

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 154
Finance Committee Substitute Adopted 6/20/23
House Committee Substitute Favorable 8/16/23
PROPOSED HOUSE COMMITTEE SUBSTITUTE S154-PCS35306-SVxfr-40

Short Title: Omnibus Occupancy Tax Changes.

(Local)

Sponsors:

Referred to:

February 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS OCCUPANCY TAX CHANGES.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. AVERY COUNTY OCCUPANCY TAX**

6 **SECTION 1.1.(a)** Avery County District A Created. – Avery County District A is
7 created as a taxing district. Its jurisdiction consists of that part of Avery County that is located
8 outside of incorporated areas within the county. Avery County District A is a body politic and
9 corporate and has the power to carry out the provisions of this Part. The Avery County Board of
10 Commissioners shall serve ex officio as the governing body of the district, and the officers of the
11 county shall serve as the officers of the governing body of the district. A simple majority of the
12 governing body constitutes a quorum, and approval by a majority of those present is sufficient to
13 determine any matter before the governing body, if a quorum is present.

14 **SECTION 1.1.(b)** Authorization and Scope. – The governing body of Avery County
15 District A may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived
16 from the rental of an accommodation within the district that is subject to sales tax imposed by
17 the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or room
18 occupancy tax.

19 **SECTION 1.1.(c)** Administration. – A tax levied under this section shall be levied,
20 administered, collected, and repealed as provided in G.S. 153A-155 as if Avery County District
21 A were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this
22 section.

23 **SECTION 1.1.(d)** Distribution and Use of Tax Revenue. – Avery County District A
24 shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the Avery County
25 District A Tourism Development Authority created pursuant to this Part. The Authority shall use
26 at least two-thirds of the proceeds distributed to it to promote travel and tourism in the district
27 and shall use the remainder for tourism-related expenditures in the district. In accordance with
28 the North Carolina Constitution and the United States Constitution, the tax proceeds may be used
29 only for the direct benefit of the jurisdiction of Avery County District A.

30 The following definitions apply in this subsection:

- 31 (1) Net proceeds. – Gross proceeds less the cost to the district of administering
32 and collecting the tax, as determined by the finance officer, not to exceed three
33 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross



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

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

SECTION 1.2.(a) Avery County District A Tourism Development Authority. – Appointment and Membership. – When the governing body of Avery County District A adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating the Avery County District A Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the district. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

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

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for promoting travel and tourism in the district and for tourism-related expenditures in the district as provided in this Part.

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

PART II. TOWN OF INDIAN TRAIL OCCUPANCY TAX

SECTION 2.1. Occupancy tax. – (a) Authorization and Scope. – If the majority of those voting in a referendum held pursuant to subsection (b) of this section vote for the levy of the tax, the Town Council of the Town of Indian Trail may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of an accommodation within the town 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 2.1.(b) Referendum. – Notwithstanding G.S. 160A-215(b), a room occupancy tax authorized under subsection (a) of this section may be levied only if all of the following conditions are met:

(1) The Town Council of the Town of Indian Trail directs the county board of elections to conduct an advisory referendum on the question of whether to levy the room occupancy tax.

(2) The election is held in accordance with the procedures of G.S. 163-287, and the form of the question to be presented on the ballot concerning the room occupancy tax is as follows:

"[] FOR [] AGAINST

1 The levy of a room occupancy tax in the amount of up to five percent (5%) of
2 the gross receipts derived from the rental of an accommodation located within
3 the town."

4 (3) A majority of those voting in the referendum vote for the levy of the room
5 occupancy tax.

6 (4) The Town Council of the Town of Indian Trail adopts a resolution levying the
7 room occupancy tax after providing not less than 10 days' public notice of the
8 levy. A room occupancy tax shall become effective on the date specified in
9 the resolution levying the tax, which must be the first day of a calendar month
10 and may not be earlier than the first day of the second month after the date the
11 resolution is adopted.

12 **SECTION 2.1.(c) Rate Increase.** – The Town Council of the Town of Indian Trail
13 may, by resolution and after not less than 10 days' public notice and a public hearing, increase
14 the rate of the tax to a rate not in excess of that approved in an election held pursuant to subsection
15 (b) of this section. A rate increase shall become effective on the date specified in the resolution
16 levying the increase, which must be the first day of a calendar month and may not be earlier than
17 the first day of the second month after the date the resolution is adopted.

18 **SECTION 2.1.(d) Administration.** – A tax levied under this section shall be
19 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
20 G.S. 160A-215 apply to a tax levied under this section.

21 **SECTION 2.1.(e) Distribution and Use of Tax Revenue.** – The Town of Indian Trail
22 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Indian Trail Tourism
23 Development Authority. The Authority shall use at least two-thirds of the funds remitted to it
24 under this subsection to promote travel and tourism and shall use the remainder for
25 tourism-related expenditures in the Town of Indian Trail.

26 The following definitions apply in this section:

27 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
28 collecting the tax, as determined by the finance officer, not to exceed three
29 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
30 proceeds collected each year and one percent (1%) of the remaining gross
31 proceeds collected each year.

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

37 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
38 Indian Trail Tourism Development Authority, are designed to increase the use
39 of lodging facilities, meeting facilities, or convention facilities in the town or
40 to attract tourists or business travelers to the town. The term includes
41 tourism-related capital expenditures.

42 **SECTION 2.2. Tourism Development Authority.** – (a) Appointment and
43 Membership. – When the Town Council adopts a resolution levying a room occupancy tax under
44 this Part, it shall also adopt a resolution creating the Indian Trail Tourism Development
45 Authority, which shall be a public authority under the Local Government Budget and Fiscal
46 Control Act. The resolution shall provide for the membership of the Authority, including the
47 members' terms of office, and for the filling of vacancies on the Authority. At least one-third of
48 the members shall be individuals who are affiliated with businesses that collect the tax in the
49 town, and at least one-half of the members shall be individuals who are currently active in the
50 promotion of travel and tourism in the town. The Town Council shall designate one member of

1 the Authority as chair and shall determine the compensation, if any, to be paid to members of the
2 Authority.

