

[First Reprint]

ASSEMBLY, No. 3101

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

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SYNOPSIS

Increases minimum annual amounts for appropriation for certain arts, historical heritage, and tourism purposes from hotel and motel occupancy fee revenues.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 14, 2019, with amendments.

(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT increasing the minimum amounts to be annually
2 appropriated for certain arts, historical heritage, and tourism
3 purposes from hotel and motel occupancy fee revenues and
4 amending P.L.2003, c.114.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 ¹**[**1. Section 2 of P.L.2003, c.114 (C.54:32D-2) is amended to
10 read as follows:

11 2. a. The Director of the Division of Taxation shall collect and
12 administer the fee imposed pursuant to section 1 of P.L.2003, c.114
13 (C.54:32D-1). The fees collected shall be deposited to the General
14 Fund, and shall be allocated as follows:

15 (1) of the fees collected for occupancies during State Fiscal Year
16 2004: \$16,000,000 shall be allocated for appropriation to the New
17 Jersey State Council on the Arts for cultural projects; \$2,700,000 shall
18 be allocated for appropriation to the New Jersey Historical
19 Commission for the purposes of subsection a. of section 3 of P.L.1999,
20 c.131 (C.18A:73-22.3); \$9,000,000 shall be allocated for appropriation
21 to the **[New Jersey Commerce and Economic Growth Commission]**
22 Division of Travel and Tourism in the Department of State for tourism
23 advertising and promotion; and \$500,000 shall be allocated for
24 appropriation to the New Jersey Cultural Trust; and

25 (2) of the fees collected for occupancies during State Fiscal Year
26 2005 and thereafter: 22.68 percent shall be annually allocated for
27 appropriation to the New Jersey State Council on the Arts for cultural
28 projects, provided that of the fees collected for occupancies during
29 State Fiscal Year 2017 and thereafter the amount allocated shall not be
30 less than **[\$22,680,000]** \$31,900,000; 3.84 percent shall be allocated
31 for appropriation to the New Jersey Historical Commission for the
32 purposes of subsection a. of section 3 of P.L.1999, c.131 (C.18A:73-
33 22.3), provided that of the fees collected for occupancies during State
34 Fiscal Year 2017 and thereafter the amount allocated shall not be less
35 than **[\$3,840,000]** \$5,500,000; 12.76 percent shall be allocated for
36 appropriation to the **[New Jersey Commerce and Economic Growth**
37 **Commission]** Division of Travel and Tourism in the Department of
38 State for tourism advertising and promotion, provided that of the fees
39 collected for occupancies during State Fiscal Year 2017 and thereafter
40 the amount allocated shall not be less than **[\$12,760,000]**
41 \$17,600,000; and .72 percent shall be allocated for appropriation to the
42 New Jersey Cultural Trust, provided that the amount allocated shall
43 not be less than \$720,000.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted November 14, 2019.

1 b. (1) In carrying out the provisions of section 1 of P.L.2003,
2 c.114 (C.54:32D-1) and this section, the director shall have all of the
3 powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.).
4 The tax shall be filed and paid in a manner prescribed by the Director
5 of the Division of Taxation. The director shall promulgate such rules
6 and regulations as the director determines are necessary to effectuate
7 the provisions of section 1 of P.L.2003, c.114 (C.54:32D-1) and this
8 section.

9 (2) Each person required to collect the hotel and motel occupancy
10 fee shall be personally liable for the fee imposed, collected, or required
11 to be paid, collected, or remitted under section 1 of P.L.2003, c.114
12 (C.54:32D-1). Any such person shall have the same right in respect to
13 collecting the fee from that person's customer or in respect to non-
14 payment of the fee by the customer as if the fee were a part of the
15 purchase price of the occupancy or rent, as the case may be, and
16 payable at the same time; provided however, that the director shall be
17 joined as a party in any action or proceeding brought to collect the fee.

18 For purposes of this paragraph, "person" includes: an individual,
19 partnership, corporation, or an officer, director, stockholder, or
20 employee of a corporation, or a member or employee of a partnership,
21 who as such officer, director, stockholder, employee, or member is
22 under the duty to perform the act in respect of which the violation
23 occurs.

