WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 385

(By Senator Helmick)

PASSED March 7, 1992
In Effect 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 the application of the proceeds from the hotel occupancy tax; and permitting the expenditure of up to one hundred thousand dollars for medical care.

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 tax collected and remitted to the taxing authority pursuant to this article shall be deposited into the general revenue fund of such municipality or county commission and, after appropriation thereof, shall be expended only as provided in subsections (b) and (c) of this section.

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

(1) **Municipalities.** — If a convention and visitor’s bureau is located within the municipality, county or region, the governing body of such municipality shall appropriate the percentage required by this subsection to that bureau. If a convention and visitor’s bureau is not located within such municipality, county or region, then the percentage appropriation required by this subsection shall be appropriated as follows:

(i) Any hotel located within such municipality, county or region may apply to such municipality for an appropriation to such hotel of a portion of the tax authorized by this article and collected by such hotel and remitted to such municipality, for uses directly related to the promotion of tourism and travel, including advertising, salaries, travel, office expenses, publications and similar expenses. The portion of such tax allocable to such hotel shall not exceed seventy-five percent of that portion of such tax collected and remitted by such hotel which is required to be expended pursuant to this subsection: *Provided, That prior to appropriating any moneys to such hotel such municipality shall require the submission of, and give approval to, a budget setting forth the proposed uses of such moneys.*

(ii) If there is more than one convention and visitor’s bureau located within a municipality, county or region, the city council may allocate the tax authorized by this article to one or more of such bureaus in such portion as the city council in its sole discretion determines.

(iii) The balance of net revenue required to be expended by this subsection shall be appropriated to the regional travel council serving the area in which the municipality is located.

(2) **Counties.** — If a convention and visitor’s bureau is located within a county or region, the county
commission shall appropriate the percentage required by this subsection to that convention and visitor's bureau. If a convention and visitor's bureau is not located within such county or region, then the percentage appropriation required by this subsection shall be appropriated as follows:

(i) Any hotel located within such county or region may apply to such county for an appropriation to such hotel of a portion of the tax authorized by this article and collected by such hotel and remitted to such county, for uses directly related to the promotion of tourism and travel, including advertising, salaries, travel, office expenses, publications and similar expenses. The portion of such tax allocable to such hotel shall not exceed seventy-five percent of that portion of such tax collected and remitted by such hotel which is required to be expended pursuant to this subsection: Provided, That prior to appropriating any moneys to such hotel such county shall require the submission of, and give approval to, a budget setting forth the proposed uses of such moneys.

(ii) If there is more than one convention and visitor's bureau located within a county or region, the county commission may allocate the tax authorized by this article to one or more of such bureaus in such portion as the county commission in its sole discretion determines.

(iii) The balance of net revenue required to be expended by this subsection shall be appropriated to the regional travel council serving the area in which the county is located.

(3) Legislative finding. — The Legislature hereby finds that the support of convention and visitor's bureaus, hotels and regional travel councils is a public purpose for which funds may be expended. Local convention and visitor's bureaus, hotels and regional travel councils receiving funds under this subsection may expend such funds for the payment of administrative expenses, and for the direct or indirect promotion of conventions and tourism, and for any other
uses and purposes authorized by subdivisions (1) and (2) of this subsection.

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

(1) The planning, construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, equipment, maintenance, repair and operation of publicly owned convention facilities, including, but not limited to, arenas, auditoriums, civic centers and convention centers;

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

(3) The promotion of conventions;

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

(5) The promotion of the arts;

(6) Historic sites;

(7) Beautification projects; or

(8) Medical care, in an amount not exceeding one hundred thousand dollars, in any county where: (i) There is an urgent necessity to preserve the delivery of acute medical care services; (ii) there is an increase in need for acute medical care services directly related to tourism; (iii) recurrent flooding in the county significantly disrupts, on a periodic basis, the delivery of acute medical care services; (iv) there is an inadequate economic base within the county from any source other than tourism to preserve the delivery of acute medical care services; (v) there is an inadequate
127 economic base directly related to low population in the
county, specifically, a population of less than ten
thousand persons according to the census of the year
one thousand nine hundred ninety; and (vi) there is
one and only one hospital within the county; and the
county commission makes specific findings, by resolu-
tion, that all of the foregoing conditions within the
county exist.

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

137 (1) Convention and visitor’s bureau and visitor’s and
convention bureau. — “Convention and visitor’s
bureau” and “visitor’s and convention bureau” are
interchangeable and either shall mean a nonstock,
nonprofit corporation with a full-time staff working
exclusively to promote tourism and to attract conven-
tions, conferences and visitors to the municipality,
county or region in which such convention and
visitor’s bureau or visitor’s and convention bureau is
located or engaged in business within.

147 (2) Convention center. — “Convention center”
means a convention facility owned by the state, a
county, a municipality or other public entity or
instrumentality and shall include all facilities, includ-
ing armories, commercial, office, community service
and parking facilities and publicly owned facilities
constructed or used for the accommodation and enter-
tainment of tourist and visitors, constructed in con-
junction with the convention center and forming
reasonable appurtenances thereto.

157 (3) Fiscal year. — “Fiscal year” means the year
beginning the first day of July and ending the thir-
tieth day of June of the next calendar year.

160 (4) Net proceeds. — “Net proceeds” means the gross
amount of tax collections less the amount of tax
lawfully refunded.

163 (5) Promotion of the arts. — “Promotion of the arts”
means activity to promote public appreciation and
interest in one or more of the arts. It includes the
promotion of music for all types, the dramatic arts, dancing, painting and the creative arts through shows, exhibits, festivals, concerts, musicals and plays.

(6) *Recreational facilities.* — “Recreational facilities” means and includes any public park, parkway, playground, public recreation center, athletic field, sports arena, stadium, skating rink or arena, golf course, tennis courts and other park and recreation facilities, whether of a like or different nature, that are owned by a county or municipality.

(7) *Region.* — “Region” means an area consisting of one or more counties that have agreed by contract to fund a convention and visitor’s bureau to promote those counties.

(8) *Regional travel council.* — “Regional travel council” means a nonstock, nonprofit corporation, with a full-time staff working exclusively to promote tourism and to attract conventions, conferences and visitors to the region of this state served by the regional travel council.

(9) *Historic site.* — “Historic site” means any site listed on the United States national register of historic places, or listed by a local historical landmarks commission, established under state law, when such sites are owned by a city, a county or a nonprofit historical association 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.

Homer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 27th

day of ........................................, 1992.

Governor