3 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
4 govern its meetings. The finance officer for the Town of Indian Trail shall be the ex officio
5 finance officer of the Authority.

6 **SECTION 2.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
7 levied under this Part for promoting travel and tourism in the town and for tourism-related
8 expenditures in the town as provided in this Part.

9 **SECTION 2.2.(c) Reports.** – The Authority shall report quarterly and at the close of
10 the fiscal year to the Indian Trail Town Council on its receipts and expenditures for the preceding
11 quarter and for the year in such detail as the Town Council may require.

12
13 **PART III. TOWN OF STALLINGS OCCUPANCY TAX**

14 **SECTION 3.1. Stallings District S Created.** – Stallings District S is created as a
15 taxing district. Its jurisdiction consists of only that part of the Town of Stallings that is located
16 within Union County. Stallings District S is a body politic and corporate and has the power to
17 carry out the provisions of this Part. The Stallings Town Council shall serve ex officio as the
18 governing body of the district, and the officers of the town shall serve as the officers of the
19 governing body of the district. A simple majority of the governing body constitutes a quorum,
20 and approval by a majority of those present is sufficient to determine any matter before the
21 governing body, if a quorum is present.

22 **SECTION 3.2. Occupancy tax.** – (a) Authorization and Scope. – If the majority of
23 those voting in a referendum held pursuant to subsection (b) of this section vote for the levy of
24 the tax, the governing body of Stallings District S may levy a room occupancy tax of up to five
25 percent (5%) of the gross receipts derived from the rental of an accommodation within the district
26 that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition
27 to any State or local sales tax.

28 **SECTION 3.2.(b) Referendum.** – Notwithstanding G.S. 160A-215(b), a room
29 occupancy tax authorized under subsection (a) of this section may be levied only if all of the
30 following conditions are met:

- 31 (1) The governing body of Stallings District S directs the county board of
32 elections to conduct an advisory referendum on the question of whether to
33 levy the room occupancy tax.
- 34 (2) The election is held in accordance with the procedures of G.S. 163-287, and
35 the form of the question to be presented on the ballot concerning the room
36 occupancy tax is as follows:

37 " [] FOR [] AGAINST

38 The levy of a room occupancy tax in the amount of up to five percent (5%) of
39 the gross receipts derived from the rental of an accommodation located within
40 the part of the Town of Stallings that is in Union County."

- 41 (3) A majority of those voting in the referendum vote for the levy of the room
42 occupancy tax.
- 43 (4) The governing body of Stallings District S adopts a resolution levying the
44 room occupancy tax after providing not less than 10 days' public notice of the
45 levy. A room occupancy tax shall become effective on the date specified in
46 the resolution levying the tax, which must be the first day of a calendar month
47 and may not be earlier than the first day of the second month after the date the
48 resolution is adopted.

49 **SECTION 3.2.(c) Rate Increase.** – The governing body of Stallings District S may,
50 by resolution and after not less than 10 days' public notice and a public hearing, increase the rate
51 of the tax to a rate not in excess of that approved in an election held pursuant to subsection (b) of

1 this section. A rate increase shall become effective on the date specified in the resolution levying
2 the increase, which must be the first day of a calendar month and may not be earlier than the first
3 day of the second month after the date the resolution is adopted.

4 **SECTION 3.2.(d)** Administration. – A tax levied under this section shall be
5 administered, collected, and repealed as provided in G.S. 160A-215 as if Stallings District S were
6 a city. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

7 **SECTION 3.2.(e)** Distribution and Use of Tax Revenue. – Stallings District S shall,
8 on a quarterly basis, remit the net proceeds of the occupancy tax to the Stallings District S
9 Tourism Development Authority. The Authority shall use at least two-thirds of the proceeds
10 remitted to it to promote travel and tourism and shall use the remainder for tourism-related
11 expenditures. In accordance with the North Carolina Constitution and the United States
12 Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of
13 Stallings District S.

14 The following definitions apply in this section:

- 15 (1) Net proceeds. – Gross proceeds less the cost to the district of administering
16 and collecting the tax, as determined by the finance officer, not to exceed three
17 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
18 proceeds collected each year and one percent (1%) of the remaining gross
19 receipts collected each year.
- 20 (2) Promote travel and tourism. – To advertise or market an area or activity,
21 publish and distribute pamphlets and other materials, conduct market research,
22 or engage in similar promotional activities that attract tourists or business
23 travelers to the area. The term includes administrative expenses incurred in
24 engaging in the listed activities.
- 25 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
26 Tourism Development Authority, are designed to increase the use of lodging
27 facilities, meeting facilities, or convention facilities in the district or to attract
28 tourists or business travelers to the district. The term includes tourism-related
29 capital expenditures.

30 **SECTION 3.3.** Stallings District S Tourism Development Authority. – (a)
31 Appointment and Membership. – When the governing body of the district adopts a resolution
32 levying a room occupancy tax under this Part, it shall also adopt a resolution creating the Stallings
33 District S Tourism Development Authority, which shall be a public authority under the Local
34 Government Budget and Fiscal Control Act. The resolution shall provide for the membership of
35 the Authority, including the members' terms of office, and for the filling of vacancies on the
36 Authority. At least one-third of the members must be individuals affiliated with businesses that
37 collect the tax in the district, and at least one-half of the members must be individuals currently
38 active in the promotion of travel and tourism in the district. The governing body of the district
39 shall designate one member of the Authority as chair and shall determine the compensation, if
40 any, to be paid to members of the Authority.

41 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
42 govern its meetings. The finance officer for the governing body of the district shall be the ex
43 officio finance officer of the Authority.

44 **SECTION 3.3.(b)** Duties. – The Authority shall expend the net proceeds of the tax
45 levied under this Part for promoting travel and tourism in the district and for tourism-related
46 expenditures in the district as provided in this Part.

