

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

## **House Bill 3387**

BY DELEGATES HARDY, STORCH, WESTFALL AND

ESPINOSA

[Passed March 6, 2023; in effect ninety days from passage.]



1 AN ACT to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended,  
2 relating to extending the moratorium on the authorization of new convention and visitors  
3 bureaus for an additional two years and clarifying when and how a new convention and  
4 visitors bureau can qualify for a distribution of the hotel occupancy tax proceeds.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 18. HOTEL OCCUPANCY TAX.**

**§7-18-13a. Annual reports by convention and visitor's bureaus; eligibility for hotel  
occupancy tax proceeds.**

1 (a) On or before 90 days after the end of its fiscal year, every convention and visitor's  
2 bureau which receives any appropriation of hotel occupancy tax from one or more counties or  
3 municipalities shall file with each such county or municipality, the State Auditor, the Joint  
4 Committee on Government and Finance, and the West Virginia Association of Convention and  
5 Visitors Bureaus a report, including an income statement and balance sheet, showing all amounts  
6 of hotel occupancy tax appropriated to the convention and visitor's bureau and all expenditures  
7 of hotel occupancy tax made by the convention and visitor's bureau for the prior fiscal year, as  
8 well as any such information required by subsection (b) of this section. A convention and visitor's  
9 bureau that has not filed a report in accordance with the provisions of this section shall be  
10 ineligible to receive additional appropriations of hotel occupancy tax proceeds until such report  
11 has been filed.

12 (b) In order to qualify for a distribution of net proceeds pursuant to §7-18-14 of this code,  
13 a convention and visitor's bureau shall satisfy the following requirements:

14 (1) The convention and visitor's bureau shall have a minimum annual budget;

15 (2) The convention and visitor's bureau shall establish a marketing plan targeting markets  
16 outside of a 50-mile radius of the bureau's municipality or county of operation;

17 (3) The annual operating budget for the convention and visitor's bureau allocates  
18 approximately 40 percent of annual revenues to advertising and marketing, approximately 40

19 percent to salaries and personnel, and approximately 20 percent to other operating expenses:  
20 *Provided*, That a convention and visitor's bureau that allocates less than 40 percent of annual  
21 revenues to salaries and personnel shall be considered to have satisfied the budget allocation  
22 requirement;

23 (4) The convention and visitor's bureau has a full-time executive director that maintains  
24 the minimum number of continuing education hours recommended annually by industry  
25 standards;

26 (5) The convention and visitor's bureau has a physical office and/or visitor center that is  
27 accessible at least 40 hours per week and has a dedicated phone line;

28 (6) The convention and visitor's bureau maintains a website and appropriate marketing  
29 materials;

30 (7) The convention and visitor's bureau has received accreditation from an accrediting  
31 body; and

32 (8) The convention and visitor's bureau submits an annual report to all of its funding  
33 entities, which shall include, but not be limited to, the information provided for in this subsection.

34 Nothing in this section may be construed as to interfere with the ability of a county or  
35 municipality to enter into any agreements or partnerships with convention and visitor's bureaus in  
36 neighboring counties or municipalities for the purposes of distributing net tax proceeds pursuant  
37 to §7-18-14 of this code, so long as all other requirements of this section are met.

38 (c) At least once every three years, any bureau that receives any appropriation of hotel  
39 occupancy tax from one or more counties or municipalities shall cause an audit or financial review,  
40 in a form as is appropriate to the particular bureau, to be made by an independent certified public  
41 accountant of all its books, accounts, and records relating to all receipts and expenditures of any  
42 hotel occupancy tax appropriations for the three prior fiscal years of the bureau. A copy of the  
43 audit or financial review shall be filed with each county or municipality from which the bureau  
44 received an appropriation of hotel occupancy tax, the State Auditor, the Joint Committee on

45 Government and Finance, and the West Virginia Association of Convention and Visitors Bureaus.  
46 After July 1, 2024, a bureau that has not caused such an audit or financial review to be made is  
47 ineligible to receive an appropriation of hotel occupancy tax proceeds pursuant to §7-18-14 of this  
48 code.

49 (d) In order to encourage counties and municipalities to work within the existing framework  
50 of convention and visitor's bureaus, there shall be a moratorium on the authorization of new  
51 convention and visitors bureaus until June 30, 2026. A county or municipality may not appropriate  
52 any net proceeds of hotel occupancy taxes, pursuant to §7-18-14 of this code, to any convention  
53 or visitor's bureau created on or after the amendments to this section enacted during the regular  
54 session of the Legislature, 2021, and prior to the end of the moratorium imposed by this  
55 subsection. On or after June 30, 2026, any new convention and visitor's bureau which meets all  
56 of the requirements of subsection (b) of this section shall qualify for a distribution of net proceeds  
57 pursuant to §7-18-14 of this code.

58 (e) Nothing in this section may prohibit either the State Auditor or the Legislative Auditor  
59 from conducting regular reviews or audits of the operations or finances of a convention and  
60 visitor's bureau to ensure compliance with this code.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

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*Governor*