

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 412
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40258-MCxf-103

Short Title: Haywood County/Bryson City Occupancy Taxes. (Local)

Sponsors: Representative Pless.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE OCCUPANCY TAX RATE AUTHORIZED FOR HAYWOOD
3 COUNTY AND TO AUTHORIZE THE TOWN OF BRYSON CITY TO LEVY AN
4 OCCUPANCY TAX.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part V of Chapter 908 of the 1983 Session Laws, as amended by
7 Chapter 942 of the 1985 Session Laws (Regular Session 1986), Chapter 48 of the 1987 Session
8 Laws, Chapter 540 of the 1995 Session Laws, and Sections 1 and 2 of S.L. 2007-337, reads as
9 rewritten:

10 "Part V. Haywood Occupancy Tax.

11 "Sec. 10. Occupancy Tax. (a) Authorization and Scope. – The Haywood County Board of
12 Commissioners may levy a room occupancy and tourism development tax of two percent (2%)
13 of the gross receipts derived from the rental of any room, lodging, or similar accommodation
14 furnished by any hotel, motel, inn, tourist camp, or other similar place within the county that is
15 subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to
16 any State or local sales tax. ~~This tax does not apply to accommodations furnished by nonprofit
17 charitable, educational, benevolent, or religious organizations.~~

18 "Sec. 10.1. First Additional One Percent (1%) Occupancy Tax. – In addition to the tax
19 authorized by Section 10 of this Part, the Haywood County Board of Commissioners may levy a
20 room occupancy and tourism development tax of one percent (1%) of the gross receipts derived
21 from the rental of accommodations taxable under that section. The levy, collection,
22 administration, and repeal of the tax authorized by this section, and the use of tax revenue from
23 a tax levied under this section, shall be in accordance with this Part. Haywood County may not
24 levy a tax under this section unless it also levies a tax under Section 10 of this Part.

25 "Sec. 10.2. Second Additional One Percent (1%) Occupancy Tax. – In addition to the tax
26 authorized by Sections 10 and 10.1 of this Part, the Haywood County Board of Commissioners
27 may levy a room occupancy and tourism development tax of one percent (1%) of the gross
28 receipts derived from the rental of accommodations taxable under Sections 10 and 10.1 of this
29 Part. The levy, collection, administration, and repeal of the tax authorized by this section and the
30 use of tax revenue from a tax levied under this section shall be in accordance with this Part.
31 Haywood County may not levy a tax under this section unless it also levies the tax authorized
32 under Sections 10 and 10.1 of this Part.

33 "Sec. 10.3. First Additional Two Percent Occupancy Tax. – In addition to the tax authorized
34 by Sections 10, 10.1, and 10.2 of this Part, the Haywood County Board of Commissioners may
35 levy a room occupancy and tourism development tax of two percent (2%) of the gross receipts
36 derived from the rental of accommodations taxable under Sections 10, 10.1, and 10.2 of this Part.



1 The levy, collection, administration, and repeal of the tax authorized by this section and the use
2 of tax revenue from a tax levied under this section shall be in accordance with this Part. Haywood
3 County may not levy a tax under this section unless it also levies the tax authorized under
4 Sections 10, 10.1, and 10.2 of this Part.

5 "Sec. 12. Administration. – A tax levied under this Part shall be levied, administered,
6 collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155
7 apply to a tax levied under this Part.

8 "Sec. 14. Distribution and Use of the First Three Percent Occupancy Tax. – Haywood County
9 shall, on a monthly basis, remit the net proceeds of the room occupancy and tourism development
10 tax levied under Sections 10 and 10.1 of this Part to the Haywood County Tourism Development
11 Authority. The Authority shall use at least two-thirds of the funds remitted to it under this Part
12 section to promote travel and tourism in the county and shall use the remainder for
13 tourism-related expenditures.