47 **SECTION 3.3.(c)** Reports. – The Authority shall report quarterly and at the close of
48 the fiscal year to the governing body of the district on its receipts and expenditures for the
49 preceding quarter and for the year in such detail as the governing body of the district may require.

50 51 **PART IV. UNION COUNTY OCCUPANCY TAX**

1 **SECTION 4.1.** Occupancy tax. – (a) Authorization and Scope. – If the majority of
2 those voting in a referendum held pursuant to subsection (b) of this section vote for the levy of
3 the tax, the Union County Board of Commissioners may levy a room occupancy tax of one
4 percent (1%) of the gross receipts derived from the rental of an accommodation within the county
5 that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition
6 to any State or local sales tax.

7 **SECTION 4.1.(b)** Referendum. – Notwithstanding G.S. 153A-155(b), a room
8 occupancy tax authorized under subsection (a) of this section may be levied only if all of the
9 following conditions are met:

10 (1) The Union County Board of Commissioners directs the county board of
11 elections to conduct an advisory referendum on the question of whether to
12 levy the room occupancy tax.

13 (2) The election is held in accordance with the procedures of G.S. 163-287, and
14 the form of the question to be presented on the ballot concerning the room
15 occupancy tax is as follows:

16 " FOR AGAINST

17 The levy of a room occupancy tax in the amount of one percent (1%) of the
18 gross receipts derived from the rental of an accommodation located within the
19 county."

20 (3) A majority of those voting in the referendum vote for the levy of the room
21 occupancy tax.

22 (4) The Union County Board of Commissioners adopts a resolution levying the
23 room occupancy tax after providing not less than 10 days' public notice of the
24 levy. A room occupancy tax shall become effective on the date specified in
25 the resolution levying the tax, which must be the first day of a calendar month
26 and may not be earlier than the first day of the second month after the date the
27 resolution is adopted.

28 **SECTION 4.1.(c)** Administration. – A tax levied under this section shall be
29 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
30 G.S. 153A-155 apply to a tax levied under this section.

31 **SECTION 4.1.(d)** Distribution and Use of Tax Revenue. – Union County shall, on
32 a quarterly basis, remit the net proceeds of the occupancy tax to the Union County Tourism
33 Development Authority. The Authority shall use at least two-thirds of the funds remitted to it
34 under this subsection to promote travel and tourism and shall use the remainder for
35 tourism-related expenditures in the county.

36 The following definitions apply in this section:

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

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

47 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
48 Union County Tourism Development Authority, are designed to increase the
49 use of lodging facilities, meeting facilities, or convention facilities in the
50 county or to attract tourists or business travelers to the county. The term
51 includes tourism-related capital expenditures.

1 **SECTION 4.2.** Tourism Development Authority. – (a) Appointment and
2 Membership. – When the Union County Board of Commissioners adopts a resolution levying a
3 room occupancy tax under this Part, it shall also adopt a resolution creating the Union County
4 Tourism Development Authority, which shall be a public authority under the Local Government
5 Budget 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. At least
7 one-third of the members shall be individuals who are affiliated with businesses that collect the
8 tax in the county, and at least one-half of the members shall be individuals who are currently
9 active in the promotion of travel and tourism in the county. The board of commissioners shall
10 designate one member of the Authority as chair and shall determine the compensation, if any, to
11 be paid to members of the Authority.

12 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
13 govern its meetings. The finance officer for Union County shall be the ex officio finance officer
14 of the Authority.

15 **SECTION 4.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
16 levied under this Part for promoting travel and tourism in the county and for tourism-related
17 expenditures in the county as provided in this Part.

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

21 **PART V. GRAHAM COUNTY OCCUPANCY TAX**

22 **SECTION 5.1.(a)** Graham County District G Created. – Graham County District G
23 is created as a taxing district. Its jurisdiction consists of that part of Graham County that is located
24 outside of incorporated areas within the county. Graham County District G is a body politic and
25 corporate and has the power to carry out the provisions of this section. The Graham County Board
26 of Commissioners shall serve ex officio as the governing body of the district, and the officers of
27 the county shall serve as the officers of the governing body of the district. A simple majority of
28 the governing body constitutes a quorum, and approval by a majority of those present is sufficient
29 to determine any matter before the governing body, if a quorum is present.

30 **SECTION 5.1.(b)** Authorization and Scope. – The governing body of Graham
31 County District G may levy a room occupancy tax of up to three percent (3%) of the gross receipts
32 derived from the rental of an accommodation within the district that is subject to sales tax
33 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
34 sales or room occupancy tax.

35 **SECTION 5.1.(c)** Administration. – A tax levied under this section shall be levied,
36 administered, collected, and repealed as provided in G.S. 153A-155 as if Graham County District
37 G were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this
38 section.

39 **SECTION 5.1.(d)** Definitions. – The following definitions apply in this Part:

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

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

6 **SECTION 5.1.(e)** Distribution and Use of Tax Revenue. – Graham County District
7 G shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this Part
8 to the Graham County Tourism Development Authority. The Authority shall deposit one hundred
9 percent (100%) of the net proceeds of the room occupancy and tourism development tax levied
10 under this section into a special fund, the cash balance of which shall be deposited at interest or
11 invested in accordance with G.S. 159-30. The Authority shall use at least two-thirds of the funds
12 remitted to it under this subsection to promote travel and tourism in Graham County District G
13 and shall use the remainder for tourism-related expenditures in the district. In accordance with
14 the North Carolina Constitution and the United States Constitution, the tax proceeds may be used
15 only for the direct benefit of the jurisdiction of Graham County District G.

16 17 **PART VI. TOWN OF LANSING OCCUPANCY TAX**

18 **SECTION 6.1.** Occupancy tax. – (a) Authorization and Scope. – The Town of
19 Lansing Board of Aldermen may levy a room occupancy tax of up to three percent (3%) of the
20 gross receipts derived from the rental of an accommodation within the town that is subject to
21 sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or
22 local sales tax.

