

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 531
Committee Substitute Favorable 7/16/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H531-PCS10448-SVxr-44**

Short Title: Various Occupancy Tax Changes.

(Local)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE WAYNE COUNTY AND THE CITY OF SANFORD TO LEVY A ROOM OCCUPANCY TAX; TO AUTHORIZE MOORE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX; TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF ALL AREAS IN HARNETT COUNTY EXCLUSIVE OF THE AVERASBORO TOWNSHIP AND TO AUTHORIZE THAT SPECIAL TAXING DISTRICT TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX; AND TO MAKE CHANGES TO THE CUMBERLAND COUNTY OCCUPANCY TAX AND PREPARED FOOD TAX.

The General Assembly of North Carolina enacts:

PART I. WAYNE COUNTY OCCUPANCY TAX

SECTION 1.1. Occupancy Tax. – (a) Authorization and Scope. – The Wayne County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

SECTION 1.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. – Wayne County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Wayne County Tourism Development Authority. The Authority shall use one hundred percent (100%) of the funds remitted to it under this subsection to promote travel and tourism in Wayne County.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or



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1 business travelers to the area. The term includes administrative expenses
2 incurred in engaging in the listed activities.

3 **SECTION 1.2.** Tourism Development Authority. – (a) Appointment and
4 Membership. – When the Wayne County Board of Commissioners adopts a resolution levying
5 a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism
6 Development Authority, which shall be a public authority under the Local Government Budget
7 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
8 including the members' terms of office, and for the filling of vacancies on the Authority. At
9 least one-third of the members shall be individuals who are affiliated with businesses that
10 collect tax in the county, and at least one-half of the members shall be individuals who are
11 currently active in the promotion of travel and tourism in the county. The Wayne County Board
12 of Commissioners shall designate one member of the Authority as chair and shall determine the
13 compensation, if any, to be paid to members of the Authority.

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

17 **SECTION 1.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
18 levied under this act for the purposes provided in this act. The Authority shall promote travel,
19 tourism, and conventions in the county and sponsor tourist-related events and activities in the
20 county.

21 **SECTION 1.2.(c)** Reports. – The Authority shall report quarterly and at the close
22 of the fiscal year to the Wayne County Board of Commissioners on its receipts and
23 expenditures for the preceding quarter and for the year in such detail as the Board may require.
24

25 **PART II. MOORE COUNTY OCCUPANCY TAX**

26 **SECTION 2.** Section 2 of S.L. 2011-113 reads as rewritten:

27 "**SECTION 2.** Occupancy tax. – (a) Authorization and Scope. – The Board of
28 Commissioners of Moore County may levy a room occupancy tax of up to three percent (3%)
29 of the gross receipts derived from the rental of any room, lodging, or accommodation furnished
30 by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax
31 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
32 sales tax. ~~This tax does not apply to accommodations furnished by nonprofit charitable,
33 educational, or religious organizations when furnished in furtherance of their nonprofit
34 purpose.~~

35 "**SECTION 2.(a1)** Authorization of Additional Tax. – In addition to the tax authorized by
36 subsection (a) of this section, the Moore County Board of Commissioners may levy an
37 additional room occupancy tax of up to three percent (3%) of the gross receipts derived from
38 the rental of accommodations taxable under subsection (a) of this section. The levy, collection,
39 administration, and repeal of the tax authorized by this subsection shall be in accordance with
40 the provisions of this section. Moore County may not levy a tax under this subsection unless it
41 also levies the tax authorized under subsection (a) of this section.

42 "**SECTION 2.(b)** Administration. – A tax levied under this section shall be levied,
43 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
44 G.S. 153A-155 apply to a tax levied under this section.

45 "**SECTION 2.(c)** Definitions. – The following definitions apply in this act:

- 46 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
47 and collecting the tax, as determined by the finance officer, not to exceed
48 three percent (3%) of the first five hundred thousand dollars (\$500,000) of
49 gross proceeds collected each year and one percent (1%) of the remaining
50 gross proceeds collected each year.

