

A STAFF REPORT

**Revenue  
Diversification**

**State and Local  
Travel Taxes**



**Advisory Commission on  
Intergovernmental Relations**

**M-189  
April 1994**

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(April 1994)

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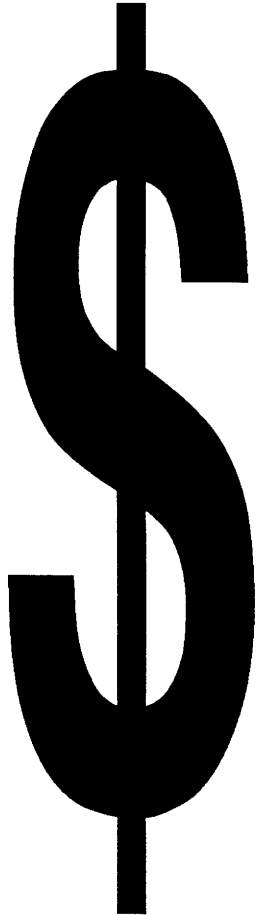
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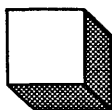
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# Executive Summary

State and local tax revenues from travel and tourism are growing rapidly, fueled in part by increased travel—particularly international travel—and in part by the efforts of state and local governments to tax travelers. In this report, *State and Local Travel Taxes*, ACIR examines the theory and practice of travel and tourism taxation by state and local governments.

Domestic and foreign travelers (business and tourists) spent nearly \$335 billion in the United States in 1990, almost double the \$171 billion spent in 1980. Of this amount, 23.8 percent was spent on food and drink, 23.3 percent on public transportation, 18.4 percent on auto transportation, 16.8 percent on lodging, 9.4 percent on entertainment, and 8.3 percent on general retail purchases.

Taxes on travelers are still a modest source of state-local tax revenue (about 4 percent), except in Nevada, Hawaii, and Washington, DC. However, more and more jurisdictions are levying new travel taxes or raising rates. Between 1975 and 1991, travel-generated state and local tax revenues increased from \$4.8 billion to nearly \$21 billion. In 1991, these tax revenues constituted 6.2 percent of total travel spending, up 30 percent since 1980. State governments collected 64 percent of total state and local travel tax revenues in 1991; local governments collected 36 percent.

A major reason why state and local governments tax travel is tax exporting. The other reasons are revenue diversification, benefits taxation, and market failure.

While most state and local taxes can be exported to some extent, the degree depends on market power and on patterns of traveler versus resident expenditures. The distribution of economic benefits also de-

depends on whether travel tax revenues are earmarked (e.g., for convention center financing or tourism promotion) or allocated to the general fund.

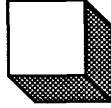
Taxation of travel raises an important intergovernmental issue, namely, how much autonomy should states grant to local governments to impose these taxes? On one hand, local governments have greater responsibility in providing public services that may benefit travel and tourism; hence, they should have more autonomy to tax travelers. On the other hand, states must weigh their economic interests in travel and tourism against local interests and fiscal needs.

There is a perception that it is politically easy to tax travel. However, while travelers may not vote, local travel businesses—hotels, tour wholesalers, travel agents, merchants, restaurants and nightclubs, and transportation companies—constitute powerful political interest groups that can defeat efforts to levy or raise taxes on their industry.

The hotel room tax is the most widely used travel tax. In most cities, it is an ad valorem tax consisting of combined state and local general and special sales taxes. Although rates vary significantly, the hotel room tax in most major cities now exceeds 10 percent. It is questionable whether the rates can be raised much higher without seriously impairing the industry and the tax base.

Food, beverage, and entertainment taxes appear to be the most prevalent special travel levies. The rates are significantly lower than rates on lodging. States also typically levy taxes on admissions to theaters, sporting events, nightclubs and cabarets, and other places of entertainment.

Car rentals and airport passenger facilities also are taxed. Virtually all states apply the state sales tax to car rentals, and 17 states also levy special taxes. Under a 1990 statutory authorization, 114 U.S. airports levy a \$3 passenger facilities charge to finance airport improvements.



# Acknowledgments

From time to time, the U.S. Advisory Commission on Intergovernmental Relations examines the use of different local revenue-raising mechanisms. In previous reports, the Commission staff has looked at user charges, local income taxes, local sales taxes, and how these can apply in rural economies.

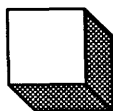
This report on travel taxes was prepared by James Mak of the University of Hawaii-Manoa and Marcia Sakai of the University of Hawaii-Hilo.

ACIR also thanks Robert D. Ebel, former ACIR director of government finance research, and Brenda S. Avoletta, former finance analyst, for their assistance.

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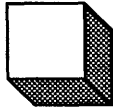


# Contents

<b>Introduction</b> .....	1
Types of Travel Taxes .....	2
Industry Reactions .....	3
The Report .....	3
<b>Section One—Travel-Generated Revenues in State and Local Finance</b> .....	5
<b>Section Two—State and Local Use of the Hotel Room Tax</b> .....	9
State Taxation of Hotel Room Sales .....	9
Local Taxation of Hotel Room Sales .....	12
<b>Section Three—State and Local Use of Other Tourist Taxes</b> ...	17
State Taxation of Admissions and Entertainment Sales .	17
State Taxation of Transportation Sales .....	20
Local Taxation of Travel Spending .....	21
<b>Section Four—Economic Reasons for Taxing Travel Spending</b> ..	23
Revenue Diversification .....	23
Benefits Taxation .....	24
Correcting for Market Failure .....	25
Tax Exporting .....	26
<b>Section Five—Pros and Cons of Tourist Taxes</b> .....	29
Car Rentals and Commodities .....	29
<b>Section Six—Intergovernmental Issues</b> .....	31
<b>Section Seven—Summary and Conclusions</b> .....	33

## Tables

<i>Table 1</i> —Impact of Travel Spending on State and Local Tax Revenues, 1975-1991 .....	6
<i>Table 2</i> —Impact of Travel Spending on State and Local Tax Revenues, by State, 1990 .....	7
<i>Table 3</i> —State Taxes on Lodging, Fiscal Year 1991 .....	10
<i>Table 4</i> —Combined Applicable State-Local Sales and Room Taxes in Selected U.S. Cities, 1984 and 1992 .....	13
<i>Table 5</i> —Applicable State Taxes on Other Travel Spending .....	18
<i>Table 6</i> —Percentage of Hawaii Taxes Exported to Travelers, FY 1988.	27
<i>Table 7</i> —State and Local Government Shares of Travel-Generated Tax Revenues, 1975-1991 .....	31



# Introduction

State and local tax revenues from travel and tourism are growing rapidly, fueled in part by an increasing volume of travel—particularly international travel—in the United States and in part by the increasing effort of state and local governments to tax travelers.

According to the U.S. Travel Data Center, domestic and foreign travelers (business and tourists) in the United States spent nearly \$335 billion in 1990, almost double the \$171 billion spent in 1980. Of this 1990 amount, 23.8 percent was spent on food and drink, 23.3 percent on transportation, 18.4 percent on auto rentals, 16.8 percent on lodging, 9.4 percent on entertainment, and 8.3 percent on general retail purchases.<sup>1</sup>

Taxes on travelers are still a modest source of revenue for most state and local governments, except for Nevada, Hawaii, and Washington D.C. However, the number of jurisdictions levying new taxes or raising old taxes on travelers has proliferated. With the rising economic importance of travel and tourism have come new opportunities for tax exporting by state and local governments. The National Conference of State Legislatures noted that during the 1980s state and local governments in almost every state raised taxes or imposed new ones on hotel and motel rentals, amusement and entertainment attractions, and meals and alcoholic beverages at bars and restaurants.<sup>2</sup> While these taxes also are paid by local residents, they are believed to fall particularly heavily on nonresident travelers. They are often called “tourist taxes,” even though they also apply to business travelers. As one travel industry executive explained the rise in tourist taxation:

The industry has been overtaxed on the theory that it's better not to tax the local citizen. The traveler is not a constituent, so state and local governments can jack up room taxes and admissions taxes. Visitors can complain, but who cares; they'll be going back home soon.<sup>3</sup>

The perception that it is politically easy for lawmakers to pass legislation to tax travel is simplistic. Travelers may not vote, but travel businesses—such as hotels, tour wholesalers, travel agents, merchants, restaurants and nightclubs, and transportation companies—constitute powerful political interest groups that can defeat efforts to levy or raise taxes on their industry.<sup>4</sup>

## **Types of Travel Taxes**

***Hotel Room Taxes.*** The most widely used travel tax is the hotel room tax. In most cities, it is an ad valorem tax consisting of the combined state and local general and special sales taxes on room rentals. During the 1980s, hotel room tax rates rose dramatically across the country. Although rates vary significantly, the hotel room tax in most major cities now exceeds 10 percent. The highest rate is levied in New York City, at 19.25 percent on rooms priced at \$100 or more per day plus a \$2 per day surcharge. Ten years ago, the combined state and local tax rate on hotel occupancy in New York City was only 8.25 percent.

