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HOUSE BILL NO. 328

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 1, 2016)

(Patron Prior to Substitute—Delegate Austin)

A BILL to amend and reenact § 58.1-3823 of the Code of Virginia, relating to transient occupancy tax; Botetourt County.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3823 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member

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60 of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority
61 who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The
62 President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with
63 nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber
64 and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg
65 Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board
66 of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

67 In no case shall more than one person of the same local government, including the governing body
68 of the locality, serve as a member of the Committee at the same time.

69 If at any time a person who has been selected to the Committee by other than a local governing
70 body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County
71 of James City, or the County of York, or (b) an employee of one of such local governments, the person
72 shall be ineligible to serve as a member of the Committee while a member of the local governing body
73 or an employee of one of such local governments. In such case, the body that selected the person to
74 serve as a member of the Commission shall promptly select another person to serve as a member of the
75 Committee.

76 3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by
77 this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for
78 the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a
79 contract between such two entities. The contract shall include provisions to reimburse the Greater
80 Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures.
81 The Williamsburg Area Destination Marketing Committee shall also contract with the Greater
82 Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities
83 shall mutually agree.

84 4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg
85 Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided
86 herein.

87 For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism
88 destination means advertising that is intended to attract visitors from a sufficient distance so as to
89 require an overnight stay of at least one night.

90 *D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through*
91 *58.1-3822, Botetourt County may impose an additional transient occupancy tax not to exceed two*
92 *percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed*
93 *hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual*
94 *or same group of individuals for 30 or more days.*

95 *The revenue generated and collected from the two percent tax rate increase shall be designated and*
96 *expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by*
97 *members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection,*
98 *"advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that*
99 *is intended to attract visitors from a sufficient distance so as to require an overnight stay.*

100 *E. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under*
101 *this section, mutatis mutandis.*