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

6 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
7 Moore County Tourism Development Authority, are designed to increase the
8 use of lodging facilities, meeting facilities, or convention facilities in the
9 county or to attract tourists or business travelers to the county. The term
10 includes tourism-related capital expenditures.

11 **"SECTION 2.(d)** Distribution and Use of Tax Revenue. – Moore County shall, on a
12 quarterly basis, remit to the Moore County Tourism Development Authority the net proceeds of
13 the occupancy tax. The Authority shall use at least two-thirds of the funds remitted to it under
14 this subsection to promote travel and tourism in Moore County and shall use the remainder for
15 tourism-related expenditures."
16

17 **PART III. CITY OF SANFORD OCCUPANCY TAX**

18 **SECTION 3.1.** Occupancy tax. – (a) Authorization and Scope. – The Sanford City
19 Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts
20 derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel,
21 inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the
22 State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

23 **SECTION 3.1.(b)** Administration. – A tax levied under this section shall be levied,
24 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
25 G.S. 160A-215 apply to a tax levied under this section.

26 **SECTION 3.1.(c)** Distribution and Use of Tax Revenue. – Sanford shall, on a
27 quarterly basis, remit the net proceeds of the occupancy tax to the Sanford Tourism
28 Development Authority. The Authority shall use two-thirds of the funds remitted to it under
29 this subsection to promote travel and tourism in Sanford and shall use the remainder for the
30 operation, maintenance, promotion, and renovation of the Dennis A. Wicker Civic Center. Any
31 funds dedicated under this subsection for the Dennis A. Wicker Civic Center that are not spent
32 or obligated by the close of a fiscal year may be used by the Authority for the promotion of
33 travel and tourism in Sanford.

34 The following definitions apply in this subsection:

35 (1) Net proceeds. – Gross proceeds less the cost to the city of administering and
36 collecting the tax, as determined by the finance officer, not to exceed three
37 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
38 proceeds collected each year and one percent (1%) of the remaining gross
39 receipts collected each year.

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

45 **SECTION 3.2.** Sanford Tourism Development Authority. – (a) Appointment and
46 Membership. – When the Sanford City Council adopts a resolution levying a room occupancy
47 tax under this act, it shall also adopt a resolution creating a city Tourism Development
48 Authority, which shall be a public authority under the Local Government Budget and Fiscal
49 Control Act. The resolution shall provide for the membership of the Authority, including the
50 members' terms of office, and for the filling of vacancies on the Authority. At least one-third of
51 the members must be individuals who are affiliated with businesses that collect the tax in the

1 city, and at least one-half of the members must be individuals who are currently active in the
2 promotion of travel and tourism in the city. The city council shall designate one member of the
3 Authority as chair and shall determine the compensation, if any, to be paid to members of the
4 Authority.

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

8 **SECTION 3.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
9 levied under this act for the purposes provided in this act. The Authority shall promote travel,
10 tourism, and conventions in the city and sponsor tourist-related events and activities in the city.

11 **SECTION 3.2.(c) Reports.** – The Authority shall report quarterly and at the close
12 of the fiscal year to the Sanford City Council on its receipts and expenditures for the preceding
13 quarter and for the year in such detail as the city council may require.
14

15 **PART IV. HARNETT COUNTY OCCUPANCY TAX**

16 **SECTION 4.1. District H Created.** – (a) Harnett County District H is created as a
17 taxing district. Its jurisdiction consists of all of Harnett County exclusive of the Averagesboro
18 Township. Harnett County District H is a body politic and corporate and has the power to carry
19 out the provisions of this section. The Harnett County Board of Commissioners shall serve ex
20 officio as the governing body of the district, and the officers of the board of commissioners
21 shall serve as the officers of the governing body of the district. A simple majority of the
22 governing body constitutes a quorum, and approval by a majority of those present is sufficient
23 to determine any matter before the governing body, if a quorum is present.

24 **SECTION 4.1.(b) Authorization and Scope.** – The governing body of Harnett
25 County District H may levy a room occupancy tax of up to six percent (6%) of the gross
26 receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel,
27 motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed
28 by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or
29 room occupancy tax.