***Food, Beverage, and Entertainment Taxes.*** Next to the hotel room tax, the food and beverage tax appears to be the most prevalent special “tourist” tax levied by the states. However, where special taxes are levied on food and drink purchases, the rates are significantly lower than corresponding rates levied on lodging. States also typically levy taxes on admissions to theaters, sporting events, nightclubs and cabarets, and other places of entertainment.

***Transportation Taxes.*** In recent years, car rentals and airport passenger facility charges have been taxed by state and local governments. Since Florida introduced a fee of 50 cents per day on car rentals in 1989, 10 other states have enacted similar legislation. Virtually all states apply the state sales tax to car rentals, and 17 states also levy special taxes. Additionally, under a 1990 statutory authorization, the Federal Aviation Administration has permitted 114 U.S. airports to levy the \$3 passenger facilities charge to finance airport improvements.<sup>5</sup>

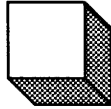


## **Industry Reactions**

These increases in taxes on travel spending have elicited strong industry complaints. The U.S. Travel Data Center, in its *1990-1991 Economic Review of Travel in America*, noted that state and local governments are trying to balance their budgets in part by raising taxes on travel-related businesses and tourism activities. The center argued that the rush to tax travel and tourism more heavily violates an important principle of sound taxation, namely, to avoid interfering with the market and distorting economic choices by placing excess burdens on certain individuals.

## **The Report**

In this report, ACIR examines the theory and practice of travel and tourism taxation by state and local governments. It also explains why state and local governments often tax more heavily those goods that are purchased in disproportionate amounts by tourists. The primary focus is on the role of tourist taxes in state and local government finance, not their impact on the travel industry. The report is divided into the following sections: (1) travel-generated state and local tax revenues among the 50 states and Washington DC; (2) state and local use of the hotel room tax; (3) the use of other travel taxes; (4) the economic reasons for taxing travel; (5) the pros and cons of each tax; (6) intergovernmental issues and which governments should determine travel taxes; and (7) summary.



### *Section One*

# Travel-Generated Revenues in State and Local Finance

The only aggregate measures of travel-generated state and local tax revenues are estimates produced annually by the U.S. Travel Data Center, a travel industry-affiliated nonprofit research center. Since 1975, the center has used its travel economic impact model to convert estimated travel expenditures on 15 categories of goods and services into estimates of total travel expenditures; employment; earnings; and federal, state, and local tax receipts. The estimates include only travel expenditures for (1) overnight trips away from home in paid accommodations and (2) day trips to places 100 miles or more away from home. This omits restaurant, transportation, and entertainment expenditures of commuters and local residents from the estimated economic impacts.

Between 1975 and 1991, travel-generated state and local tax revenues increased from \$4.8 billion to nearly \$21 billion (Table 1).<sup>6</sup> In 1991, these tax revenues constituted 6.2 percent of total travel spending, up 30 percent since 1980.<sup>7</sup>

In 1991, travel-generated state and local tax revenues comprised about 4 percent of total state and local tax revenues collected from all sources (Table 1), a slight increase during the 1980s. This finding is surprising in view of state and local efforts to tax travel spending, and it weakens the claim that recent tax increases have fallen heavily on travelers.

*Table 1*  
**Impact of Travel Spending**  
**on State and Local Tax Revenues, 1975-1991**  
 (percent)

Year	Total Travel Spending (billions)	Travel- Generated Tax Revenues (billions)	Percent of Total Travel Spending	Percent of Total State and Local Tax Revenues
1975	\$89.3	\$4.8	5.3%	3.4%
1980	170.9	8.1	4.7	3.6
1985	254.1	13.5	5.3	3.9
1991	334.2	20.8	6.2	4.0

Sources: Calculated from Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federation, 1984 and 1992, Vol. 2*; U.S. Travel Data Center, *Impact of Travel on State Economics, 1975, 1980, 1985*; and Suzanne D. Cook, *Travel in America 1992: A Turning Point* (Washington, DC: U.S. Travel Data Center, 1993).

There were substantial differences among the states in the ratio of travel tax receipts to total state and local tax revenues (Table 2). Most dependent on travel tax receipts were Nevada (23.3 percent), Hawaii (17 percent), and Washington DC (10.6 percent). Least dependent on travel tax receipts were Rhode Island (1.7 percent), Connecticut (1.9 percent), Alaska (2.1 percent), and Michigan (2.2 percent). The median was 3.7 percent.

The two states most dependent on tourist receipts had below average tax efforts, with tax receipts as a percentage of total tourist spending at 4.5 percent in Nevada and 4.9 percent in Hawaii (Table 2, Column 3). The median for all states was 5.9 percent. New York had the highest tax effort (7.9 percent), followed closely by Utah (7.6 percent), Tennessee (7.5 percent), South Carolina (7.5 percent), and Minnesota (7.4 percent).

*Table 2*  
**Impact of Travel Spending  
on State and Local Tax Revenues, by State, 1990**

	Total Travel Spending (millions)	Travel- Generated Tax Revenues (millions)	Taxes as Percent of Travel Spending	Taxes as Percent of State and Local Tax Revenues
Alabama	\$3,510.1	\$170.2	4.8%	3.2%
Alaska	1,092.8	46.9	4.3	2.1
Arizona	5,754.0	378.2	6.6	5.4
Arkansas	2,224.5	128.1	5.8	4.3
California	49,603.2	2,829.0	5.7	4.3
Colorado	5,752.0	362.4	6.3	5.7
Conneticut	3,468.5	166.0	4.8	1.9
Delaware	817.8	32.3	3.9	2.4
Florida	32,170.6	1,754.7	5.5	7.8
Georgia	8,292.6	517.6	6.2	4.4
Hawaii	9,978.9	490.1	4.9	17.0
Idaho	1,385.6	88.9	6.4	5.7
Illinois	12,769.5	736.6	5.8	3.1
Indiana	4,000.5	238.8	6.0	2.6
Iowa	2,642.0	161.9	6.1	3.2
Kansas	2,335.7	125.1	5.4	2.7
Kentucky	3,178.7	175.6	5.5	3.2
Louisiana	4,734.9	310.0	6.5	4.7
Maine	1,705.5	92.2	5.4	3.8
Maryland	4,679.5	313.1	6.7	2.8
Massachusetts	7,695.8	365.1	4.7	2.6
Michigan	7,370.9	418.7	5.7	2.2
Minnesota	4,239.8	313.6	7.4	3.1
Mississippi	1,977.1	118.8	6.0	3.7
Missouri	5,763.2	325.1	5.6	4.1
Montana	1,429.4	67.1	4.7	4.7
Nebraska	1,638.9	106.0	6.5	3.7
Nevada	11,891.9	540.1	4.5	23.3
New Hampshire	1,318.0	51.0	3.9	2.7
New Jersey	10,366.9	630.5	6.1	3.2
New Mexico	2,416.5	151.4	6.3	5.9
New York	24,650.1	1,946.0	7.9	3.3
North Carolina	7,042.8	438.9	6.2	4.0
North Dakota	829.4	43.7	5.3	4.4
Ohio	8,343.0	470.3	5.6	2.4

*Table 2 (cont.)*  
**Impact of Travel Spending**  
**on State and Local Tax Revenues, by State, 1990**

	Total Travel Spending (millions)	Travel- Generated Tax Revenues (millions)	Taxes as Percent of Travel Spending	Taxes as Percent of State and Local Tax Revenues
Oklahoma	2,568.3	177.4	6.9	3.6
Oregon	3,626.8	131.1	3.6	2.4
Pennsylvania	9,618.0	505.9	5.3	2.3
Rhode Island	775.9	34.9	4.6	1.7
South Carolina	4,756.4	356.5	7.5	6.5
South Dakota	775.8	45.8	5.9	4.5
Tennessee	5,996.8	452.4	7.5	6.6
Texas	21,087.9	1,309.3	6.2	4.6
Utah	2,358.9	178.4	7.6	6.5
Vermont	1,049.3	61.9	5.9	5.5
Virginia	8,433.5	571.7	6.8	4.9
Washington	5,529.2	287.5	5.2	2.8
West Virginia	1,263.2	85.1	6.7	3.0
Wisconsin	4,191.0	247.3	5.9	2.4
Wyoming	1,043.4	52.6	5.0	5.3
District of Columbia	3,851.0	245.5	6.4	10.6

Note: The travel spending data and travel-generated tax revenues are for calendar year 1990; total state and local tax revenue data are for fiscal year 1990.