23 **SECTION 6.1.(b)** Administration. – A tax levied under this Part 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 Part.

26 **SECTION 6.1.(c)** Distribution and Use of Tax Revenue. – The Town of Lansing
27 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Lansing Tourism
28 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel
29 and tourism and shall use the remainder for tourism-related expenditures in the town.

30 The following definitions apply in this subsection:

- 31 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
32 collecting the tax, as determined by the finance officer, not to exceed three
33 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
34 proceeds collected each year and one percent (1%) of the remaining gross
35 receipts collected each year.
- 36 (2) Promote travel and tourism. – To advertise or market an area or activity,
37 publish and distribute pamphlets and other materials, conduct market research,
38 or engage in similar promotional activities that attract tourists or business
39 travelers to the area. The term includes administrative expenses incurred in
40 engaging in the listed activities.
- 41 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
42 Tourism Development Authority, are designed to increase the use of
43 accommodations, meeting facilities, or convention facilities in the town or to
44 attract tourists or business travelers to the town. The term includes
45 tourism-related capital expenditures.

46 **SECTION 6.2.** Tourism Development Authority. – (a) Appointment and
47 Membership. – When the Town of Lansing Board of Aldermen adopts a resolution levying a
48 room occupancy tax under this Part, it shall also adopt a resolution creating a town Tourism
49 Development Authority, which shall be a public authority under the Local Government Budget
50 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
51 including the members' terms of office, and for the filling of vacancies on the Authority. At least

1 one-third of the members shall be individuals who are affiliated with businesses that collect tax
2 in the town, and at least one-half of the members shall be individuals who are currently active in
3 the promotion of travel and tourism in the town. The Town of Lansing Board of Aldermen shall
4 designate one member of the Authority as chair and shall determine the compensation, if any, to
5 be paid to members of the Authority.

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

9 **SECTION 6.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
10 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
11 provided in this Part.

12 **SECTION 6.2.(c) Reports.** – The Authority shall report quarterly and at the close of
13 the fiscal year to the Town of Lansing Board of Aldermen on its receipts and expenditures for
14 the preceding quarter and for the year in such detail as the Board of Aldermen may require.
15

16 **PART VII. TOWN OF JEFFERSON OCCUPANCY TAX**

17 **SECTION 7.1. Occupancy tax.** – (a) Authorization and Scope. – The Town of
18 Jefferson Board of Aldermen may levy a room occupancy tax of up to three percent (3%) of the
19 gross receipts derived from the rental of an accommodation within the town that is subject to
20 sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or
21 local sales tax.

22 **SECTION 7.1.(b) Administration.** – A tax levied under this Part shall be levied,
23 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
24 G.S. 160A-215 apply to a tax levied under this Part.

25 **SECTION 7.1.(c) Distribution and Use of Tax Revenue.** – The Town of Jefferson
26 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Jefferson Tourism
27 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel
28 and tourism and shall use the remainder for tourism-related expenditures in the town.

29 The following definitions apply in this subsection:

- 30 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
31 collecting the tax, as determined by the finance officer, not to exceed three
32 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
33 proceeds collected each year and one percent (1%) of the remaining gross
34 receipts collected each year.
- 35 (2) Promote travel and tourism. – To advertise or market an area or activity,
36 publish and distribute pamphlets and other materials, conduct market research,
37 or engage in similar promotional activities that attract tourists or business
38 travelers to the area. The term includes administrative expenses incurred in
39 engaging in the listed activities.
- 40 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
41 Tourism Development Authority, are designed to increase the use of
42 accommodations, meeting facilities, or convention facilities in the town or to
43 attract tourists or business travelers to the town. The term includes
44 tourism-related capital expenditures.

45 **SECTION 7.2. Tourism Development Authority.** – (a) Appointment and
46 Membership. – When the Town of Jefferson Board of Aldermen adopts a resolution levying a
47 room occupancy tax under this Part, it shall also adopt a resolution creating a town Tourism
48 Development Authority, which shall be a public authority under the Local Government Budget
49 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
50 including the members' terms of office, and for the filling of vacancies on the Authority. At least
51 one-third of the members shall be individuals who are affiliated with businesses that collect tax

1 in the town, and at least one-half of the members shall be individuals who are currently active in
2 the promotion of travel and tourism in the town. The Town of Jefferson Board of Aldermen shall
3 designate one member of the Authority as chair and shall determine the compensation, if any, to
4 be paid to members of the 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 the Town of Jefferson shall be the ex officio finance
7 officer of the Authority.

8 **SECTION 7.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
9 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
10 provided in this Part.

11 **SECTION 7.2.(c) Reports.** – The Authority shall report quarterly and at the close of
12 the fiscal year to the Town of Jefferson Board of Aldermen on its receipts and expenditures for
13 the preceding quarter and for the year in such detail as the Board of Aldermen may require.
14

15 **PART VIII. STOKES COUNTY OCCUPANCY TAX**

16 **SECTION 8.1. Occupancy tax.** – (a) Authorization and Scope. – The Stokes County
17 Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross
18 receipts derived from the rental of an accommodation within the county that is subject to sales
19 tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
20 sales tax.

21 **SECTION 8.1.(b) Administration.** – A tax levied under this section shall be levied,
22 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
23 G.S. 153A-155 apply to a tax levied under this section.

24 **SECTION 8.1.(c) Distribution and Use of Tax Revenue.** – Stokes County shall, on
25 a quarterly basis, remit the net proceeds of the occupancy tax to the Stokes County Tourism
26 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel
27 and tourism and shall use the remainder for tourism-related expenditures in the county.