30 **SECTION 4.1.(c) Administration.** – A tax levied under this section shall be levied,
31 administered, collected, and repealed as provided in G.S. 153A-155 as if Harnett County
32 District H were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under
33 this section.

34 **SECTION 4.1.(d) Distribution and Use of Tax Revenue.** – Harnett County District
35 H shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Harnett County
36 District H Tourism Development Authority. The Harnett County District H Tourism
37 Development Authority shall use at least two-thirds of the proceeds to promote travel and
38 tourism and shall use the remainder for tourism-related expenditures in the district. In
39 accordance with the North Carolina Constitution and the United States Constitution, the tax
40 proceeds may be used only for the direct benefit of the jurisdiction of Harnett County District
41 H.

42 The following definitions apply in this subsection:

- 43 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
44 and collecting the tax, as determined by the finance officer, not to exceed
45 three percent (3%) of the first five hundred thousand dollars (\$500,000) of
46 gross proceeds collected each year and one percent (1%) of the remaining
47 gross receipts collected each year.
- 48 (2) Promote travel and tourism. – To advertise or market an area or activity,
49 publish and distribute pamphlets and other materials, conduct market
50 research, or engage in similar promotional activities that attract tourists or

1 business travelers to the area. The term includes administrative expenses
2 incurred in engaging in the listed activities.

- 3 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
4 Tourism Development Authority, are designed to increase the use of lodging
5 facilities, meeting facilities, or convention facilities in the county or to
6 attract tourists or business travelers to the district. The term includes
7 tourism-related capital expenditures.

8 **SECTION 4.2.** Harnett County District H Tourism Development Authority. – (a)
9 Appointment and Membership. – When the governing body of Harnett County District H
10 adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution
11 creating the Harnett County District H Tourism Development Authority, which shall be a
12 public authority under the Local Government Budget and Fiscal Control Act. The resolution
13 shall provide for the membership of the Authority, including the members' terms of office, and
14 for the filling of vacancies on the Authority. At least one-third of the members must be
15 individuals who are affiliated with businesses that collect the tax in the district, and at least
16 one-half of the members must be individuals who are currently active in the promotion of travel
17 and tourism in the district. The governing body shall designate one member of the Authority as
18 chair and shall determine the compensation, if any, to be paid to members of the Authority.

19 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
20 govern its meetings. The Finance Officer for Harnett County shall be the ex officio finance
21 officer of the Authority.

22 **SECTION 4.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
23 levied under this act for the purposes provided in this act. The Authority shall promote travel
24 and tourism in the district and make tourism-related expenditures in the district.

25 **SECTION 4.2.(c)** Reports. – The Authority shall report quarterly and at the close
26 of the fiscal year to the Harnett County Board of Commissioners on its receipts and
27 expenditures for the preceding quarter and for the year in such detail as the board may require.
28

29 **PART V. CUMBERLAND COUNTY OCCUPANCY TAX AND PREPARED FOOD** 30 **TAX CHANGES**

31 **SECTION 5.1.(a)** Chapter 983 of the 1983 Session Laws, as amended by S.L.
32 2001-484, reads as rewritten:

33 "Section 1. It is the purpose and intent of this act to provide Cumberland County the
34 authority to levy a transient occupancy tax as hereinafter set forth.

35 "Sec. 2. Occupancy Tax. – (a) Authorization and Scope. – Cumberland County is hereby
36 authorized to impose and may levy a room occupancy tax not to exceed three percent (3%) of
37 the gross receipts of any person, firm, corporation or association derived from the rental of any
38 sleeping room or lodging room, lodging, or accommodation furnished in any by a hotel, motel,
39 or inn located in Cumberland County and that is subject to the sales tax imposed by the State
40 under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. ~~The tax shall~~
41 ~~not apply, however, to any room or rooms, lodging or accommodations supplied to the same~~
42 ~~person for a period of 90 continuous days or more. The tax shall also not apply to sleeping~~
43 ~~rooms or lodgings furnished by charitable, educational, benevolent or religious institutions or~~
44 ~~organizations not operated for profit.~~

45 (a1) Additional Tax. – In addition to the tax authorized by subsection (a) of this section,
46 the Cumberland County Board of Commissioners may levy a room occupancy tax of up to
47 three percent (3%) of the gross receipts derived from the rental of accommodations taxable
48 under that subsection. ~~The tax authorized by this subsection may not be levied earlier than~~
49 ~~January 1, 2002.~~ The levy, ~~collections,~~ collection, administration, use, and repeal of the tax
50 authorized by this subsection shall be in accordance with this act. Cumberland County may not
51 levy a tax under this subsection unless it also levies a tax under subsection (a) of this section.

