

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 1059  
Committee Substitute Favorable 6/4/14  
Committee Substitute #2 Favorable 6/19/14  
PROPOSED SENATE COMMITTEE SUBSTITUTE H1059-PCS40270-ST-121

Short Title: Venus Flytrap-Taking Penalty/Occup. Tax Use.

(Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE THE LARCENY OF VENUS FLYTRAPS IN BRUNSWICK,  
COLUMBUS, NEW HANOVER, ONSLOW, AND PENDER COUNTIES A FELONY  
OFFENSE AND TO MODIFY THE NEW HANOVER OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Article 22 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-129.3. Felony taking of Venus flytrap.**

(a) Notwithstanding G.S. 14-129, any person who takes and carries away, or aids in  
taking or carrying away, any Venus flytrap (Dionaea muscipula) plant or the seed of any Venus  
flytrap plant growing upon the lands of another person with the intent to steal the Venus flytrap  
plant or seed is guilty of a Class H felony.

(b) This section applies only to the counties of Brunswick, Columbus, New Hanover,  
Onslow, and Pender."

**SECTION 1.(b)** The Revisor of Statutes is authorized to codify the provisions of  
Section 1(a) of this act.

**SECTION 2.** Section 7(d) of S.L. 2006-167 reads as rewritten:

**"SECTION 7.(d)** Distribution and Use of Tax Revenue. – New Hanover County District U  
shall deposit one hundred percent (100%) of the net proceeds of the room occupancy and  
tourism development tax levied under this section into a special fund, the cash balance of which  
shall be deposited at interest or invested in accordance with G.S. 159-30. These funds shall be  
used only for beach nourishment. distribute and use the net proceeds of the room occupancy  
and tourism development tax levied under this section as set out in this subsection. In  
accordance with the North Carolina Constitution and the United States Constitution, the tax  
proceeds may be used only for the direct benefit of the jurisdiction of New Hanover District U.  
None of the proceeds may be used for beach nourishment in areas within New Hanover County  
that are outside of the district. As used in this subsection, the term "Authority" means the Cape  
Fear Coast Convention and Visitors Bureau, which has been established as a tourism  
development authority.

(1) Proceeds collected prior to July 1, 2014. – Within 30 days of the effective  
date of this act, New Hanover County District U shall remit to the Authority  
the net proceeds of the tax that have been collected by the district prior to  
July 1, 2014. The Authority shall use one hundred percent (100%) of the



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1                    funds remitted to it under this subdivision for tourism-related expenditures in  
2                    the district.  
3                    (2) Proceeds collected on or after July 1, 2014. – New Hanover County District  
4                    U shall, on a quarterly basis, remit to the Authority the net proceeds of the  
5                    tax collected by the district on or after July 1, 2014. The Authority shall use  
6                    at least two-thirds of the funds remitted to it under this subdivision for  
7                    tourism promotion and shall use the remainder for tourism-related  
8                    expenditures in the district."

9                    **SECTION 3.** Section 1 of this act becomes effective December 1, 2014, and  
10                    applies to offenses committed on or after that date. The remainder of this act is effective when  
11                    it becomes law.