28 The following definitions apply in this subsection:

- 29 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
30 and collecting the tax, as determined by the finance officer, not to exceed three
31 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
32 proceeds collected each year and one percent (1%) of the remaining gross
33 receipts collected each year.
- 34 (2) Promote travel and tourism. – To advertise or market an area or activity,
35 publish and distribute pamphlets and other materials, conduct market research,
36 or engage in similar promotional activities that attract tourists or business
37 travelers to the area. The term includes administrative expenses incurred in
38 engaging in the listed activities.
- 39 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
40 Tourism Development Authority, are designed to increase the use of
41 accommodations, meeting facilities, or convention facilities in the county or
42 to attract tourists or business travelers to the county. The term includes
43 tourism-related capital expenditures.

44 **SECTION 8.2. Tourism Development Authority.** – (a) Appointment and
45 Membership. – When the Stokes County Board of Commissioners adopts a resolution levying a
46 room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism
47 Development Authority, which shall be a public authority under the Local Government Budget
48 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
49 including the members' terms of office, and for the filling of vacancies on the Authority. At least
50 one-third of the members shall be individuals who are affiliated with businesses that collect the
51 tax in the county, and at least one-half of the members shall be individuals who are currently

1 active in the promotion of travel and tourism in the county. The Stokes County Board of
2 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 Stokes County shall be the ex officio finance officer
6 of the Authority.

7 **SECTION 8.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
8 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
9 provided in this Part.

10 **SECTION 8.2.(c) Reports.** – The Authority shall report quarterly and at the close of
11 the fiscal year to the Stokes County Board of Commissioners on its receipts and expenditures for
12 the preceding quarter and for the year in such detail as the Board may require.

13 **PART IX. WILKES COUNTY OCCUPANCY TAX**

14 **SECTION 9.1.(a)** Part IX of S.L. 2001-439 is repealed.

15 **SECTION 9.1.(b)** Any revenue collected by the Town of Wilkesboro under Part IX
16 of S.L. 2001-439 prior to the effective date of this section may be used only for the direct benefit
17 of the Town of Wilkesboro. The net proceeds of the occupancy tax levied under this Part shall
18 supplement rather than supplant any proceeds being used in the Town of Wilkesboro derived
19 from the occupancy tax levied by the Town under Part IX of S.L. 2001-439.

20 **SECTION 9.2.(a)** Sections 8 and 9 of S.L. 2010-78 are repealed.

21 **SECTION 9.2.(b)** Any revenue collected by Wilkes County District K under
22 Sections 8 and 9 of S.L. 2010-78 prior to the effective date of this section may be used only for
23 the direct benefit of Wilkes County District K, as it existed prior to the effective date of this
24 section. The net proceeds of the occupancy tax levied under this Part shall supplement rather than
25 supplant any proceeds being used in the jurisdiction of Wilkes County District K derived from
26 the occupancy tax levied by the district under Sections 8 and 9 of S.L. 2010-78.

27 **SECTION 9.3. Wilkes County District W Created.** – Wilkes County District W is
28 created as a taxing district. Its jurisdiction consists of only that part of Wilkes County that is
29 located outside of the incorporated area of the Town of Elkin. Wilkes County District W is a
30 body politic and corporate and has the power to carry out the provisions of this Part. The Wilkes
31 County Board of Commissioners shall serve ex officio as the governing body of the district, and
32 the officers of the County shall serve as the officers of the governing body of the district. A
33 simple majority of the governing body constitutes a quorum, and approval by a majority of those
34 present is sufficient to determine any matter before the governing body, if a quorum is present.

35 **SECTION 9.4. Occupancy tax.** – (a) Authorization and Scope. – The governing body
36 of Wilkes County District W may levy a room occupancy tax of up to six percent (6%) of the
37 gross receipts derived from the rental of an accommodation within the district that is subject to
38 sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or
39 local sales tax.

40 **SECTION 9.4.(b) Administration.** – A tax levied under this section shall be levied,
41 administered, collected, and repealed as provided in G.S. 153A-155 as if Wilkes County District
42 W were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this
43 section.

44 **SECTION 9.4.(c) Distribution and Use of Tax Revenue.** – Wilkes County District
45 W shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Wilkes County
46 District W Tourism Development Authority. The Authority shall use at least two-thirds of the
47 funds to promote travel and tourism and shall use the remainder for tourism-related expenditures
48 in the district. In accordance with the North Carolina Constitution and the United States
49 Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Wilkes
50

1 County District W. None of the proceeds may be used to promote travel or tourism or for
2 tourism-related expenditures in areas within Wilkes County that are outside of the district.

3 The following definitions apply in this subsection:

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

19 **SECTION 9.5.** Tourism Development Authority. – (a) Appointment and
20 Membership. – When the governing body of the Wilkes County District W adopts a resolution
21 levying a room occupancy tax under this Part, it shall also adopt a resolution creating a district
22 Tourism Development Authority, which shall be a public authority under the Local Government
23 Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
24 including the members' terms of office, and for the filling of vacancies on the Authority. The
25 district Tourism Development Authority shall consist of the following members:

- 26 (1) Two members appointed by the Wilkes County Board of Commissioners, one
27 of whom must be an individual affiliated with a business that collects the tax
28 in the district and another who must be an individual currently active in the
29 promotion of travel and tourism in the district.
- 30 (2) Two members appointed by the Wilkesboro Town Council, one of whom must
31 be an individual affiliated with a business that collects the tax in Wilkesboro
32 and another who must be an individual currently active in the promotion of
33 travel and tourism in Wilkesboro.
- 34 (3) One member appointed by the North Wilkesboro Board of Commissioners
35 who is (i) an individual affiliated with a business that collects the tax in North
36 Wilkesboro or (ii) an individual currently active in the promotion of travel and
37 tourism in North Wilkesboro.
- 38 (4) One member appointed by the Ronda Board of Commissioners who is (i) an
39 individual affiliated with a business that collects the tax in Ronda or (ii) an
40 individual currently active in the promotion of travel and tourism in Ronda.

41 The district Tourism Development Authority may, by majority vote, appoint up to
42 two additional members to the Authority. Any additional member appointed by the Authority
43 must be either (i) an individual affiliated with a business that collects the tax in the district or (ii)
44 an individual currently active in the promotion of travel and tourism in the district.