1 The rate of tax levied under this subsection may not exceed the applicable maximum provided
2 in the chart below based on the period for which it is in effect:

3 Period	Maximum
4 After 1/1/2002	1%
5 After 1/1/2004	2%
6 After 1/1/2005	3%

7 (b) Administration. – A tax levied under this act shall be levied, administered, collected,
8 and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to
9 a tax levied under this act.

10 "Sec. 3. Repealed.

11 "Sec. 4. Distribution and use of the first three percent (3%). ~~(a) Use of Tax Revenue. – The~~
12 ~~first fifty percent (50%) of the net proceeds of the occupancy tax levied under subsection (a) of~~
13 ~~Section 2 of this act shall be retained by the county and shall be allocated for the benefit of the~~
14 ~~Cumberland County Auditorium Commission to help finance major repairs, renovation,~~
15 ~~rehabilitation, or other capital improvements to its existing facilities and any new additions.~~
16 ~~These funds may also be utilized by the Commission as approved by the county board of~~
17 ~~commissioners for financing construction of new convention oriented or multipurpose~~
18 ~~facilities. These funds will not be used for the acquisition, construction, renovation, or~~
19 ~~operation of any sleeping room or overnight lodging. These funds shall be budgeted,~~
20 ~~appropriated, and expended under the auditorium budget through regular county budgeting~~
21 ~~appropriation and expenditure methods.~~

22 (b) ~~The remaining fifty percent (50%) of the net proceeds of the occupancy tax levied~~
23 ~~under subsection (a) of Section 2 of this act collected through June 30, 2002, shall, on a~~
24 ~~quarterly basis, be remitted to the Fayetteville Area Convention and Visitors Bureau~~
25 ~~specifically for advertising the auditorium and promoting travel and tourism within the County~~
26 ~~of Cumberland. Beginning on and after July 1, 2002, the remaining fifty percent (50%) of the~~
27 ~~net proceeds of the occupancy tax levied under subsection (a) of Section 2 of this act shall, on a~~
28 ~~quarterly basis, be remitted to the Cumberland Tourism Development Authority. The Authority~~
29 ~~shall use the net proceeds remitted to it under this subsection specifically for advertising the~~
30 ~~auditorium and promoting travel and tourism within the County of Cumberland.~~

31 "Sec. 4.1. ~~Distribution and use of additional tax. – Cumberland County shall, on a quarterly~~
32 ~~basis, remit the net proceeds of the occupancy tax levied under subsection (a1) of Section 2 of~~
33 ~~this act to the Cumberland Tourism Development Authority. The Authority shall use fifty~~
34 ~~percent (50%) of these net proceeds to promote travel and tourism in Cumberland County and~~
35 ~~for tourism related expenditures in Cumberland County. The remaining fifty percent (50%)~~
36 ~~shall be distributed to the Arts Council of Fayetteville/Cumberland County for arts festivals and~~
37 ~~other arts events that will draw tourists or other business travelers to the area. The Authority~~
38 ~~and the Arts Council are encouraged to give favorable consideration to tourism related~~
39 ~~expenditures of the Seniors Call to Action Team, Inc. (SCAT) and the Martin Luther King, Jr.~~
40 ~~Committee used as follows:~~

- 41 (1) Forty-seven percent (47%) shall be invested in capital needs and
42 improvements of facilities that enhance travel and tourism within
43 Cumberland County.
- 44 (2) Twenty-six percent (26%) shall be disbursed through contracting with
45 community organizations or private vendors to promote, market, and
46 advertise festivals, athletic events and tournaments, arts venues, cultural arts,
47 community markets, and other events that encourage tourism and travel to
48 Cumberland County.
- 49 (3) Twenty percent (20%) shall be disbursed through contracting with
50 community organizations or private vendors to market the community by

1 advertising and promoting travel, tourism, and conventions within
2 Cumberland County.