24 c. The annual appropriations act for each State Fiscal Year,
25 commencing with fiscal year 2005, shall appropriate and distribute
26 during that fiscal year amounts not less than the amounts otherwise
27 specified for State Fiscal Year 2004 in paragraph (1) of subsection a.
28 of this section for the purposes specified in paragraph (1) of subsection
29 a. of this section.

30 d. If the provisions of subsection c. of this section are not met on
31 the effective date of an annual appropriations act for the State fiscal
32 year, or if an amendment or supplement to an annual appropriations
33 act for the State fiscal year should violate the provisions of subsection
34 c. of this section, the Director of the Division of Budget and
35 Accounting in the Department of the Treasury shall, not later than five
36 days after the enactment of the annual appropriations act, or an
37 amendment or supplement thereto, that violates the provisions of
38 subsection c. of this section, certify to the Director of the Division of
39 Taxation that the requirements of subsection c. of this section have not
40 been met.

41 e. The Director of the Division of Taxation shall, no later than
42 five days after certification by the Director of the Division of Budget
43 and Accounting in the Department of the Treasury pursuant to
44 subsection d. of this section that the provisions of subsection c. of this
45 section have not been met or have been violated by an amendment or
46 supplement to the annual appropriations act, notify each person
47 required to collect tax of the certification and that the fee imposed

1 pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1) shall no longer
2 be paid or collected.
3 (cf: P.L.2007, c.102, s.4)】¹

4
5 ¹1. Section 2 of P.L.2003, c.114 (C.54:32D-2) is amended to read
6 as follows:

7 2. a. The Director of the Division of Taxation shall collect and
8 administer the fee imposed pursuant to section 1 of P.L.2003, c.114
9 (C.54:32D-1). The fees collected shall be deposited to the General
10 Fund, and shall be allocated as follows:

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13 Jersey State Council on the Arts for cultural projects; \$2,700,000 shall
14 be allocated for appropriation to the New Jersey Historical
15 Commission for the purposes of subsection a. of section 3 of P.L.1999,
16 c.131 (C.18A:73-22.3); \$9,000,000 shall be allocated for appropriation
17 to the **【New Jersey Commerce and Economic Growth Commission】**
18 Division of Travel and Tourism in the Department of State for tourism
19 advertising and promotion; and \$500,000 shall be allocated for
20 appropriation to the New Jersey Cultural Trust; and

21 (2) of the fees collected for occupancies during State Fiscal Year
22 2005 and thereafter: 22.68 percent shall be annually allocated for
23 appropriation to the New Jersey State Council on the Arts for cultural
24 projects, provided that of the fees collected for occupancies during
25 State Fiscal Year 2021 and thereafter the amount allocated shall not be
26 less than **【\$22,680,000】** \$31,900,000; 3.84 percent shall be allocated
27 for appropriation to the New Jersey Historical Commission for the
28 purposes of subsection a. of section 3 of P.L.1999, c.131 (C.18A:73-
29 22.3), provided that of the fees collected for occupancies during State
30 Fiscal Year 2021 and thereafter the amount allocated shall not be less
31 than **【\$3,840,000】** \$5,500,000; 12.76 percent shall be allocated for
32 appropriation to the **【New Jersey Commerce and Economic Growth**
33 **Commission】** Division of Travel and Tourism in the Department of
34 State for tourism advertising and promotion, provided that of the fees
35 collected for occupancies during State Fiscal Year 2021 and thereafter
36 the amount allocated shall not be less than **【\$12,760,000】**
37 \$17,600,000; and .72 percent shall be allocated for appropriation to the
38 New Jersey Cultural Trust, provided that the amount allocated shall
39 not be less than \$720,000.

40 b. (1) In carrying out the provisions of section 1 of P.L.2003,
41 c.114 (C.54:32D-1) and this section, the director shall have all of the
42 powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.).
43 The tax shall be filed and paid in a manner prescribed by the Director
44 of the Division of Taxation. The director shall promulgate such rules
45 and regulations as the director determines are necessary to effectuate
46 the provisions of section 1 of P.L.2003, c.114 (C.54:32D-1) and this
47 section.