45 Notwithstanding the options available under this section, the overall composition of
46 the Authority, including any additional members, must in all cases consist of at least one-third of
47 the members who are individuals affiliated with the businesses that collect the tax in the district
48 and at least one-half of the members who are individuals currently active in the promotion of
49 travel and tourism in the district.

50 The governing body of the district shall designate one member of the Authority as
51 chair and shall determine the compensation, if any, to be paid to members of the Authority. The

1 Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its
2 meetings. The finance officer for the governing body of the district shall be the ex officio finance
3 officer of the Authority.

4 **SECTION 9.5.(b) Duties.** – The Authority shall expend the net proceeds of the tax
5 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
6 provided in this Part.

7 **SECTION 9.5.(c) Reports.** – The Authority shall report quarterly and at the close of
8 the fiscal year to the governing body of the district on its receipts and expenditures for the
9 preceding quarter and for the year in such detail as the governing body of the district may require.

10 **SECTION 9.6.** The governing body of Wilkes County District K, the Wilkes County
11 Board of Commissioners, the Wilkesboro Town Council, the North Wilkesboro Board of
12 Commissioners, and the Ronda Board of Commissioners shall adopt any resolutions or modify
13 any adopted resolutions, as needed, to carry out the provisions of this Part.

14 **SECTION 9.7.** This Part does not affect the rights or liabilities of the State, a
15 taxpayer, or another person arising under an act repealed by this Part before the effective date of
16 its repeal, nor does it affect the right to any refund or credit of a tax that accrued under the
17 repealed act before the effective date of its repeal.

18 **SECTION 9.8.** Sections 9.1 and 9.2 of this Part become effective when the governing
19 body of Wilkes County District W adopts a resolution levying a room occupancy tax under
20 Section 9.4 of this Part. The remainder of this Part is effective when it becomes law.

21 **PART X. YANCEY COUNTY OCCUPANCY TAX**

22 **SECTION 10.1.** Chapter 140 of the 1987 Session Laws, as amended by Section 21(l)
23 of S.L. 2007-527, reads as rewritten:

24 **"Section 1. Occupancy Tax.** (a) ~~Authorization and Scope.~~ Scope. – The Yancey County
25 Board of Commissioners ~~may, by resolution, after not less than 10 days' public notice and a~~
26 ~~public hearing pursuant thereto, may~~ levy a room occupancy tax of up to three percent (3%) of
27 the gross receipts derived from the rental of ~~any room, lodging, or similar an~~ accommodation
28 ~~furnished by a hotel, motel, inn, or similar place of business~~ within the county that is subject to
29 sales tax imposed by the State ~~or local sales tax laws. This tax does not apply to accommodations~~
30 ~~furnished by educational, religious, or summer camp organizations under G.S. 105-164.4(a)(3).~~
31 This tax is in addition to any State or local sales tax.

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

39 ~~(b) **Collection.** Every operator of a business subject to the tax levied under this act shall,~~
40 ~~on and after the effective date of the levy of the tax, collect the tax as part of the charge for~~
41 ~~furnishing a taxable accommodation. The tax shall be stated and charged separately from the~~
42 ~~sales records and shall be paid by the purchaser to the operator of the business as trustee for and~~
43 ~~on account of the county. The tax shall be added to the sales price and shall be passed on to the~~
44 ~~purchaser. The county shall design, print, and furnish to all appropriate businesses the necessary~~
45 ~~forms for filing returns with instructions to ensure the full and proper collection of the tax.~~

46 ~~(c) **Administration.** The county shall administer the tax levied under this act. The tax shall~~
47 ~~be due and payable to the county in monthly installments on or before the 20th day of the month~~
48 ~~following the month in which the tax is collected. Every person, firm, corporation, or association~~
49 ~~liable for the tax shall, on or before the 20th day of each month, prepare and submit a return on~~
50 ~~a form prescribed by the county. The return shall state the total gross receipts derived in the~~
51

1 preceding month from rentals subject to the tax. A return filed with the county finance officer
2 under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as
3 required by law. Administration. – A tax levied under this section shall be levied, administered,
4 collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155
5 apply to a tax levied under this section.

6 (d) Penalties. Any person, firm, corporation, or association subject to this tax who fails
7 or refuses to file the required return shall pay a penalty of ten dollars (\$10.00) for each day's
8 failure to file. In case of failure or refusal to file the return or to pay the tax due for a period of
9 30 days after the time required for filing the return or for paying the tax, there shall be an
10 additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or
11 fraction thereof until the tax due has been paid.

12 Any person, firm, corporation, or association that willfully attempts in any manner to evade
13 the tax imposed by this act or who willfully fails to pay the tax or make and file a proper return
14 shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000)
15 and/or imprisonment not to exceed six months, in addition to any other penalties provided by
16 law. The Board of Commissioners may, however, for good cause shown, compromise or forgive
17 the penalties imposed by this subsection.

18 (e) Distribution and Use of Revenue. The Tax Revenue. – Yancey County Board of
19 Commissioners shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the
20 Yancey County Chamber of Commerce (hereinafter referred to as the Chamber), which shall
21 administer the funds through its Tourism and Travel Development Committee. The Chamber
22 may spend the funds remitted to it for the following purposes only: Tourism Development
23 Authority. The Authority shall use at least two-thirds of the funds to promote travel and tourism
24 and shall use the remainder for tourism-related expenditures in the county.