3 (4) Seven percent (7%) shall be used to market Cumberland County for
4 economic development purposes.

5 "Sec. 4.2. Definitions. – The following definitions apply in this act:

6 (1) Net Proceeds.—proceeds. – Gross proceeds less the cost to the county of
7 administering and collecting the tax, as determined by the finance officer,
8 not to exceed three percent (3%) of the first five hundred thousand dollars
9 (\$500,000) of gross proceeds collected each year and one percent (1%) of
10 the remaining gross receipts collected each year.

11 (2) Promote Travel and Tourism.—travel and tourism. – To advertise or market
12 an area or activity, publish and distribute pamphlets and other materials,
13 conduct market research, or engage in similar promotional activities that
14 attract tourists or business travelers to the area; the term includes
15 administrative expenses incurred in engaging in these activities.

16 (3) Tourism Related Expenditures.—Expenditures that, in the judgment of the
17 Tourism Development Authority, are designed to increase the use of lodging
18 facilities, meeting facilities, and convention facilities in a county by
19 attracting tourists or business travelers to the county. The term includes
20 tourism related capital expenditures.

21 "Sec. 5.(a) Appointment and Membership of Tourism Development Authority.—When the
22 Cumberland County Board of Commissioners adopts a resolution levying a room occupancy
23 tax under this act, it shall adopt a resolution creating a county Tourism Development Authority,
24 which shall be a public authority under the Local Government Budget and Fiscal Control Act.
25 The resolution shall provide for the membership of the Authority including the members' terms
26 of office and for the filling of vacancies on the Authority. The county board of commissioners
27 shall designate one member of the Authority as chair and shall determine the compensation, if
28 any, to be paid to members of the Authority. All members to the Authority, whether in an
29 appointed or ex officio capacity, shall have equal rights and privileges. The Authority shall be
30 composed of the following members:

31 (1) Two representatives nominated by hotels and motels within the county
32 which have in excess of 100 rooms subject to this occupancy tax and
33 appointed by the county board of commissioners.

34 (2) Two representatives nominated by hotels and motels within the county
35 which have fewer than 100 rooms subject to this occupancy tax and
36 appointed by the county board of commissioners.

37 (3) The President of the Fayetteville Area Chamber of Commerce, in an ex
38 officio capacity.

39 (4) The County Manager of Cumberland County, in an ex officio capacity.

40 (5) One member of the public who is not affiliated with travel and tourism and
41 who reflects the cultural diversity of the county.

42 (b) Duties.—The Authority shall expend the net proceeds of the tax levied under this
43 act for the purposes provided in this act. The Authority shall promote travel, tourism, and
44 conventions in the county, sponsor tourist related events and activities in the county, and
45 finance tourist related capital projects in the county.

46 (c) Reports.—The Authority shall report quarterly and at the close of the fiscal year to
47 the county board of commissioners on its receipts and expenditures for the preceding quarter
48 and for the year in such detail as the board may require.

49 "Sec. 6. Chapter 360 of the 1965 Session Laws is amended as follows:

50 (1) by deleting the word "Treasurer" in the third sentence of Section 1(b)(3) of
51 that act and substituting the words "County Manager"; and

1 (2) by adding a new sentence at the end of Section 3 of that act to read:
2 "Occupancy tax revenues as authorized in AN ACT TO AUTHORIZE AND IMPLEMENT
3 AN OCCUPANCY TAX IN CUMBERLAND COUNTY may be utilized by the Auditorium
4 Commission, as approved by the board of county commissioners, in aiding and encouraging
5 convention and visitor promotion in Cumberland County.

6 "Sec. 7. This act is effective upon ratification."