Sources: Calculated from Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federalism, 1992, Volume 2*; U.S. Travel Data Center, *Impact of Travel on State Economies, 1990*, and *Impact of Foreign Travel on State Economies, 1985-86*.





## Section Two

# State and Local Use of the Hotel Room Tax

Information on state and local government hotel room sales tax revenues are not easily obtained, although tax rate data and limited statewide information are generally available.<sup>8</sup> For this report, a travel tax survey was sent to the department of revenue or taxation in each state. Thirty-nine states responded. A similar questionnaire was sent to 100 cities in all 50 states. Twenty-five cities from 21 states responded. Survey returns from cities in three of the nonresponding states provided sufficient information to develop a picture of room sales taxes in those states. To complete the room sales tax profile, information for the remaining nonresponding states was obtained from the Travel Data Center survey of state travel offices (1993) and ACIR's *Significant Features of Fiscal Federalism, 1992 Edition, Volume 1*.

### **State Taxation of Hotel Room Sales**

The state tax rates are summarized in Table 3. State hotel room taxes, including general and special taxes, are levied as a percentage of room sales (i.e., ad valorem) in 47 states and the District of Columbia.<sup>9</sup> (Alaska, California, and Oregon receive no revenues from room sales.) Hotel room sales are included in the general sales tax base of 36 states. Eleven states and the District of Columbia levied only a special hotel

*Table 3*  
**State Taxes on Lodging**  
**Fiscal Year 1991**

State	Sales Tax	Applicable Taxes		
		Sales	Special	Total
Alabama <sup>1</sup>	4.0%	-	4.0-5.0%	4.0-5.0%
Alaska	-	-	-	-
Arizona <sup>2</sup>	5.0	-	5.5	5.5
Arkansas	4.5	4.5	2.0	6.5
California	6.0	-	-	-
Colorado <sup>1</sup>	3.0	3.0	0.2	3.2
Connecticut <sup>2</sup>	6.0	-	12.0	12.0
Delaware	-	-	8.0	8.0
Florida	6.0	6.0	-	6.0
Georgia	4.0	4.0	-	4.0
Hawaii	4.0	4.0	5.0	9.0
Idaho	5.0	5.0	2.0	7.0
Illinois <sup>1</sup>	6.25	-	6.0	6.0
Indiana	5.0	5.0	-	5.0
Iowa	4.0	4.0	-	4.0
Kansas <sup>1</sup>	4.25	4.25	-	4.25
Kentucky	6.0	6.0	-	6.0
Louisiana	4.0	4.0	5.0	9.0 <sup>b</sup>
Maine <sup>1</sup>	6.0	6.0	7.0	13.0
Maryland	5.0	5.0	-	5.0
Massachusetts <sup>2</sup>	5.0	-	5.7	5.7
Michigan	4.0	4.0	-	4.0
Minnesota	6.5	6.5	-	6.5
Mississippi	6.0	6.0	-	6.0
Missouri	4.225	4.225	-	4.225
Montana	-	-	4.0	4.0
Nebraska	5.0	5.0	1.0	6.0
Nevada	6.5	-	1.0	1.0
New Hampshire	-	-	8.0	8.0
New Jersey	6.0	6.0	-	6.0



*Table 3 (cont.)*  
**State Taxes on Lodging**  
**Fiscal Year 1991**

State	Sales Tax	Applicable Taxes		
		Sales	Special	Total
New Mexico	5.0	5.0	-	5.0
New York City	4.0	4.0	5.0	9.0 <sup>c</sup>
North Carolina <sup>1</sup>	4.0	4.0	-	4.0
North Dakota	5.0	5.0	-	5.0
Ohio	5.0	5.0	-	5.0
Oklahoma	4.5	4.5	0.1	4.6
Oregon	-	-	-	-
Pennsylvania	6.0	6.0	-	6.0
Rhode Island	7.0	7.0	5.0	12.0
South Carolina	5.0	5.0	2.0	7.0
South Dakota	4.0	4.0	-	4.0
Tennessee	5.5	5.5	-	5.5
Texas <sup>1</sup>	6.25	-	6.0	6.0
Utah	5.0	5.0	-	5.0
Vermont <sup>2</sup>	5.0	-	8.0	8.0
Virginia <sup>1</sup>	3.5	3.5	-	3.5
Washington	6.5	6.5	2.4-6.0	8.9-12.5 <sup>d</sup>
West Virginia	6.0	6.0	-	6.0
Wisconsin	5.0	5.0	-	5.0
Wyoming	3.0	3.0	-	3.0
District of Columbia	6.0	-	11.0	11.0 <sup>a</sup>

- none

<sup>1</sup> U.S. Travel Data Center, "Survey of State Travel Offices, 1992-1993" for applicable taxes; ACIR, *Significant Features of Fiscal Federalism*, 1992 for FY 1991 sales tax rates.

<sup>2</sup> Differential sales tax classified as special tax.

<sup>a</sup> Additional flat charge of \$2 per day.

<sup>b</sup> 5% special tax rate only in Orleans and Jefferson Parishes. There is an additional flat charge of \$.50/\$1.00/\$2.00 per room for hotels of size 10-299/300-999/1000+ rooms.

<sup>c</sup> 5% special tax rate only for hotel rooms with daily rates exceeding \$100.

<sup>d</sup> 6% rate only in Seattle, 2.4% rate in rest of King County for State Convention Center

room tax, and 12 states assessed both the general sales tax and a special hotel room tax.<sup>10</sup>

The average hotel room sales tax rate (combined general and special) was 6.1 percent. Generally, room sales were taxed more heavily in states that levied both general and special taxes. The average tax rate was 8.2 percent, with a 3.2 percent special room tax component. In states with either the general sales tax or the special room tax, the average rate was 5.5 percent. In 20 states, the average tax rate on room sales was 8.1 percent versus an average general tax rate of 4.3 percent on other sales. Ten of these states imposed a special hotel room tax alone at a higher rate than the general sales tax.

According to the Travel Data Center, the number of states levying special hotel room taxes almost doubled, from 13 to 23, between 1984 and 1991. Of the 13 states that levied special room taxes in 1984, five increased the rates by 1991. Over the same period, five states broadened the general sales tax base to include hotel room sales, and 19 other states increased the general sales tax rate applied to hotel room sales. Overall, from 1984 to 1991, 35 states increased the combined general and special room tax rate by an average of 2 percent, of which 1.4 percent was the special hotel room tax.

The state revenues resulting from increased use of hotel room sales taxes are not large, but they are important for some states. Overall, we estimate revenues to be between \$2 billion and \$3 billion per year, or less than 1.0 percent of total state tax revenues.<sup>11</sup> In Hawaii, however, hotel room tax revenues account for about 6 percent of total state tax revenues.<sup>12</sup>

Fourteen of the 23 states that levied a special room tax in 1991 earmarked the revenues for tourism promotion, convention or tourist facility development, and aid to local governments. The most common state use of earmarked revenues was tourism promotion.<sup>13</sup> Earmarking for convention center development was more limited to local jurisdictions and when the convention center was designated a state facility. The nine states that did not earmark their special room tax revenues usually did not levy a general sales tax on room sales. Five of these are northeastern states—Connecticut, Delaware, Massachusetts, New Hampshire, and Vermont.<sup>14</sup>

## Local Taxation of Hotel Room Sales

Where local general sales taxes are permitted by states, they usually are assessed on hotel room sales at lower rates than state sales taxes. In the city survey for this report, slightly less than 70 percent of the 25 responding cities levied a special room tax. Local special room tax rates were generally higher than those for the states. Local special room tax rates also were higher than local general sales tax rates.