25 The following definitions apply in this subsection:

- 26 (1) Direct advertising for visitor promotions, conventions, travel, and tourism in
27 Yancey County, including outdoor advertising, print media, broadcast media,
28 and brochures;
29 (2) Marketing and promotions expenses, including test market programs,
30 consultant fees, entertainment, housing expenses, travel expenses, and
31 registration fees; and
32 (3) Other expenses that aid and encourage visitor promotions, conventions, travel,
33 and tourism in Yancey County.
34 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
35 and collecting the tax, as determined by the finance officer, not to exceed three
36 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
37 proceeds collected each year and one percent (1%) of the remaining gross
38 receipts collected each year.
39 (2) Promote travel and tourism. – To advertise or market an area or activity,
40 publish and distribute pamphlets and other materials, conduct market research,
41 or engage in similar promotional activities that attract tourists or business
42 travelers to the area. The term includes administrative expenses incurred in
43 engaging in the listed activities.
44 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
45 Authority, are designed to increase the use of accommodations, meeting
46 facilities, or convention facilities in the county or to attract tourists or business
47 travelers to the county. The term includes tourism-related capital
48 expenditures.

49 (f) Effective Date of Levy. A tax levied under this act shall become effective on the date
50 specified in the resolution levying the tax, which date shall be the first day of the second calendar
51 month after the date the resolution is adopted.

1 (g) Repeal. A tax levied under this act may be repealed by resolution of the Yancey
2 County Board of Commissioners. Repeal of the tax levied under this act shall become effective
3 on the first day of any designated month after the end of the county's fiscal year during which the
4 repeal resolution is adopted. Repeal of a tax levied under this act shall not affect liability for taxes
5 that attached before the effective date of repeal, nor does it affect rights of refund that accrued
6 before the effective date of the repeal or any other rights or liabilities incurred prior to the
7 effective date of the repeal.

8 "Sec. 2. ~~Tourism and Travel Development Committee of the Yancey County Chamber of~~
9 ~~Commerce. (a) Authorization. A Tourism Development Authority. – (a) Appointment and~~
10 ~~Membership. – When the Yancey County Board of Commissioners adopts a resolution levying~~
11 ~~a room occupancy tax under this act shall also authorize the Board of Directors of the Yancey~~
12 ~~County Chamber of Commerce, through its Tourism and Travel Development Committee, to act~~
13 ~~as trustee for and on account of the county as provided herein. The Chamber Board shall approve~~
14 ~~all expenditures under this act as trustee for the county.~~Part, it shall also adopt a resolution
15 creating the Yancey County Tourism Development Authority, which shall be a public authority
16 under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the
17 membership of the Authority, including the members' terms of office, and for the filling of
18 vacancies on the Authority. At least one-third of the members shall be individuals who are
19 affiliated with businesses that collect the tax in the county and at least one-half of the members
20 shall be individuals who are currently active in the promotion of travel and tourism in the county.
21 The Yancey County Board of Commissioners shall designate one member of the Authority as
22 chair and shall determine the compensation, if any, to be paid to members of the Authority.

23 The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern
24 its meetings. The finance officer for Yancey County shall be the ex officio finance officer of the
25 Authority.

26 (b) ~~Administration. The Chamber shall administer the funds on recommendation of its~~
27 ~~Tourism and Travel Development Committee as constituted under the corporate bylaws of the~~
28 ~~Chamber, and including counsel of two ex officio members of the Committee to be appointed by~~
29 ~~the Yancey County Board of Commissioners.~~

30 (c) ~~Duties. Recommendations of this Committee and expenditures by the Chamber~~
31 ~~through its Board of Directors shall be consistent with the intent of this act to promote and~~
32 ~~encourage travel and tourism in Yancey County. The Chamber may contract with any agency,~~
33 ~~firm, or person to advise or assist in such promotion, and funds received under this act may be~~
34 ~~used for that purpose.~~Duties. – The Authority shall expend the net proceeds of the tax levied
35 under this Part for promoting travel and tourism and for tourism-related expenditures as provided
36 in this Part.

37 (d) ~~Accountability. The Chamber shall report at the close of the fiscal year to the Board~~
38 ~~of County Commissioners on its receipts and expenditures for the preceding year in such detail~~
39 ~~as the board may require.~~Reports. – The Authority shall report quarterly and at the close of the
40 fiscal year to the Yancey County Board of Commissioners on its receipts and expenditures for
41 the preceding quarter and for the year in such detail as the Board may require.

42 (e) ~~Review of Levy. The county shall periodically conduct a review of this levy and of~~
43 ~~the disbursement of funds as provided herein.~~

44"

45 PART XI. TOWN OF CLAYTON OCCUPANCY TAX

46 SECTION 11.1. Clayton District C Created. – Clayton District C is created as a
47 taxing district. Its jurisdiction consists of only that part of the Town of Clayton that is located
48 within Johnston County. Clayton District C is a body politic and corporate and has the power to
49 carry out the provisions of this Part. The Clayton Town Council shall serve ex officio as the
50 governing body of the district, and the officers of the town shall serve as the officers of the
51

1 governing body of the district. A simple majority of the governing body constitutes a quorum,
2 and approval by a majority of those present is sufficient to determine any matter before the
3 governing body, if a quorum is present.

4 **SECTION 11.2.** Occupancy tax. – (a) Authorization and Scope. – The governing
5 body of Clayton District C may levy a room occupancy tax of up to two percent (2%) of the gross
6 receipts derived from the rental of an accommodation within the district that is subject to sales
7 tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
8 sales tax.

9 **SECTION 11.2.(b)** Administration. – A tax levied under this section shall be levied,
10 administered, collected, and repealed as provided in G.S. 160A-215 as if Clayton District C were
11 a city. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

12 **SECTION 11.2.(c)** Distribution and Use of Tax Revenue. – Clayton District C shall,
13 on a quarterly basis, remit the net proceeds of the occupancy tax to the Johnston County Tourism
14 Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County Tourism
15 Authority shall use at least two-thirds of the proceeds remitted to it to promote travel and tourism
16 in Clayton District C and shall use the remainder for tourism-related expenditures in Clayton
17 District C. In accordance with the North Carolina Constitution and the United States Constitution,
18 the tax proceeds may be used only for the direct benefit of the jurisdiction of Clayton District C.
19 The net proceeds of the occupancy tax levied under this Part shall supplement rather than
20 supplant any proceeds being used in Clayton District C derived from the occupancy tax levied
21 by Johnston County pursuant to Chapter 647 of the 1987 Session Laws.