1 (2) Each person required to collect the hotel and motel occupancy
2 fee shall be personally liable for the fee imposed, collected, or required
3 to be paid, collected, or remitted under section 1 of P.L.2003, c.114
4 (C.54:32D-1). Any such person shall have the same right in respect to
5 collecting the fee from that person's customer or in respect to non-
6 payment of the fee by the customer as if the fee were a part of the
7 purchase price of the occupancy or rent, as the case may be, and
8 payable at the same time; provided however, that the director shall be
9 joined as a party in any action or proceeding brought to collect the fee.

10 For purposes of this paragraph, "person" includes: an individual,
11 partnership, corporation, or an officer, director, stockholder, or
12 employee of a corporation, or a member or employee of a partnership,
13 who as such officer, director, stockholder, employee, or member is
14 under the duty to perform the act in respect of which the violation
15 occurs.

16 (3) Notwithstanding any other provision of law or administrative
17 action to the contrary, transient space marketplaces shall be required to
18 collect and pay on behalf of persons engaged in the business of
19 providing transient accommodations located in this State the tax for
20 transactions obtained through the transient space marketplace. For not
21 less than four years following the end of the calendar year in which the
22 transaction occurred, the transient space marketplace shall maintain
23 the following data for those transactions consummated through the
24 transient space marketplace:

25 (1) The name of the person who provided the transient
26 accommodation;

27 (2) The name of the customer who procured occupancy of the
28 transient accommodation;

29 (3) The address, including any unit designation, of the transient
30 accommodation;

31 (4) The dates and nightly rates for which the consumer procured
32 occupancy of the transient accommodation;

33 (5) The municipal transient accommodation registration number, if
34 applicable;

35 (6) A statement as to whether such booking services will be
36 provided in connection with (i) short-term rental of the entirety of such
37 unit, (ii) short-term rental of part of such unit, but not the entirety of
38 such unit, and/or (iii) short-term rental of the entirety of such unit, or
39 part thereof, in which a non-short-term occupant will continue to
40 occupy such unit for the duration of such short-term rental;

41 (7) The individualized name or number of each such advertisement
42 or listing connected to such unit and the uniform resource locator
43 (URL) for each such listing or advertisement, where applicable; and

44 (8) Such other information as the Division of Taxation may by rule
45 require.

46 The Division of Taxation may audit transient space marketplaces as
47 necessary to ensure data accuracy and enforce tax compliance.

1 c. The annual appropriations act for each State Fiscal Year,
2 commencing with fiscal year 2005, shall appropriate and distribute
3 during that fiscal year amounts not less than the amounts otherwise
4 specified for State Fiscal Year **【2004】** 2005 in paragraph **【(1)】** (2) of
5 subsection a. of this section for the purposes specified in paragraph
6 **【(1)】** (2) of subsection a. of this section.

7 d. If the provisions of subsection c. of this section are not met on
8 the effective date of an annual appropriations act for the State fiscal
9 year, or if an amendment or supplement to an annual appropriations
10 act for the State fiscal year should violate the provisions of subsection
11 c. of this section, the Director of the Division of Budget and
12 Accounting in the Department of the Treasury shall, not later than five
13 days after the enactment of the annual appropriations act, or an
14 amendment or supplement thereto, that violates the provisions of
15 subsection c. of this section, certify to the Director of the Division of
16 Taxation that the requirements of subsection c. of this section have not
17 been met.

18 e. The Director of the Division of Taxation shall, no later than
19 five days after certification by the Director of the Division of Budget
20 and Accounting in the Department of the Treasury pursuant to
21 subsection d. of this section that the provisions of subsection c. of this
22 section have not been met or have been violated by an amendment or
23 supplement to the annual appropriations act, notify each person
24 required to collect tax of the certification and that the fee imposed
25 pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1) shall no longer
26 be paid or collected.¹

27 (cf: P.L.2019, c.235, s.15)

28
29 2. This act shall take effect immediately.