14 "Sec. 14.1. Distribution and Use of the Additional One Percent Occupancy Tax. – Haywood
15 County shall, on a monthly basis, remit the net proceeds of the room occupancy and tourism
16 development tax levied under Section 10.2 of this Part to the Haywood County Tourism
17 Development Authority. The Authority must segregate the net proceeds received under this
18 section into five separate accounts based on the collection area from which the proceeds were
19 collected. Net proceeds collected under this section from accommodations located in the 28716
20 zip code area must be credited to the Canton Area Account. Net proceeds collected under this
21 section from accommodations located in the 28721 zip code area must be credited to the Clyde
22 Area Account. Net proceeds collected under this section from accommodations located in 28745
23 zip code area must be credited to the Lake Junaluska Area Account. Net proceeds collected under
24 this section from accommodations located in the 28751 zip code area must be credited to the
25 Maggie Valley Area Account. Net proceeds collected under this section from accommodations
26 located in the 28785 and the 28786 zip code areas must be credited to the Waynesville Area
27 Account. Based on recommendations from and in consultation with each of the five collection
28 areas, the Authority shall use at least two-thirds of the funds in each account to promote travel
29 and tourism and the remainder for tourist-related expenditures in each of the collection areas.

30 "Sec. 14.2. Distribution and Use of the First Additional Two Percent Occupancy Tax. –
31 Haywood County shall, on a monthly basis, remit the net proceeds of the room occupancy and
32 tourism development tax levied under Section 10.3 of this Part to the Haywood County Tourism
33 Development Authority. The Authority shall use the funds remitted to it under this section for
34 construction of one or more of the following: sports parks, a new amphitheater, or a convention
35 center.

36"

37 **SECTION 2.(a)** Occupancy Tax. – (a) Authorization and Scope. – The Bryson City
38 Town Board of Aldermen may levy a room occupancy tax of up to two percent (2%) of the gross
39 receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel,
40 motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by
41 the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

42 **SECTION 2.(b)** Administration. – A tax levied under this section shall be levied,
43 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
44 G.S. 160A-215 apply to a tax levied under this section.

45 **SECTION 2.(c)** Distribution and Use of Tax Revenue. – Bryson City shall, on a
46 quarterly basis, remit the net proceeds of the occupancy tax to the Bryson City Tourism
47 Development Authority. The Authority shall use at least two-thirds of the funds remitted to it
48 under this subsection to promote travel and tourism in Bryson City and shall use the remainder
49 for tourism-related expenditures.

50 The following definitions apply in this subsection:

- 1 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
2 collecting the tax, as determined by the finance officer, not to exceed three
3 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
4 proceeds collected each year and one percent (1%) of the remaining gross
5 receipts collected each year.
- 6 (2) Promote travel and tourism. – To advertise or market an area or activity,
7 publish and distribute pamphlets and other materials, conduct market research,
8 or engage in similar promotional activities that attract tourists or business
9 travelers to the area. The term includes administrative expenses incurred in
10 engaging in the listed activities.
- 11 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
12 Tourism Development Authority, are designed to increase the use of lodging
13 facilities, meeting facilities, or convention facilities in a town or to attract
14 tourists or business travelers to the town. The term includes tourism-related
15 capital expenditures.

16 **SECTION 3.(a)** Bryson City Tourism Development Authority. – (a) Appointment
17 and Membership. – When the Bryson City Town Board of Aldermen adopts a resolution levying
18 a room occupancy tax under this Act, it shall also adopt a resolution creating a town Tourism
19 Development Authority, which shall be a public authority under the Local Government Budget
20 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
21 including the members' terms of office, and for the filling of vacancies on the Authority. At least
22 one-third of the members must be individuals who are affiliated with businesses that collect the
23 tax in the town, and at least one-half of the members must be individuals who are currently active
24 in the promotion of travel and tourism in the town. The board of aldermen shall designate one
25 member of the Authority as chair and shall determine the compensation, if any, to be paid to
26 members of the Authority.

27 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
28 govern its meetings. The Finance Officer for Bryson City shall be the ex officio finance officer
29 of the Authority.

30 **SECTION 3.(b)** Duties. – The Authority shall expend the net proceeds of the tax
31 levied under this Act for the purposes provided in this Act. The Authority shall promote travel,
32 tourism, and conventions in the town; sponsor tourist-related events and activities in the town;
33 and finance tourist-related capital projects in the town.

34 **SECTION 3.(c)** Reports. – The Authority shall report quarterly and at the close of
35 the fiscal year to the Bryson City Town Board of Aldermen on its receipts and expenditures for
36 the preceding quarter and for the year in such detail as the board of aldermen may require.

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