subsection (b) of this section,
84 the remaining portion of the net revenues receivable
85 during the fiscal year by such county or municipality,
86 pursuant to this article, may be expended for one or
87 more of the purposes set forth in this subsection, but for
88 no other purpose. The purposes for which expenditures
89 may be made pursuant to this subsection are as follows:

90 (1) The planning, construction, reconstruction, estab-
91 lishment, acquisition, improvement, renovation, exten-
92 sion, enlargement, equipment, maintenance, repair and

93 operation of publicly owned convention facilities includ-
94 ing, but not limited to, arenas, auditoriums, civic centers
95 and convention centers;

96 (2) The payment of principal or interest or both on
97 revenue bonds issued to finance such convention
98 facilities;

99 (3) The promotion of conventions;

100 (4) The construction or maintenance of public parks,
101 tourist information centers and recreation facilities
102 (including land acquisition);

103 (5) The promotion of the arts; or

104 (6) Historic sites.

105 (d) *Definitions*.—For purposes of this section, the
106 following terms are defined:

107 (1) *Convention and visitor's bureau and visitor's and*
108 *convention bureau*.—"Convention and visitor's bureau"
109 and "visitor's and convention bureau" are interchange-
110 able, and either shall mean a nonstock, nonprofit
111 corporation with a full-time staff working exclusively to
112 promote tourism and to attract conventions, conferences
113 and visitors to the municipality or county in which such
114 convention and visitor's bureau or visitor's and conven-
115 tion bureau is located.

116 (2) *Convention center*.—"Convention center" means a
117 convention facility owned by the state, a county, a
118 municipality or other public entity or instrumentality
119 and shall include all facilities, including armories,
120 commercial, office, community service and parking
121 facilities, and publicly owned facilities constructed or
122 used for the accommodation and entertainment of
123 tourist and visitors, constructed in conjunction with the
124 convention center and forming reasonable appurtenan-
125 ces thereto.

126 (3) *Fiscal year*.—"Fiscal year" means the year begin-
127 ning July first and ending June thirtieth of the next
128 calendar year.

129 (4) *Net proceeds*.—"Net proceeds" means the gross

130 amount of tax collections less the amount of tax lawfully
131 refunded.

132 (5) *Promotion of the arts*.—"Promotion of the arts"
133 means activity to promote public appreciation and
134 interest in one or more of the arts. It includes the
135 promotion of music for all types, the dramatic arts,
136 dancing, painting and the creative arts through shows,
137 exhibits, festivals, concerts, musicals and plays.

138 (6) *Recreational facilities*.—"Recreational facilities"
139 means and includes any public park, parkway, play-
140 ground, public recreation center, athletic field, sports
141 arena, stadium, skating rink or arena, golf course,
142 tennis courts and other park and recreation facilities,
143 whether of a like or different nature, that are owned by
144 a county or municipality.

145 (7) *Regional travel council*.—"Regional travel council"
146 means a nonstock, nonprofit corporation, with a full-
147 time staff working exclusively to promote tourism and
148 to attract conventions, conferences and visitors to the
149 region of this state served by the regional travel council.

150 (8) *Historic site*.—"Historic site" means any site listed
151 on the United States national register of historic places,
152 or listed by a local historical landmarks commission,
153 established under state law, when such sites are owned
154 by a city, a county or a nonprofit historical association,
155 and are open from time to time to accommodate visitors.

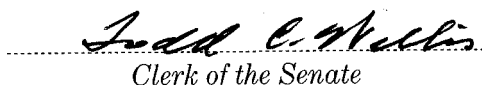
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

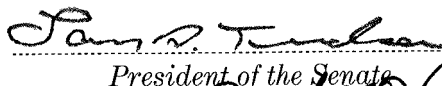

Chairman House Committee

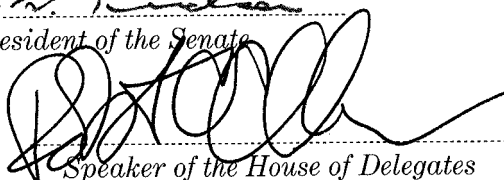
Originating in the House.

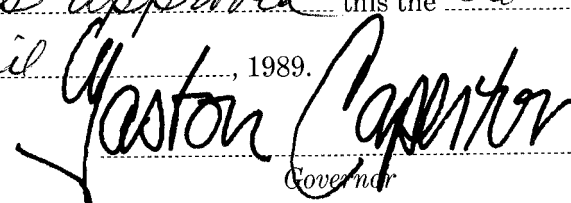
Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 10th
day of April, 1989.

Governor

PRESENTED TO THE

GOVERNOR

Date 7/21/89

Time 2:45 MC