While states have limited general local taxing options, they have been more permissive in allowing local governments to impose special taxes on travel. Forty-four states allowed local governments to impose a hotel room tax in 1991,<sup>15</sup> compared to only 30 states that allow general sales taxes.<sup>16</sup>

Between 1984 and 1991, the average state-local tax rate (general sales plus special hotel room) in selected cities increased from 7.2 percent to 10.9 percent (Table 4).<sup>17</sup> In 1984, only a handful of the cities had state-local tax rates in the double-digit range, compared to nearly two-thirds of the cities in 1991. As noted above, New York City had the highest state-local tax rate of 19.25 percent for hotel rooms priced at \$100 or more (14.25 percent for rooms under \$100), plus \$2 per day. It was followed closely by Seattle (16.2 percent) and Columbus, Ohio (15.75 percent).

State governments that administered special local hotel room taxes reported receipts ranging from \$8.7 million (1.1 percent of total local tax revenue) in Mississippi to \$118 million (0.9 percent) in Texas. In eight states for which information is available from the current survey, total collections of special local hotel room taxes were reported as averaging \$40 million. The District of Columbia collected \$68 million in special hotel room tax revenues in 1991.

According to the city survey, virtually all of the cities that levied a special room tax earmarked the proceeds. This corroborates findings in the 1984 Hawaii study. Cities typically earmarked the tax revenues for tourism promotion, convention center debt service and operation, other tourism-related capital improvements, and tourism or convention bureaus. In 1984, tourism and convention bureaus were the primary recipients of earmarked funds. There now is an increasing use of earmarked funds to promote tourism and to finance and operate convention centers and other tourism-related facilities.

*Table 4*  
**Combined Applicable State-Local Sales and Room Taxes  
 in Selected U.S. Cities  
 1984 and 1991**

City	Tax Rate		Change 1984-1991
	1984 <sup>a</sup>	1991	
Anchorage, AK	8.0%	8.0% <sup>b</sup>	0.0%
Atlanta, GA	8.0	13.0 <sup>c</sup>	5.0
Austin, TX	8.0	13.0 <sup>c</sup>	5.0
Biloxi, MS	9.0	7.0 <sup>d</sup>	-2.0
Boston, MA	5.7	5.7 <sup>d</sup>	0.0
Buffalo, NY	2.0	13.0 <sup>b</sup>	11.0
Chicago, IL	9.1	12.4 <sup>c</sup>	3.3
Cincinnati, OH	10.0	8.5 <sup>d</sup>	-1.5
Columbus, OH	10.0	15.75 <sup>c</sup>	5.75
Denver, CO	8.1	12.9 <sup>c</sup>	4.8
Des Moines, IA	9.0	11.0 <sup>b</sup>	2.0
Eau Claire, WI	9.0	12.0 <sup>d</sup>	3.0
Harford, CT	7.5	12.0 <sup>d</sup>	4.5
Honolulu, HI	4.0	9.0 <sup>b</sup>	5.0
Hot Springs, AR	3.0	10.5 <sup>c</sup>	7.5
Indianapolis, IN	5.0	10.0 <sup>b</sup>	5.0
Juneau, AK	3.0	11.0 <sup>b</sup>	8.0
Kansas City, MO	9.625	11.975 <sup>b</sup>	2.350
Las Vegas, NV	7.0	8.0 <sup>d</sup>	1.0
Los Angeles, CA	10.0	12.5 <sup>b</sup>	2.5
Louisville, KY	4.0	10.25 <sup>c</sup>	6.3

<sup>a</sup> New Orleans adds \$.50/\$1/\$2 per night for hotels of size 10-299/300-999/1000+ rooms. New York City adds \$2 per night. For New York City hotel rooms priced below \$100, the tax is 14.25% plus \$2 per night.

*Table 4 (cont.)*  
**Combined Applicable State-Local Sales and Room Tax  
 in Selected U.S. Cities  
 1984 and 1991**

City	Tax Rate		Change 1984-1991
	1984 <sup>a</sup>	1991	
Milwaukee, WI	11.0	12.5 <sup>c</sup>	1.5
Nashville, TN	3.01	1.75 <sup>b</sup>	8.8
New Orleans, LA	11.0	12.0 <sup>b+</sup>	1.0
New York, NY	8.25	19.25 <sup>c+</sup>	11.0
Oklahoma City, OK	7.0	9.475 <sup>b</sup>	2.5
Orlando, FL	2.0	10.0 <sup>c</sup>	8.0
Portland, OR	6.0	9.0 <sup>d</sup>	3.0
Reno, NV	7.0	8.0 <sup>d</sup>	1.0
Sacramento, CA	10.0	11.5 <sup>d</sup>	1.5
San Diego, CA	6.0	9.0 <sup>d</sup>	3.0
San Francisco, CA	9.75	11.0 <sup>c</sup>	1.3
Seattle, WA	12.9	16.2 <sup>b</sup>	3.3
Sioux Falls, SD	1.0	8.0 <sup>b</sup>	7.0
St. Paul, MN	9.0	12.5 <sup>d</sup>	3.5
Virginia Beach, VA	8.0	9.0 <sup>d</sup>	1.0
Wilmington, DE	6.0	8.0 <sup>d</sup>	2.0
<b>Average</b>	<b>7.2</b>	<b>10.9</b>	<b>3.7</b>

Sources:

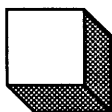
<sup>a</sup>James Mak, "Taxing Hotel Room Rentals in the U.S.," *Journal of Travel Research* XXVII (Summer 1988): 10-15.

<sup>b</sup>1991 survey of cities for this report.

<sup>c</sup>*Honolulu Advertiser*, November 19, 1991.

<sup>d</sup>State and local sales tax from Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federalism, 1992*, Volume 1. Room tax from *Gavel International Annual Directory, 1992*





### *Section Three*

# State and Local Use of Other Tourist Taxes

## **State Taxation of Food and Drink Sales**

For this report, states were asked if they levied special taxes on the sale of food and beverage items, and if these were in addition to the state general sales tax. Fourteen states levied special taxes on restaurant meals in addition to the general sales tax, which is applicable in virtually all states (Table 5). Only two of these states earmarked the revenues for tourism promotion, and one state earmarked the revenues for the convention center authority.

Tax revenue data from restaurant purchases are not available, but most of these taxes probably are paid by residents rather than by travelers. For instance, even in Hawaii, travelers accounted for only 35 percent of all restaurant meals and beverages purchased in 1985.<sup>18</sup> The survey for this report also showed that states tax purchases for off-premise food and drink consumption far less frequently than on-premise purchases. This is especially true of special tax levies. This suggests that taxes on restaurant food and drink are more in the nature of luxury taxes than travel taxes.

## **State Taxation of Admissions and Entertainment Sales**

These taxes are levied on admissions to theaters, sporting events, and places of entertainment, such as nightclubs, cabarets, and massage parlors. Fewer states levy special taxes on admissions and enter-