7 **SECTION 5.1.(b)** Within 60 days of the effective date of this act, the Cumberland
8 County Board of Commissioners shall adopt a resolution dissolving the Cumberland County
9 Tourism Development Authority.

10 **SECTION 5.2.(a)** Section 7 of Chapter 413 of the 1993 Session Laws is repealed.

11 **SECTION 5.2.(b)** Section 8 of Chapter 413 of the 1993 Session Laws reads as
12 rewritten:

13 "Sec. 8. Use of Proceeds. – The county shall ~~transfer the proceeds of the prepared food and~~
14 ~~beverage tax to the Cumberland County Civic Center Commission, an agency of Cumberland~~
15 ~~County. The proceeds transferred to the Cumberland County Civic Center Commission retain~~
16 the proceeds of the prepared food and beverage tax and shall be used use the proceeds as
17 follows:

- 18 (1) ~~(i) to~~ To provide for, when due, payments for the current fiscal year with
19 respect to any financing for new arena facilities or for the expansion of the
20 existing arena facilities, which may include off-street parking for use in
21 conjunction with the ~~facilities and (ii) to~~ facilities.
- 22 (2) To pay other costs of acquiring, constructing, maintaining, operating,
23 marketing, and promoting the new arena or expanded arena facilities.
- 24 (3) For any purpose that promotes or enhances tourism, travel, arts,
25 entertainment, and sports venues and activities within Cumberland County.

26 The Commission may contract with any person, agency, association, or nonprofit
27 corporation to carry out the activities and programs for which the tax proceeds may be
28 expended. All contracts entered into pursuant to this subsection shall require an annual
29 financial audit of any funds expended and a performance audit of contractual obligations."

30 **SECTION 5.2.(c)** Section 11 of Chapter 413 of the 1993 Session Laws reads as
31 rewritten:

32 "Sec. 11. Repeal. – A tax levied under this act may be repealed by a resolution adopted by
33 the Cumberland County Board of Commissioners. ~~The Cumberland County Board of~~
34 ~~Commissioners shall repeal the tax when the new or expanded arena facilities for which the tax~~
35 ~~was imposed are constructed and any debt for those facilities has been paid.~~ Repeal of a tax
36 levied under this act shall become effective on the first day of a month and may not become
37 effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a
38 tax levied under this act does not affect a liability for a tax that has attached before the effective
39 date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective
40 date of the repeal."

41 42 **PART VI. ADMINISTRATIVE PROVISIONS**

43 **SECTION 6.1.** G.S. 153A-155(g) reads as rewritten:

44 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
45 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
46 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
47 to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell,
48 Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,
49 Durham, Edgecombe, Forsyth, Franklin, Granville, Halifax, Haywood, Henderson, Jackson,
50 Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, Northampton,
51 Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan,

1 Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington,
2 Wayne, and Wilson Counties, to Harnett County District H, to New Hanover County District
3 U, to Surry County District S, to Watauga County District U, to Wilkes County District K, to
4 Yadkin County District Y, and to the Township of Averasboro in Harnett County and the
5 Ocracoke Township Taxing District."

6 **SECTION 6.2.** G.S. 160A-215(g) reads as rewritten:

7 "(g) Applicability. – Subsection (c) of this section applies to all cities that levy an
8 occupancy tax. To the extent subsection (c) conflicts with any provision of a local act,
9 subsection (c) supersedes that provision. The remainder of this section applies only to Beech
10 Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia,
11 Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lenoir,
12 Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville,
13 Roanoke Rapids, Salisbury, Sanford, Shelby, Statesville, Washington, and Wilmington, to the
14 Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling Springs,
15 Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson, Elkin,
16 Fontana Dam, Franklin, Grover, Hillsborough, Jonesville, Kenly, Kure Beach, Leland,
17 McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pembroke, Pilot
18 Mountain, Ranlo, Robbinsville, Selma, Smithfield, St. Pauls, Swansboro, Troutman, Tryon,
19 West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the
20 municipalities in Avery and Brunswick Counties."

21
22 **PART VII. EFFECTIVE DATE**

23 **SECTION 7.** This act is effective when it becomes law.