

# DEPARTMENT OF TAXATION

## 2020 Fiscal Impact Statement

1. **Patron** Emmett W. Hanger, Jr.

3. **Committee** House Finance

4. **Title** Local Government Taxing Authority;  
Equalizes Municipal and County Taxing  
Authorities

2. **Bill Number** SB 588

**House of Origin:**

           **Introduced**

           **Substitute**

           **Engrossed**

**Second House:**

  X   **In Committee**

           **Substitute**

           **Enrolled**

**5. Summary/Purpose:**

This bill would grant counties the same taxing powers now granted to cities and towns. Under current law, when compared to cities and towns, counties are not authorized to impose certain taxes and are limited in the rates that they may impose for other taxes.

If enacted during the Regular Session of the 2020 General Assembly, this bill would become effective July 1, 2021.

**6. Budget amendment necessary:** No

**7. Fiscal Impact Estimates are:** Not available. (See Line 8.)

**8. Fiscal implications:**

Administrative Costs

This bill could result in unknown administrative costs related to the new taxing authority of counties. It would have no impact on state administrative costs.

Revenue Impact

This bill could result in a positive revenue impact to counties as a result of the change in taxing authority. It would have no impact on state revenues.

**9. Specific agency or political subdivisions affected:** All counties

**10. Technical amendment necessary:** No

## 11. Other comments:

### Taxing Authority of Counties

Limitations currently apply to counties' taxing authority that are not applicable to cities and towns. Under current law:

- Counties are not permitted to levy a tax on admissions charged for attendance at any event unless given specific authority under state law.
- The food and beverage tax rate that counties may impose is not to exceed four percent and the tax may only be levied if approved in a referendum.
- The tax rate that counties may impose on transient occupancies is limited to two percent unless specifically authorized by state law.
- Only two counties (Arlington and Fairfax) are permitted to levy a local tax on cigarettes.

Under current law, any city or town having general taxing powers established by charter is authorized to levy excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds.

The issue of equalizing city and county taxing authority was addressed in the report of the Commission on Virginia's State and Local Tax Structure for the 21st Century (2001 House Document No. 22). The Commission recommended that the distinction in the taxing authority of Virginia's cities and counties be eliminated. The Commission report states that the distinction is "based solely on an historical legalism and which has no relevancy to modern service responsibilities." The Commission report also notes that equalizing city and county taxing authority will broaden "the potential revenue base of counties, reduce their dependence on their real estate tax base, and make the potential revenue bases and therefore the measurement of revenue effort of cities and counties directly comparable."

### Proposal

#### *Admissions*

The bill would authorize any county, except for James City and York counties, to levy a tax on admissions, not to exceed 10 percent of the amount charged for admission to an event.

#### *Transient Occupancy Tax*

This bill would also authorize counties to levy a transient occupancy tax at a rate not to exceed five percent, provided that:

- Any excess from a rate over two percent is designated and spent solely for a purpose that was authorized prior to January 1, 2020; or
- If no purpose was authorized prior to January 1, 2020, any excess from a rate over two percent will be designated and spent solely for tourism and travel, marketing of tourism or initiatives.

The additional transient occupancy taxes that currently are levied in certain counties would continue to be authorized with the same restrictions on rates and use of revenues as under current law.

#### *Local Cigarette Tax*

This bill would permit any county, city, or town to levy taxes upon the sale or use of cigarettes.

- If such locality is either (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding 2 cents per cigarette sold or (ii) a county; then the maximum rate would be 2 cents per cigarette sold.
- If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding 2 cents per cigarette sold, then the maximum rate would be the rate in effect on January 1, 2020.

#### *Food and Beverage Tax*

Under this bill, counties would also be authorized to levy a food and beverage tax not to exceed six percent without the requirement of a referendum before imposing such a tax. However, any county in which a referendum was held on or after July 1, 2018, but before July 1, 2020, and in which such referendum was defeated, would not be authorized to impose a tax a food and beverage tax until July 1, 2022.

If enacted during the Regular Session of the 2020 General Assembly, this bill would become effective July 1, 2021.

#### Similar Legislation

**Senate Bill 484** would equalize city taxing authority and county taxing authority by granting a county the same authority available to impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed, but retains a restriction that applies to counties under current law and requires that any transient occupancy tax revenue attributable to a rate of between two and five percent must be used for tourism marketing.

cc: Secretary of Finance

Date: 2/14/2020 SK  
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