Table  
Applicable State Taxes

	On-Premise Food		On-Premise Drink		Off-Premise Food		Off-Premise Drink		Night-clubs		Movies	
	Sales	Special	Sales	Special	Sales	Special	Sales	Special	Sales	Special	Sales	Special
Alaska												
Arizona	Ya		Y		Y				Y		Y	
Arkansas*	Y	2	Y	2	Y		Y		Y		Y	
California	Y		Y									
Connecticut	Y		Y		Y		Y			5	Y	10
Delaware												
Florida	Y	.5-1b	Y	.5-1b	Y	.5-1b	Y	.5-1b	Y	.5-1b	Y	.5-1b
Georgia	Y		Y		Y		Y		Y		Y	
Hawaii	Y		Y		Y		Y		Y		Y	
Idaho	Y		Y		Y		Y		Y		Y	
Indiana	Y		Y		Y		Y					
Iowa	Y		Y		Y		Y		Y		Y	
Kentucky	Y		Y		Y		Y		Y		Y	
Louisiana	Y	.5	Y	.5	Y		Y				Y	
Maryland	Y	V	Y	V	Y		Y		Y	V		V
Massachusetts	Y		Y					Vd				
Michigan	Y		Y		Y		Y					
Minnesota*	Y		Y	2.5	Y		Y	2.5	Y		Y	
Mississippi	Y	0-2	Y	0-2	Y	0-2	Y	0-2	Y	0-2	Y	
Missouri	Y		Y		Y		Y		Y		Y	
Montana								26				
Nebraska	Y		Y		Y		Y		Y		Y	
Nevada	Y	Y	Y	Y						Y	Y	Y
New Hampshire		Y		Y								
New Jersey	Y		Y	Y			Y	Y	Y		Y	
New Mexico*	Y		Y		Y		Y		Y		Y	
New York	Y		Y				Y		Y			
North Dakota	Y	2	Y	7			Y	7	Y		Y	
Ohio	Y		Y				Y		Y			
Oklahoma	Y	.1	Y	.1	Y		Y		Y	.1	Y	
Oregon												
Pennsylvania	Y		Y		Y		Y		Y			
Rhode Island	Y		Y		Y		Y					
South Carolina	Y		Y		Y		Y					
South Dakota	Y	1-3	Y	1-3	Y	1-3	Y	1-3	Y	1-3	Y	1-3
Tennessee	Y		Y	15	Y		Y		Y		Y	
Utah	Y	1	Y	1	Y		Y		Y	1	Y	
Vermont	Y		Y		Y		Y		Y		Y	
Washington	Y		Y				Y			5	Y	5
West Virginia	Y		Y		Y		Y		Y		Y	
Wisconsin	Y		Y		Yc		Y		Y		Y	
Wyoming	Y	Tb2	Y	Tb2	Y	Tb2	Y	Tb2	Y	Tb2	Y	Tb2

a Y indicates state sales tax applies—V indicates the tax varies

b Surtax

c Off-premise prepared foods subject to sales tax

d Varies according to liquor type

e Admissions tax



5

on Other Travel Spending

	Professional Sports		Golf		Other Entertainment		Auto Rentals		Taxi		Parking		Retail Tax Rate
	Sales	Special	Sales	Special	Sales	Special	Sales	Special	Sales	Special	Sales	Special	
AK													0%
AZ	Y	Y	Y				Y		Y		Y		5
AR*	Y		Y				Y		Y		Y		4.5%
CA							Y						6
CT					Y		Y		Y		Y		6
DE								2					6g
FL	Y	.5-1b	Y	.5-1b	Y	.5-1b	Y	.5-1+fee			Y	.5-1b	6g
GA	Y		Y		Y		Y		Y				4g
HI	Y		Y				Y	\$2/day	Y		Y		4
ID	Y		Y				Y						5g
IN					Y		Y	4					5g
IA	Y		Y		Y		Y				Y		4
KY	Y		Y		Y	\$0.15e		6					6g
LA	Y		Y				Y	3			Y		4
MD	Y	V		V	Y	Y		8					5g
MA							Y						5
MI							Y					30	4g
MN*	Y		Y				Y	Y			Y		6.5
MS	Y		Y		Y		Y	6			Y		6g
MO	Y		Y				Y		Y				4.225
MT						Y							0
NE	Y		Y		Y		Y						5
NV		Y		Y			Y		Y				6.5g
NH													0
NJ	Y	Y			Y	.5,3f							7g
NM*	Y	Y	Y		Y		Y	5	Y		Y		5
NY	Y		Y		Y		Y	5			Y	to14	4
ND	Y		Y		Y								5
OH							Y						5
OK	Y	.1	Y	.1			Y	.1	Y		Y		4.5
OR													0
PA							Y	3+fee					6
RI		Y					Y						7
SC							Y						5
SD	Y	1-3	Y	1-3	Y	1-2	Y	1-3			Y	1-3	4
TN	Y		Y		Y		Y				Y		5.5
UT	Y		Y				Y	3					5
VT	Y		Y				Y						5
WA		5					Y				Y		6.5
WV	Y		Y		Y		Y				Y		6
WI	Y		Y		Y		Y				Y		5
WY	Y	to2					Y	Y	Y	Y			3

f Graduated tax                      g Fiscal Year = 1990 OR N/A; otherwise Fiscal Year = 1991

\* State data derived from city survey

tainment expenditures compared to restaurant food and drink purchases. According to the National Conference of State Legislatures, 32 states taxed amusement and admission charges in 1989, with annual tax collections averaging \$4 million per state.<sup>19</sup> Admissions and entertainment taxes were often earmarked for specific uses, but most states did not earmark the revenues for tourism-related activities.

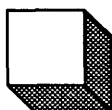
### **State Taxation of Transportation Sales**

For transportation, virtually all the states applied the state sales tax to car rentals; 17 also levied special taxes on car rentals. For example, the Florida daily rental car tax has risen to \$2.05; the renter also is required to pay the 6 percent state sales tax. In 1991, Pennsylvania and Hawaii levied a \$2 daily surcharge on car rentals, and Minnesota began to levy a flat surcharge of \$7.50.<sup>20</sup>

Given that 75 to 80 percent of all car rentals are to corporate business travelers, the demand is probably highly price inelastic.<sup>21</sup> Data on car rental tax revenues are not available. More than half (eight) of the states that levy car rental taxes earmark the revenues for specific but diverse purposes, including road and highway funds, local government, tourism promotion, mass transit, education, and law enforcement. It is likely that the car rental tax, like the hotel room tax, is paid more by travelers than by residents.

### **Local Taxation of Travel Spending**

Given the low response rate to the city survey, only tentative and general statements can be made about local government taxation of travel. Except in the case of lodging taxes, local special taxes on travel spending are uncommon. Most local special taxes are levied by cities rather than by counties. Furthermore, local special taxes—especially those that apply to on-premise food and drink purchases—commonly are earmarked for specific purposes, particularly for tourism promotion and tourist-related facilities.



#### *Section Four*

# Economic Reasons for Taxing Travel Spending

Governments tax travel spending for at least four reasons: (1) revenue diversification, (2) benefits taxation, (3) market failure, and (4) exporting taxes to nonresidents. Each is discussed below.

## **Revenue Diversification**

Taxing travel spending permits state and local governments to reduce their traditional dependence on income, general sales, and property taxes by diversifying their revenue bases. In Nevada—the most tourism-dependent state—over 65 percent of state government tax revenues came from gaming, hotel, and specific excise and fuel taxes in 1990.<sup>22</sup> Nevada relies far less on income, property, and general sales taxes (less than 60 percent) than do other states (average 80 percent of state and local tax revenues for all states).

For most states, travel-generated tax revenues represent a modest source of state and local government tax receipts (Table 2). Thus, most states do not achieve much diversification with travel taxes. This may change, however, as travel continues to grow in importance. Travel spending and taxes on the whole tend to be relatively responsive to rising incomes. Between 1980 and 1990, domestic travel expenditures grew by approximately 80 percent. Foreign travel spending in the United States grew much faster (330 percent), rising from 5.9 percent of the total in 1980 to 13 percent in 1990. Combined domestic and for-

eign travelers' spending grew slightly slower (96 percent) than U.S. gross domestic product (109 percent).<sup>23</sup>

While domestic travel spending is growing more slowly than the overall economy, foreign demand for U.S. travel has been growing faster than foreign incomes. Hence, travel spending and the travel tax base in the United States can be expected to grow in the future with rising domestic and foreign incomes. Combined with growing opposition to higher taxes, state and local lawmakers are likely to tax travel even more heavily to finance local public services. Thus, state and local governments, as a group, can expect travel spending—particularly foreign travelers' spending—to be a growing source of tax revenue.

### **Benefits Taxation**

One principle of taxation is that the amount of taxes a person pays should be proportional to the benefits received. State and local governments rationalize the taxation of travelers by noting that they should pay for the benefits they receive from government provision of police, fire, and other public services, which are typically financed out of general taxes (i.e., sales, income, and property taxes). Because tourists do not pay state and local property and income taxes (directly), they should pay higher rates on purchases that are made largely by them (e.g., hotel and car rentals). However, most of the taxes that individual travelers pay to state and local governments are not strictly benefit taxes because they are not linked directly with benefits received by the taxpayer.

