

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 675**

BY SENATOR WOODRUM

[Originating in the Committee on Government

Organization; reported February 20, 2024]



1 A BILL to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating  
2 to accreditation of convention and visitors bureaus; providing time extension for certain  
3 bureaus to become accredited and still be eligible for distribution of hotel occupancy tax  
4 proceeds; and requiring all bureaus to obtain and maintain accreditation as requirement  
5 to receive distribution of net proceeds after certain date.

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

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

1 (a) On or before 90 days after the end of its fiscal year, every convention and visitors  
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 visitors bureau and all expenditures of  
7 hotel occupancy tax made by the convention and visitors bureau for the prior fiscal year, as well  
8 as any such information required by subsection (b) of this section. A convention and visitors  
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 visitors bureau shall satisfy the following requirements:

14 (1) The convention and visitors bureau shall have a minimum annual budget;

15 (2) The convention and visitors 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 visitors 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 visitors 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 visitors bureau has a full-time executive director that maintains the  
24 minimum number of continuing education hours recommended annually by industry standards;

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

27 (6) The convention and visitors bureau maintains a website and appropriate marketing  
28 materials;

29 (7) The convention and visitors bureau has received, and maintains, accreditation from an  
30 accrediting body: Provided, That convention and visitors bureaus in existence on the effective  
31 date of the amendments to this section enacted during the regular session of the Legislature,  
32 2021, shall have until June 30, 2026, to receive and maintain accreditation from an accrediting  
33 body, and may, until that date, receive a distribution of net proceeds pursuant to §7-18-14 of this  
34 code if all other requirements for receiving a distribution are satisfied; and

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

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

41 (c) At least once every three years, any bureau that receives any appropriation of hotel  
42 occupancy tax from one or more counties or municipalities shall cause an audit or financial review,  
43 in a form as is appropriate to the particular bureau, to be made by an independent certified public  
44 accountant of all its books, accounts, and records relating to all receipts and expenditures of any

45 hotel occupancy tax appropriations for the three prior fiscal years of the bureau. A copy of the  
46 audit or financial review shall be filed with each county or municipality from which the bureau  
47 received an appropriation of hotel occupancy tax, the State Auditor, the Joint Committee on  
48 Government and Finance, and the West Virginia Association of Convention and Visitors Bureaus.  
49 After July 1, 2024, a bureau that has not caused such an audit or financial review to be made is  
50 ineligible to receive an appropriation of hotel occupancy tax proceeds pursuant to §7-18-14 of this  
51 code.

52 (d) In order to encourage counties and municipalities to work within the existing framework  
53 of convention and visitors bureaus, there shall be a moratorium on the authorization of new  
54 convention and visitors bureaus until June 30, 2025. A county or municipality may not appropriate  
55 any net proceeds of hotel occupancy taxes, pursuant to §7-18-14 of this code, to any convention  
56 ~~or~~ and visitors bureau created on or after the amendments to this section enacted during the  
57 regular session of the Legislature, 2021, and prior to the end of the moratorium imposed by this  
58 subsection.

59 (e) On or after ~~June 30~~ July 1, 2025, any new convention and visitors bureau ~~which that~~  
60 meets and maintains all of the requirements of subsection (b) of this section shall qualify for a  
61 distribution of net proceeds pursuant to §7-18-14 of this code.

62 (e) (f) Nothing in this section may prohibit either the State Auditor or the Legislative Auditor  
63 from conducting regular reviews or audits of the operations or finances of a convention and visitors  
64 bureau to ensure compliance with this code.