

**DEPARTMENT OF TAXATION
2004 Fiscal Impact Statement**

1. Patron Thomas K. Norment, Jr.

2. Bill Number SB 652

3. Committee Passed House and Senate

House of Origin:

 Introduced

 Substitute

 Engrossed

4. Title Transient Occupancy Tax: Allows the Counties of James City and York to Impose an Additional Tax

Second House:

 In Committee

 Substitute

 X **Enrolled**

5. Summary/Purpose:

This bill would authorize the counties of James City and York to impose an additional transient occupancy tax of up to \$2 for overnight accommodations. This bill also creates guidelines for the establishment of the Williamsburg Area Destination Marketing Committee.

6. No Fiscal Impact: Not available. (See Line 8.)

7. Budget amendment necessary: No.

8. Fiscal implications:

This bill would have no impact on state revenues. If the localities choose to impose the \$2 additional tax, it would, however, result in an unknown revenue gain in the counties of James City and York.

9. Specific agency or political subdivisions affected:

James City County, York County and the City of Williamsburg

10. Technical amendment necessary: No.

11. Other comments:

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent, upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. The tax, however, does not apply to rooms rented on a continuous occupancy by the same individual or group for 30 or more continuous days.

Under this bill, the counties of James City and York would be authorized to impose an additional transient occupancy tax not to exceed \$2 per night for the occupancy of any overnight guest room. The revenues generated from this tax must be spent for advertising the Greater Williamsburg area as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Williamsburg Area Convention and Visitors Bureau. The tax shall not apply to rooms or spaces rented and continuously occupied by same individual or same group of individuals for 30 or more continuous days or to travel campground sites. James City County is already authorized to impose a 4% transient occupancy tax. York County is already authorized to impose a 5% transient occupancy tax.

Additionally, this bill creates guidelines for the establishment of the Williamsburg Area Destination Marketing Committee. Under these guidelines, the Committee is required to have ten members. The local governing bodies of the City of Williamsburg, the County of James City, and the County of York will each designate one of their members to serve on the Committee. The members from these local governing bodies will be given two votes, while five other members of the Committee will have only one.

The other voting members of the Committee will represent various tourism groups in the Historic Triangle area. The Board of Directors of the Williamsburg Hotel and Motel Association must select a member. In addition, a member of the Colonial Williamsburg Foundation will be selected to serve on the Committee by that foundation. Busch Gardens Williamsburg/Water Country must select an employee to be a member and a member of the Jamestown-Yorktown Foundation will be also be selected by that institution. Finally, the last voting member of the Committee shall be Executive Director of the Virginia Tourism Corporation, who will serve ex officio.

The two remaining members of the Committee will not have voting privileges. The executive directors of the Williamsburg Area Convention and Visitors Bureau and the Williamsburg Hotel and Motel Association will fill these positions and shall serve ex officio.

The provisions authorizing this additional transient occupancy tax would expire January 1, 2008. However, the authority would expire August 1, 2004 if any of the governing bodies of the City of Williamsburg, and the Counties of James City and York, fail to adopt an ordinance by August 1, 2004 imposing the additional tax.

Counties Authorized to Impose Additional Transient Occupancy Tax

Albemarle, Amherst, Augusta, Bedford, Botetourt, Caroline, Cumberland, Dinwiddie, Franklin, Gloucester, James City, King George, Loudoun, Mecklenburg, Nelson, Page, Prince Edward, Prince William, Pulaski, Rockbridge, Spotsylvania, Stafford, Tazewell, Wythe, and York are authorized to impose a transient occupancy tax at a minimum rate of five percent. The revenues for the portion of tax over two percent must be spent on tourism and promoting tourism.

Arlington County and Roanoke County may impose the tax up to a rate of five percent. Arlington County may impose a ¼% transient occupancy tax effective January 1, 1991 through January 1, 2006. Proceeds collected from the additional ¼% tax must be designated for promoting tourism and business travel.

The counties of Chesterfield, Hanover, and Henrico may impose an additional transient occupancy tax not to exceed six percent (total maximum rate or eight percent). The revenues from the additional six percent must be used to promote tourism and travel in the Richmond Metropolitan area. Arlington County may impose an additional two percent to be used for design, construction, debt payment and operation of a county conference center.

Other Legislation

House Bill 739 authorizes Floyd County to impose the transient occupancy tax at a rate not to exceed five percent, with all revenues over 2% to be used to promote tourism in the county. Floyd County currently does not impose a transient occupancy tax.

House Bill 741 authorizes Chesterfield, Henrico, and Hanover counties to impose an additional transient occupancy tax not to exceed one percent. All revenues generated from this additional tax must be spent for the development and improvement of the Virginia Performing Arts Foundation's facility in Richmond, for promoting the use of the Richmond Centre and promoting tourism in the Richmond metropolitan area.

House Bill 1001 authorizes Fairfax County to impose an additional two percent transient occupancy tax, revenues to be used to promote tourism.

Senate Bill 517 authorizes Rockbridge County and the cities of Lexington and Buena Vista to impose an additional 2% transient occupancy tax, the revenues to be used for paying down debt to Rockbridge Industrial Development Authority.

cc : Secretary of Finance

Date: 3/24/2004 AMS