Although the relationship between individual tax payments and the benefits received is not direct, travel destinations may want to make sure that at the very least travelers bear the costs they impose collectively on local government treasuries. Only Hawaii has attempted to determine whether travelers pay their own way.<sup>24</sup>

Travelers also may impose negative effects on local residents through congestion, noise pollution, and environmental degradation, and thus they might be required to pay more than just the out-of-pocket costs to the public treasuries. For instance, lawmakers may want to levy high taxes on helicopter tours to reduce demand and use some of the revenues to compensate residents affected by excessive noise pollution. The National Park Service recently announced its plan to levy “airspace” fees on commercial air tours over selected national parks in the United States.<sup>25</sup>

## Correcting for Market Failure

All 50 states have travel offices charged with promoting tourism; almost all of them are financed from tax revenues.<sup>26</sup> Local governments and convention bureaus also promote tourism with public tax funds. Why should governments spend tax revenues to promote tourism when the primary beneficiaries are private businesses and individuals? The answer is that travel promotion and advertising are public goods that give rise to “free rider” problems that lead to reduced private advertising and promotion in the absence of government intervention. Hence, state and local governments customarily pay for travel promotion with tax revenues because private service suppliers are unable to engage in collective promotion. Instead, the government forces the beneficiaries to pay for the optimal amount of tourism promotion through taxation.

The same rationale applies to the construction and operation of convention centers. Large convention centers are generally built by state or local governments, not by private businesses. Convention centers generate significant spillover benefits in that they attract additional travelers whose expenditures on lodging, food and drink, entertainment, and purchases benefit local businesses and residents. Convention centers generally lose money, however, because user charges and other operating revenues do not cover amortization and operating costs. For this reason, they are typically subsidized out of tax revenues.

Who should be taxed to pay for travel promotion and convention centers? It is difficult to determine precisely who benefits and the level of benefits received. For one thing, travel is a diverse industry, representing businesses that sell a variety of goods and services, with direct and indirect employment in an even greater range of businesses. It is also difficult to determine on whom to assess the tax. Businesses that sell to travelers also sell to local residents.

Given these difficulties, governments use a variety of ways to finance travel promotion and convention centers. Most convention centers in the United States are funded from hotel tax revenues rather than broad-based taxes.<sup>27</sup> However, there is not necessarily a relationship between the amounts of taxes paid and the benefits received from the use of convention centers. Many hotels and hotel guests at a travel destination do not benefit from a convention center. Nevertheless, hotel

taxes often are used to pay for convention centers because of their debt financing and lenders' preference for a dedicated tax.

In contrast, most state travel promotion is funded through general tax revenues. In fiscal year 1991-92, of 40 state travel offices (including Washington DC) responding to a Travel Data Center survey, 16 relied exclusively on general funds to finance state travel offices and 16 relied on general funds combined with other taxes. The most popular special tax was the hotel room tax, used by nine states (four used this tax exclusively) to promote state travel. Others included taxes on tourist promotion (two states), car rental (two states), and gaming (one state), and highway funds (one state). West Virginia relied exclusively on lottery revenues to fund state promotion. In North Carolina, 5 percent of the travel office budget came from revenues from the sale of personalized license plates.<sup>28</sup>

### **Tax Exporting**

Taxing travelers focuses on the exportation of state and local taxes to nonresident consumers, namely, tourists and business travelers. For a tax on consumers to be exported, two things must occur: (1) the tax must increase the after-tax price of the commodity being purchased and (2) the commodity must be purchased by a nonresident. Tax exporting involves a redistribution of income from nonresidents to residents. To the extent that a jurisdiction can export its travel taxes, benefits to residents are increased.

Most state and local taxes can be exported to travelers to some degree (see Table 6 for the Hawaii taxes exported). Because of differences in the definition of tax bases, the pattern of traveler and resident expenditures, and the relative importance of tourism in the different jurisdictions, the degree of tax exporting varies substantially from one place to another.

State general sales taxes are not heavily exported. Even in the most tourist-dependent states, such as Nevada and Hawaii, the state general sales taxes are borne primarily by local residents. In fiscal year 1988, only 22 percent of Hawaii's broad-based general excise tax was borne by tourists; by contrast, about 97 percent of the hotel room tax was borne by nonresident travelers (Table 6).<sup>29</sup> Sales taxes on restaurant food and drink also fall mostly on Hawaii's residents. In Nevada, where the state sales tax has a narrower base, about 30 percent of the state sales tax was borne by nonresident tourists, compared to 85 percent of

*Table 6*  
**Percentage of Hawaii Taxes Exported to Travelers, FY 1988**

Tax	Percentage Exported
<b>State Taxes</b>	
Individual Income	0.00%
Corporate Income	15.95
General Excise (Sales)	21.94
Fuel	22.50
Liquor Permits	40.00
Tobacco and Licenses	19.20
Transient Accommodations (Hotel)	97.00
Motor Vehicle Weight and Registration	4.33
Insurance Premiums	6.45
<b>County Taxes</b>	
Real Property	8.67
Motor Vehicle Weight	4.33
Utility Franchise	12.50
Liquor License & Fees	40.02
Licenses, Permits, Other	9.47

Note: Assumes full shifting.

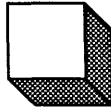
Source: Walter Miklius, James E.T. Moncur, and Ping Sung Leung, "Distribution of State and Local Tax Burden by Income Class," in Hawaii Tax Review Commission, *Working Papers and Consultant Studies*, Vol. 2 (Honolulu, December 1988), p. 10.

the gaming taxes.<sup>30</sup> Local taxes on admission to entertainment activities, such as athletic contests, performing arts events, and movies, are not readily shifted to consumers and hence not easily exported.

In sum, exporting state and local taxes varies substantially from place to place. It is clear that only where the average daily census of travelers is high relative to the local population will broad-based consumption taxes fall mostly on nonresident travelers. Indeed, if tax exporting is important to state and local lawmakers, successful tax exporting using consumption taxes requires targeting commodities that are purchased largely by nonresidents. The hotel room tax is the one most widely used for this purpose.







### *Section Five*

# Pros and Cons of Tourist Taxes

## **Hotels**

The fact that the hotel room tax is the most widely levied travel tax underscores its numerous strengths. The tax is highly exportable and has low administrative and compliance costs. Where there is a general sales tax, compliance and administrative costs are minimal. Administrative and compliance costs also are likely to be relatively low even where only state and local special room taxes apply, largely because hotel room tax rates are generally higher than other commodity taxes<sup>31</sup> and because there typically are fewer vendors. Hotel room tax revenues also are responsive to economic growth because demand for hotel accommodations, like demand for travel and tourism, rises faster than growth in incomes.<sup>32</sup> It can also be justified as an ability-to-pay tax because travelers typically have higher incomes than nontravelers.<sup>33</sup>

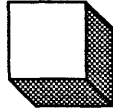
On the other hand, the hotel room tax, at best, can be rationalized only tenuously as a benefit tax. Although travelers benefit from public services provided by local governments, hotel guests do not necessarily pay taxes in amounts proportional to the cost of the services.<sup>34</sup>

## **Car Rentals and Commodities**

The pros and cons of the hotel room tax generally apply also to the taxation of car rentals. Most cars are rented by nonresident business travelers, and the demand rises faster than growth in the economy and is not significantly affected by higher prices.

Substantial exporting of commodity taxes requires that taxes be levied on goods and services that are purchased largely by nonresidents. In most jurisdictions, general sales taxes, and even special sales taxes, on entertainment and amusements fall largely on local consumers and businesses. To a lesser extent, the same problems exist with special sales taxes on restaurant food and drink, entertainment expenditures and admissions to amusements, sporting events and movie theaters. Administrative and compliance costs also are likely to be higher than for either the hotel or car rental tax.

Ease or simplicity of administration generally increases when businesses subject to the tax are large and few in number. Identification and compliance costs are likely to be lower when there are fewer points at which the tax is paid. For these reasons, hotel and car rental businesses, in particular, are easier to target. If tax exporting is the principal issue in travel taxation, the taxes on hotel rooms and car rentals are the best “tourist taxes” in use.



