

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 353  
Mar 13, 2023  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30134-NIxf-42

Short Title: Wilkes County Occupancy Tax. (Local)

Sponsors: Representative Elmore.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE OCCUPANCY TAXES FOR THE TOWN OF WILKESBORO  
3 AND WILKES COUNTY DISTRICT K, TO ALLOW WILKES COUNTY TO LEVY AN  
4 OCCUPANCY TAX OF SIX PERCENT, AND TO CREATE THE WILKES COUNTY  
5 TOURISM DEVELOPMENT AUTHORITY.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** Part IX of S.L. 2001-439 is repealed.  
8 **SECTION 2.** Sections 8 and 9 of S.L. 2010-78 are repealed.  
9 **SECTION 3.** Occupancy tax. – (a) Authorization and Scope. – The Wilkes County  
10 Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross  
11 receipts derived from the rental of an accommodation within the county that is subject to sales  
12 tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local  
13 sales tax.  
14 **SECTION 3.(b)** Administration. – A tax levied under this section shall be levied,  
15 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in  
16 G.S. 153A-155 apply to a tax levied under this section.  
17 **SECTION 3.(c)** Distribution and Use of Tax Revenue. – Wilkes County shall, on a  
18 quarterly basis, remit the net proceeds of the occupancy tax to the Wilkes County Tourism  
19 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel  
20 and tourism and shall use the remainder for tourism-related expenditures in the county.  
21 The following definitions apply in this subsection:  
22 (1) Net proceeds. – Gross proceeds less the cost to the county of administering  
23 and collecting the tax, as determined by the finance officer, not to exceed three  
24 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross  
25 proceeds collected each year and one percent (1%) of the remaining gross  
26 receipts collected each year.  
27 (2) Promote travel and tourism. – To advertise or market an area or activity,  
28 publish and distribute pamphlets and other materials, conduct market research,  
29 or engage in similar promotional activities that attract tourists or business  
30 travelers to the area. The term includes administrative expenses incurred in  
31 engaging in the listed activities.  
32 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the  
33 Tourism Development Authority, are designed to increase the use of  
34 accommodations, meeting facilities, or convention facilities in the county or  
35 to attract tourists or business travelers to the county. The term includes  
36 tourism-related capital expenditures.



1           **SECTION 4.** Tourism Development Authority. – (a) Appointment and Membership.  
2 – When the Wilkes County Board of Commissioners adopts a resolution levying a room  
3 occupancy tax under this act, it shall also adopt a resolution creating a county Tourism  
4 Development Authority, which shall be a public authority under the Local Government Budget  
5 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,  
6 including the members' terms of office, and for the filling of vacancies on the Authority. The  
7 county Tourism Development Authority shall consist of the following members:

- 8           (1) Two members appointed by the Wilkes County Board of Commissioners, one  
9           of whom must be an individual affiliated with a business that collects taxes in  
10           the county and another who must be an individual currently active in the  
11           promotion of travel and tourism in the county.
- 12           (2) Two members appointed by the Wilkesboro Town Council, one of whom must  
13           be an individual affiliated with a business that collects taxes in Wilkesboro  
14           and another who must be an individual currently active in the promotion of  
15           travel and tourism in Wilkesboro.
- 16           (3) One member appointed by the North Wilkesboro Board of Commissioners  
17           who is (i) an individual affiliated with a business that collects taxes in North  
18           Wilkesboro or (ii) an individual currently active in the promotion of travel and  
19           tourism in North Wilkesboro.
- 20           (4) One member appointed by the Ronda Board of Commissioners who is (i) an  
21           individual affiliated with a business that collects taxes in Ronda or (ii) an  
22           individual currently active in the promotion of travel and tourism in Ronda.

23           The county Tourism Development Authority may, by majority vote, appoint two  
24 additional members to the Authority as follows:

- 25           (5) At least one of any additional members appointed to the Authority under this  
26           section must be an individual affiliated with a business that collects taxes in  
27           Wilkes County or a municipality within Wilkes County.
- 28           (6) Any additional member appointed to the Authority must be (i) an individual  
29           affiliated with a business that collects taxes in Wilkes County or a  
30           municipality within Wilkes County or (ii) an individual currently active in the  
31           promotion of travel and tourism in Wilkes County or a municipality within  
32           Wilkes County.

33           The Wilkes County Board of Commissioners shall designate one member of the  
34 Authority as chair and shall determine the compensation, if any, to be paid to members of the  
35 Authority. The Authority shall meet at the call of the chair and shall adopt rules of procedure to  
36 govern its meetings. The Finance Officer for Wilkes County shall be the ex officio finance officer  
37 of the Authority.

38           **SECTION 4.(b)** Duties. – The Authority shall expend the net proceeds of the tax  
39 levied under this act for promoting travel and tourism and for tourism-related expenditures as  
40 provided in this act.

41           **SECTION 4.(c)** Reports. – The Authority shall report quarterly and at the close of  
42 the fiscal year to the Wilkes County Board of Commissioners on its receipts and expenditures  
43 for the preceding quarter and for the year in such detail as the Board may require.

44           **SECTION 5.** G.S. 153A-155(g) reads as rewritten:

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

1 Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham,  
2 Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance,  
3 Washington, Wayne, and Wilson Counties, to Harnett County District H, New Hanover County  
4 District U, Surry County District S, Watauga County District U, ~~Wilkes County District K,~~  
5 ~~County~~, Yadkin County District Y, and the Township of Averagesboro in Harnett County and the  
6 Ocracoke Township Taxing District."

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

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

22 **SECTION 7.** The governing body of Wilkes County District K, the Wilkes County  
23 Board of Commissioners, the Wilkesboro Town Council, the North Wilkesboro Board of  
24 Commissioners, and the Ronda Board of Commissioners shall adopt any resolutions or modify  
25 any adopted resolutions, as needed, to carry out the provisions of this act.

26 **SECTION 8.** This act does not affect the rights or liabilities of the State, a taxpayer,  
27 or another person arising under a statute amended by this act before the effective date of its  
28 amendment, nor does it affect the right to any refund or credit of a tax that accrued under the  
29 amended statute before the effective date of its amendment.

30 **SECTION 9.** Section 1 of this act becomes effective July 1, 2023. The remainder of  
31 this act is effective when it becomes law.