

# DEPARTMENT OF TAXATION

## 2009 Fiscal Impact Statement

1. **Patron** Onzlee Ware

3. **Committee** House Finance

4. **Title** Retail Sales and Use Tax; Entitlement to  
Sales Tax Revenue

2. **Bill Number** HB 2264

**House of Origin:**

  X   **Introduced**

       **Substitute**

       **Engrossed**

**Second House:**

       **In Committee**

       **Substitute**

       **Enrolled**

**5. Summary/Purpose:**

This bill would expand the list of bonds issued by designated municipalities to pay the costs of qualifying public facilities located within their jurisdiction that are eligible to be repaid from certain Retail Sales and Use Tax revenues generated by such facilities to include the repayment of bonds issued on or after July 1, 2009, but before July 1, 2012. This bill would also expand the entitlement to certain sales tax revenues to include bonds issued to pay the costs of future renovations or expansions of qualifying public facilities.

The effective date of this bill is not specified.

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

**7. Budget amendment necessary:** Yes.  
Item 264, Financial Assistance to Localities

**8. Fiscal implications:**

Administrative Costs

TAX would not incur any costs in the implementation of this bill.

Revenue Impact

The magnitude of the revenue loss associated with this bill is unknown. To the extent that additional bonds qualify to be repaid from Retail Sales and Use Tax revenues generated by additional qualifying public facilities, passage of this bill would require a transfer of additional unrestricted General Fund state Retail Sales and Use Tax revenue to qualifying localities.

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

Department of Accounts  
Department of Taxation

Cities of Hampton, Newport News, Norfolk, Portsmouth, Roanoke, Salem, Staunton, and Suffolk

**10. Technical amendment necessary:** No.

**11. Other comments:**

Current Law

*Va. Code* § 58.1-608.3 (formerly the Public Facilities Act) allow sales tax revenue attributable to sales in new or substantially and significantly renovated or expanded public facilities to be transferred back to municipalities to pay the costs of the bonds issued to finance such facilities before July 1, 2007. Qualifying public facilities include auditoriums, coliseums, convention centers, conference centers, or hotels owned by a Virginia county, city, town or authority or other such public entity that are located in the City of Hampton, City of Newport News, City of Norfolk, City of Portsmouth, City of Roanoke, City of Salem, City of Staunton, or City of Suffolk.

Under current law, a substantial and significant expansion to a public facility entails an increase in floor space of at least 50 percent over that existing in the preexisting facility.

Sales tax revenues generated from all transactions taking place in the facility, including, but not limited to, concessionaires sales, vending machine sales, and merchandise sales, are transferred back to the municipality. Entitlement to these sales tax revenues continues for the lifetime of the bonds, but not to exceed 35 years, and all such revenues are required to be applied to the repayment of the bonds. No remittance is made until construction of the facility is complete.

Legislative History

As originally enacted in 1992, this transfer mechanism applied only to one facility in the City of Roanoke. The 1998 General Assembly amended the population requirements to include the City of Portsmouth, and in 1999, the population requirements were again amended to include the City of Suffolk. The General Assembly in 2000 amended the population requirements to include the City of Hampton, in 2001 to include the City of Staunton, in 2004 to include the City of Newport News and the City of Salem, and in 2006 to include the City of Norfolk.

Proposal

This bill would expand the list of bonds issued by designated municipalities to pay the costs of qualifying public facilities located within their jurisdiction that are eligible to be repaid from certain Retail Sales and Use Tax revenues generated by such facilities to include the repayment of bonds issued on or after July 1, 2009, but before July 1, 2012. This bill would also expand the entitlement to certain sales tax revenues to include bonds issued to pay the costs of future renovations or expansions of qualifying public facilities.

The effective date of this bill is not specified.

### Similar Legislation

**House Bill 1691** would expand entitlement to certain sales tax revenues from public facilities to include the repayment of bonds issued on or after July 1, 2009, but before July 1, 2012. This bill would also expand the entitlement to certain sales tax revenues to include a public facility located in the City of Virginia Beach.

**House Bill 1803** and **Senate Bill 1021** would allow state Retail Sales and Use tax revenues attributable to sales of tangible personal property in new minor league professional baseball stadiums and sales related to the development and construction of the stadium to be transferred back to the locality in which the stadium is located to pay the costs of any bonds issued by the locality on or after July 1, 2009, but before July 1, 2012, to finance such facilities.

**House Bill 2091** would expand entitlement to certain sales tax revenues from public facilities to include the repayment of bonds issued on or after July 1, 2009, but before July 1, 2012. This bill would also expand the entitlement to certain sales tax revenues to include bonds issued for increases in floor space of at least 10 percent in a qualifying public facility that was constructed after December 31, 1991.

**House Bill 2411** would expand the entitlement to certain sales tax revenues to include a public facility located in the City of Virginia Beach.

**Senate Bill 868** would expand entitlement to certain sales tax revenues from public facilities to include the repayment of bonds issued on or after July 1, 2009, but before July 1, 2011. This bill would also expand the meaning of "substantial and significant expansion" to include an increase in floor space of at least 10 percent in a public facility that qualified as such under this section and was constructed after December 31, 1991.

cc : Secretary of Finance

Date: 1/16/2009 AM  
DLAS File Name: HB2264F161