*Section Six*

## Intergovernmental Issues

According to the Travel Data Center, state governments collected 64 percent of total state and local travel tax revenues in 1991; local governments collected 36 percent (Table 7). An examination of the revenue distribution between states and counties indicates that between 1975 and 1991 the trend in revenue shares was clearly (and perhaps justifiably) moving in favor of local governments. In 1975, state governments collected nearly 88 cents of each dollar of total state and local government tax revenues attributable to travel.<sup>35</sup> The growth in the local share

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*Table 7*  
**State and Local Government Shares  
of Travel-Generated Tax Revenues, 1975-1991**

<b>Year</b>	<b>State Governments</b>	<b>Local Governments</b>
1975	88%	12%
1980	75	25
1985	74	26
1991	64	36

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**Note:** These percentages represent shares of tax collections and not necessarily the ultimate distribution of tax revenues.

**Source:** U.S. Travel Data Center, *Impact of Travel on State Economies*, 1975, 1980, 1985, 1991.

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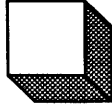
of travel-generated state and local tax revenues can be attributed primarily to the increased use of local sales taxes.<sup>36</sup>

Local lawmakers representing jurisdictions favorably located or blessed with unique travel amenities have incentives to extract economic rents from those resources (i.e., export taxes) at the expense of nonresidents. However, those “nonresidents” who suffer income losses may include large numbers of voters from other parts of the state whose legislators will vigorously oppose higher local taxes on travel that may adversely affect their constituents.

In some instances, state governments may want to generate and redistribute tax revenue from tourism to improve statewide income distribution at the expense of particular local governments. A recent example of this is the 5 percent hotel occupancy tax on rooms priced at \$100 or more levied by New York State effective June 1, 1990. This is in addition to any state or local sales and use taxes. As a result, the total combined tax in New York City is 19.25 percent on rooms priced at \$100 or more, plus \$2 per night. Most of the rooms subject to the state tax are in New York City.

In 1992, visitors to New York were estimated to have spent 46.5 percent of their visitor nights in New York City and the remaining 53.5 percent in the rest of the state. In New York City, 49.7 percent of all room nights sold were priced at \$100 or more and accounted for 68.3 percent of hotel room rental revenues in the city. In the rest of the state, only 8.6 percent of total room nights were priced at \$100 or more, accounting for 20.0 percent of rental room revenues.<sup>37</sup> It is obvious that New York State’s hotel room tax has had the effect of redistributing some travel income from New York City to the rest of the state.

The intergovernmental issues arising from the taxation of travel are not specific to the industry. It is a long-standing issue faced by state and local lawmakers of the need to balance the fiscal requirements of local governments against those of the state as a whole.



### *Section Seven*

# Summary and Conclusions

During the decade of the 1980s, growing state and local fiscal pressures, combined with voter resistance to higher taxes, induced many state and local lawmakers to tax travel spending. One source of revenue diversification and enhancement was new or higher taxes on travel spending.

There are four reasons why state and local governments tax travel: (1) revenue diversification, (2) benefits taxation, (3) market failure, and (4) tax exporting. Among the four, the primary reason for taxing tourism is to export taxes.

While most state and local taxes can be exported to travelers to some extent, the degree of exportability varies significantly from place to place, depending on the state or local market power and on differential patterns of traveler versus resident expenditures. The distribution of economic benefits from travel tax revenues will also depend on whether tax revenues are earmarked for specific purposes, such as convention center financing or tourism promotion, or allocated to the general fund.

Exportability of a special commodity tax requires that the commodity be demanded largely (and price inelastically) by nonresident tourists. For most localities, only the hotel room tax and the car rental tax are easily targeted to tourists. These taxes are also relatively easy to administer. Certain localities can take advantage of unique features or activities for commodity taxation, but most other commodity taxes are broad based and not easily targeted because a large proportion of residents, as well as travelers, purchase the commodity and pay the tax.

The most pervasive tourist tax today is the hotel/motel occupancy tax. But with lodging taxes in many major cities already exceeding 10 percent, it is questionable whether the rates can be raised much higher without seriously impairing the industry and the tax base. Thus, many jurisdictions will be seeking other travel expenditures to tax.

Taxation of travel raises an important intergovernmental issue, that is, how much autonomy should states grant to local governments to impose these taxes? On one hand, local governments have the greater expenditure responsibility in providing public services to travel; hence, they should have more fiscal autonomy to tax travelers. On the other hand, states also have economic interests in travel and tourism and must weigh them against the specific interests and fiscal needs of local governments.

## Notes

<sup>1</sup> U.S. Travel Data Center, *Impact of Travel on State Economies* (Washington, DC, 1990), p. 3.

<sup>2</sup> Laura Loyacono and Scott Mackey, "The Taxidental Tourist," *State Legislatures* 17 (October 1991): 21.

<sup>3</sup> *Ibid.*, p. 22.

<sup>4</sup> Carlos Seiglie developed "A Theory of the Politically Optimal Commodity Tax" (*Economic Inquiry* 28 (July 1990): 586-603) by which tax rates are determined in the political marketplace where politicians are seen to transfer wealth to dominant subsets of their constituency in order to maximize political support. Opposition from Hawaii's tourist lobby explains why it took nearly 20 years for the state legislature to enact a hotel room tax in 1986. The tax was passed with divided support from the tourist industry after the state made assurances that new tax revenues generated would be used to fund tourism promotion and the construction of a convention center in Honolulu. By contrast, Loyacono and Mackey noted that 1991 efforts in Florida to levy a surcharge on "tourist-related sales" to boost the tourism promotion budget failed to pass due to opposition from the Florida Restaurant Association, Walt Disney World, and Florida-based cruise lines (note 2).

<sup>5</sup> "Chicago to Hit Air Travelers with \$3 Fee," *Honolulu Advertiser*, June 30, 1993.

<sup>6</sup> These estimates include more than the taxes paid directly by tourists. State tax receipts include taxes on corporate income, individual income, employment, sales and gross receipts, and excise taxes. Local estimated travel-generated taxes include city and county receipts from taxes on individual and corporate income, sales, excises, gross receipts, and property. For a description of the methodology, see U.S. Travel Data Center, *The Travel Economic Impact Model*, 1975 and 1989 issues.

<sup>7</sup> This does not mean that the 6.2 cents in taxes were paid entirely by travelers. The person who initially pays the tax and the one who ultimately bears the burden of the tax may not be the same. For instance, it has been shown that amusement taxes are not readily shifted to consumers—Andrew R. Blair, Frank Giarratani, and Michael H. Spiro, "Incidence of the Amusement Tax," *National Tax Journal* XL (March 1987): 61-69.

<sup>8</sup> In annual surveys of state travel offices, the U.S. Travel Data Center reports state taxes

on hotel room rentals. In a 1989 survey, the American Hotel and Motel Association reported state taxes on hotel/motel room sales and general information on local room taxes. See Stephen J. Hiemstra and Joseph A. Ismail, *Amounts and Types of Room Taxes Levied on the Lodging Industry* (West Lafayette, Indiana: Purdue University, April 1990). In a 1991 study, the National Conference of State Legislatures listed state room tax rates, provided selected information on room tax collections, and identified some earmarked uses of room tax revenues. See Laura L. Loyacono, *Travel and Tourism: A Legislator's Guide* (Denver: National Conference of State Legislatures, 1991). The variety and multiplicity of rates used by local governments have generally precluded detailed descriptions of local hotel taxes. We are aware of only one national study, conducted by the Hawaii State Tax Review Commission (1984), which identified state and local room taxes, their allocation to various governments, and the extent of earmarking for 45 cities. See James Mak, "Taxing Hotel Room Rentals in the U.S.," *Journal of Travel Research* XXVII (Summer 1988): 10-15. This study gave the clearest intergovernmental picture of the way in which revenues from hotel room taxes are raised and used, but for only one year. The 1992 *Gavel International Annual Directory* reports room tax rates in U.S. convention cities, but does not specify whether the state and local general sales taxes also apply.

