

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 531
PROPOSED COMMITTEE SUBSTITUTE H531-PCS10412-SVxr-14**

Short Title: Authorize Wayne County Occupancy Tax. (Local)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE WAYNE COUNTY TO LEVY A ONE-PERCENT ROOM
2 OCCUPANCY TAX.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Occupancy Tax. – (a) Authorization and Scope. – The Wayne
6 County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the
7 gross receipts derived from the rental of any room, lodging, or accommodation furnished by a
8 hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax
9 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
10 sales tax.

11 **SECTION 1.(b)** Administration. – A tax levied under this section shall be levied,
12 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
13 G.S. 153A-155 apply to a tax levied under this section.

14 **SECTION 1.(c)** Distribution and Use of Tax Revenue. – Wayne County shall, on a
15 quarterly basis, remit the net proceeds of the occupancy tax to the Wayne County Tourism
16 Development Authority. The Authority shall use one hundred percent (100%) of the funds
17 remitted to it under this subsection to promote travel and tourism in Wayne County.

18 The following definitions apply in this subsection:

19 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
20 and collecting the tax, as determined by the finance officer, not to exceed
21 three percent (3%) of the first five hundred thousand dollars (\$500,000) of
22 gross proceeds collected each year and one percent (1%) of the remaining
23 gross receipts collected each year.

24 (2) Promote travel and tourism. – To advertise or market an area or activity,
25 publish and distribute pamphlets and other materials, conduct market
26 research, or engage in similar promotional activities that attract tourists or
27 business travelers to the area. The term includes administrative expenses
28 incurred in engaging in the listed activities.

29 **SECTION 2.** Tourism Development Authority. – (a) Appointment and
30 Membership. – When the Wayne County Board of Commissioners adopts a resolution levying
31 a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism
32 Development Authority, which shall be a public authority under the Local Government Budget
33 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
34 including the members' terms of office, and for the filling of vacancies on the Authority. At
35 least one-third of the members shall be individuals who are affiliated with businesses that
36 collect tax in the county, and at least one-half of the members shall be individuals who are



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1 currently active in the promotion of travel and tourism in the county. The Wayne County Board
2 of Commissioners shall designate one member of the Authority as chair and shall determine the
3 compensation, if any, to be paid to members of the Authority.

4 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
5 govern its meetings. The Finance Officer for Wayne County shall be the ex officio finance
6 officer of the Authority.

7 **SECTION 2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
8 levied under this act for the purposes provided in this act. The Authority shall promote travel,
9 tourism, and conventions in the county and sponsor tourist-related events and activities in the
10 county.

11 **SECTION 2.(c) Reports.** – The Authority shall report quarterly and at the close of
12 the fiscal year to the Wayne County Board of Commissioners on its receipts and expenditures
13 for the preceding quarter and for the year in such detail as the Board may require.

14 **SECTION 3.** G.S. 153A-155(g) reads as rewritten:

15 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
16 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
17 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
18 to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell,
19 Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,
20 Durham, Edgecombe, Forsyth, Franklin, Granville, Halifax, Haywood, Henderson, Jackson,
21 Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, Northampton,
22 Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan,
23 Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington,
24 Wayne, and Wilson Counties, to New Hanover County District U, to Surry County District S,
25 to Watauga County District U, to Wilkes County District K, to Yadkin County District Y, and
26 to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing
27 District."

28 **SECTION 4.** This act is effective when it becomes law.