- <sup>9</sup> A few jurisdictions levy both an ad valorem and a per unit tax on room sales (e.g., New York City and Washington, D.C.).
- <sup>10</sup> A number of states indicated that the state government was responsible for the administration of local option room taxes. We classified special room taxes as state taxes only when state legislation mandated the tax.
- <sup>11</sup> Our estimates are based on information from Loyacono and the application of state combined hotel room tax rates in Table 4 to U.S. Travel Data Center estimates of state-by-state lodging expenditures by travelers.
- <sup>12</sup> Carl Bonham, Edwin Fujii, Eric Im, and James Mak, "The Impact of the Hotel Room Tax: An Interrupted Time Series Approach," *National Tax Journal* XLV (December 1992): 435; and Tax Foundation of Hawaii, *Government in Hawaii, 1992* (Honolulu, 1992), p. 19.
- <sup>13</sup> Six states earmarked all room tax revenues for promotion; two states earmarked a portion of room tax revenues for promotion; and three states earmarked these revenues for tourism-related uses.
- <sup>14</sup> Connecticut, Vermont, and Massachusetts levy a sales tax against room sales, but at a rate different from the general sales tax. We have classified this type of differential taxation as special taxation.
- <sup>15</sup> Loyacono, Chapter 6. Only Connecticut, Delaware, Hawaii, Maine, New Hampshire, and South Carolina did not allow local governments to impose a special hotel room tax.
- <sup>16</sup> Connecticut, Delaware, Hawaii, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, New Hampshire, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia did not allow local governments to assess a sales tax. See Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federalism, 1992*, Volume I, Table 33.
- <sup>17</sup> Cities surveyed for the 1984 Hawaii study formed the base group for the comparison of tax rates over time. Corresponding data for 1991 are derived from several sources, including the 1991 city survey and three other sources identified in Table 5.
- <sup>18</sup> State of Hawaii, *Hawaii Gross State Product Accounts 1958-1985* (Honolulu: Department of Business and Economic Development, 1988), pp. 36-37 and 162-63.
- <sup>19</sup> Loyacono, Chapter 6.
- <sup>20</sup> Lynn Woods, "Local Taxes on Travelers: More on the Way" *Kiplinger's Personal Finance Magazine* (April 1993): 118-20.

- <sup>21</sup> C.J. Gee, James Makens, and Dexter Choy, *The Travel Industry* (New York: Van Nostrand Reinhold, 1989), p. 263.
- <sup>22</sup> In 1981, Nevada enacted a “tax shift” by which local property taxes were reduced in tandem with an increase in the state general excise tax. One explanation was that lawmakers believed that a larger share of Nevada taxes could be exported to nonresident tourists. See Robert D. Ebel, ed., *A Fiscal Agenda for Nevada* (Reno: University of Nevada Press, 1990), p. 183.
- <sup>23</sup> On the other hand, total state and local travel-generated tax receipts grew much faster than income due to increased efforts by state and local governments to tax travel spending. Between 1980 and 1991, state and local travel-generated tax revenues increased by 157 percent (Table 1).
- <sup>24</sup> See *Mathematica, The Visitor Industry and Hawaii’s Economy: A Cost-Benefit Analysis* (Princeton, New Jersey, 1970); and State of Hawaii, *Hawaii State Tourism Study: Public Revenue Cost Analysis* (Honolulu: Department of Planning and Economic Development, Office of Tourism, 1978).
- <sup>25</sup> Edwin Tanji, “Flight Tours of Haleakala Must Pay to Use ‘Airspace’,” *Honolulu Advertiser*, September 9, 1993. The Hawaii regional national parks chief said that the park service opposed the fee over Haleakala National Park on Maui, preferring to ban the flights.
- <sup>26</sup> For a detailed discussion of the prevalence of public financing, see James Mak and Walter Miklius, “State Government Financing of Tourism Promotion in the U.S.,” *Proceedings of the Eighty-Second Annual Conference on Taxation*, Atlanta, October 8-11, 1989 (Columbus, Ohio: National Tax Association, 1990), pp. 58-63. In 1991-92, the budgets of state travel offices totaled \$331 million. Only Alaska (18 percent industry contribution), Hawaii (11 percent membership fees and miscellaneous income) and Washington, DC (10 percent corporate sponsorship) received private contributions to fund state travel promotion. U.S. Travel Data Center, *Survey of State Travel Offices, 1992-93*, pp. 9 and 43-47.
- <sup>27</sup> George Kirkland, “Convention Centers: San Francisco Experience,” *Proceedings of the Governor’s Tourism Congress*, December 10-11, 1984 (Honolulu: Hawaii Department of Planning and Economic Development, 1985), p. 117.
- <sup>28</sup> U.S. Travel Data Center, *Survey of State Travel Offices, 1992-93*, pp. 43-47.
- <sup>29</sup> These estimates assume full shifting. There has been considerable debate as to whether hotel room taxes can be fully shifted. Bonham et al. showed that the hotel room tax enacted by the Hawaii legislature in 1986 was fully shifted to consumers.
- <sup>30</sup> Ebel, pp. 181-185. Nevada’s state sales tax excludes services from the tax base.
- <sup>31</sup> Generally, the higher the tax rate, the lower the compliance cost as a percentage of the tax liability. See ACIR, *Local Revenue Diversification: Local Sales Taxes* (Washington, DC, 1989), p. 22.
- <sup>32</sup> Edwin T. Fujii, Mohammed Khaled, and James Mak, “An Almost Ideal Demand System for Visitor Expenditures,” *Journal of Transport Economics and Policy* (May 1985): 161-171.
- <sup>33</sup> Hy Sanders and Robert Zuraski, *Characteristics of Tourists and State Taxation of Tourist-Related Expenditures*. Paper presented at the Eighty-Second Conference on Taxation, National Tax Association, Atlanta, October 8-11, 1989.
- <sup>34</sup> See, for example, *Mathematica*, and State of Hawaii, *Hawaii State Tourism Study*.
- <sup>35</sup> The opposite trend is observed when we consider all state and local tax revenues. In 1975, state governments accounted for 57 percent of all state and local tax revenues; in 1990, they accounted for about 60 percent of the total. See ACIR, *Significant Features of Fiscal Federalism, Volume 2* (Washington, DC, 1990 and 1992).
- <sup>36</sup> The number of jurisdictions levying sales taxes increased from 5,448 in 1979 to 6,438 in



1991. Between 1988 and 1990, the largest percentage increase occurred in the number of local jurisdictions levying local sales taxes. *ACIR, Significant Features of Fiscal Federalism, 1993, Volume I* (Washington, DC, 1993), pp. 103-105.

<sup>37</sup> Charles W. de Seve, *The Destructive Impact of New York State's Hotel Occupancy Tax and Travel Promotion Cutbacks* (Washington, DC: American Economics Group, 1992), pp. 16-17.

## Additional Sources

Advisory Commission on Intergovernmental Relations (ACIR), *Intergovernmental Fiscal Relations in Hawaii*. By Robert W. Rafuse, Jr., et al. Washington DC, 1989. In Hawaii Tax Review Commission, *Working Papers and Consultant Studies*, Vol. 2. Honolulu, 1989, pp. 139-314.

ACIR. *Local Revenue Diversification: User Charges* (1987); *Local Income Taxes* (1989); and *Local Sales Taxes* (1989).

Bird, Richard M. "Taxing Tourism in Developing Countries." *World Development* 20 (1992): 1145-58.

Combs, J.P., and B.W. Elledge. "Effects of a Room Tax on Resort Hotels/Motels." *National Tax Journal* 27 (June 1979): 201-207.

Copeland, Brian R. *Taxing Tourists: Optimal Commodity Taxation and Public Goods Provision in the Presence of International Tourism*. Vancouver: University of British Columbia, November 1989. Unpublished.

Council of Economic Advisers. *Economic Report of the President, 1993*. Washington, DC, 1993.

Fish, Mary. "Taxing International Tourism in West Africa." *Annals of Tourism Research* 9 (1982): 91-103.

Gade, Mary, and Lee C. Adkins. "Tax Exporting and State Revenue Structure." *National Tax Journal* 43 (March 1990): 39-52.

LaCroix, Sumner J., James Mak, and Walter Miklius. "Evaluation of Alternative Arrangements for the Provision of Airport Taxi Service." *The Logistics and Transportation Review* 28 (June 1992): 147-166.

McClure, Charles E. "The Interstate Exporting of State and Local Taxes: Estimates for 1962." *National Tax Journal* XX (March 1967): 49-76.

Rosen, Harvey S. *Public Finance*. 3rd Edition. Homewood, Illinois: Richard D. Irwin, 1992.

Tax Foundation of Hawaii. *Government in Hawaii*, 1992. Honolulu, 1992.

Waite, David. "Golf Course Owners Pay City \$5 Million." *Honolulu Advertiser*, March 13, 1993.



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