22 The following definitions apply in this section:

- 23 (1) Net proceeds. – Gross proceeds less the cost to the district of administering
24 and collecting the tax, as determined by the finance officer, not to exceed three
25 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
26 proceeds collected each year and one percent (1%) of the remaining gross
27 proceeds collected each year.
- 28 (2) Promote travel and tourism. – To advertise or market an area or activity,
29 publish and distribute pamphlets and other materials, conduct market research,
30 or engage in similar promotional activities that attract tourists or business
31 travelers to the area. The term includes administrative expenses incurred in
32 engaging in the listed activities.
- 33 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
34 Tourism Authority, are designed to increase the use of lodging facilities,
35 meeting facilities, or convention facilities in the district or to attract tourists
36 or business travelers to the district. The term includes tourism-related capital
37 expenditures.

38 **PART XII. MITCHELL COUNTY OCCUPANCY TAX**

39 **SECTION 12.1.** Section 1 of Chapter 141 of the 1987 Session Laws, as amended by
40 Section 21(m) of S.L. 2007-527 and Section 1.1 of S.L. 2022-40, reads as rewritten:

41 **"Section 1.** Occupancy tax. (a) Authorization and ~~scope~~. ~~Scope.~~ – The Mitchell County
42 Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross
43 receipts derived from the rental of an accommodation within the county that is subject to sales
44 tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
45 sales tax.

46 (a1) Additional Occupancy Tax. – In addition to the tax authorized by subsection (a) of
47 this section, the Mitchell County Board of Commissioners may levy an additional room
48 occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of
49 accommodations taxable under subsection (a) of this section. The levy, collection,
50 administration, and repeal of the tax authorized by this subsection shall be in accordance with
51

1 the provisions of this section. Mitchell County may not levy a tax under this subsection unless it
2 also levies the tax authorized under subsection (a) of this section.

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

6 (e) Distribution and use of tax revenue. – Mitchell County shall, on a quarterly basis,
7 remit the net proceeds of the occupancy tax to the Mitchell County Tourism Development
8 Authority. The Authority shall use at least two-thirds of the funds remitted to it under this
9 subsection to promote travel and tourism in Mitchell County and shall use the remainder for
10 tourism-related expenditures.

11 The following definitions apply in this subsection:

- 12 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
13 and collecting the tax, as determined by the finance officer, not to exceed three
14 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
15 proceeds collected each year and one percent (1%) of the remaining gross
16 proceeds collected each year.
- 17 (2) Promote travel and tourism. – To advertise or market an area or activity,
18 publish and distribute pamphlets and other materials, conduct market research,
19 or engage in similar promotional activities that attract tourists or business
20 travelers to the area; the term includes administrative expenses incurred in
21 engaging in the listed activities.
- 22 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
23 Mitchell County Tourism Development Authority, are designed to increase
24 the use of lodging facilities, meeting facilities, or convention facilities in the
25 county or to attract tourists or business travelers to the county. The term
26 includes tourism-related capital expenditures."

27 **PART XIII. WARREN COUNTY OCCUPANCY TAX**

28 **SECTION 13.1.** Occupancy tax. – (a) Authorization and Scope. – The Warren
29 County Board of Commissioners may levy a room occupancy tax of up to five percent (5%) of
30 the gross receipts derived from the rental of an accommodation within the county that is subject
31 to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State
32 or local sales tax.

33 **SECTION 13.1.(b)** Administration. – A tax levied under this Part shall be levied,
34 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
35 G.S. 153A-155 apply to a tax levied under this section.

36 **SECTION 13.1.(c)** Distribution and Use of Tax Revenue. – Warren County shall,
37 on a quarterly basis, remit the net proceeds of the occupancy tax to the Warren County Tourism
38 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel
39 and tourism and shall use the remainder for tourism-related expenditures in the county.

40 The following definitions apply in this subsection:

- 41 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
42 and collecting the tax, as determined by the finance officer, not to exceed three
43 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
44 proceeds collected each year and one percent (1%) of the remaining gross
45 receipts collected each year.
- 46 (2) Promote travel and tourism. – To advertise or market an area or activity,
47 publish and distribute pamphlets and other materials, conduct market research,
48 or engage in similar promotional activities that attract tourists or business
49 travelers to the area. The term includes administrative expenses incurred in
50 engaging in the listed activities.
51

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

6 **SECTION 13.2.** Tourism Development Authority. – (a) Appointment and
7 Membership. – When the Warren County Board of Commissioners adopts a resolution levying a
8 room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism
9 Development Authority, which shall be a public authority under the Local Government Budget
10 and Fiscal Control Act. The resolution adopted by the Board of Commissioners shall provide for
11 the membership of the Authority, including the members' terms of office, and for the filling of
12 vacancies on the Authority. At least one-third of the members shall be individuals who are
13 affiliated with businesses that collect the tax in the county, and at least one-half of the members
14 shall be individuals who are currently active in the promotion of travel and tourism in the county.
15 The Warren County Board of Commissioners shall designate one member of the Authority as
16 chair and shall determine the compensation, if any, to be paid to members of the Authority.

17 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
18 govern its meetings. The finance officer for Warren County shall be the ex officio finance officer
19 of the Authority.

20 **SECTION 13.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
21 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
22 provided in this Part.

23 **SECTION 13.2.(c)** Reports. – The Authority shall report quarterly and at the close
24 of the fiscal year to the Warren County Board of Commissioners on its receipts and expenditures
25 for the preceding quarter and for the year in such detail as the Board of Commissioners may
26 require.

27 **PART XIV. TOWN OF ST. JAMES OCCUPANCY TAX**

28 **SECTION 14.2.** Occupancy tax. – (a) Authorization and Scope. – The St. James
29 Town Council may levy a room occupancy tax of up to five percent (5%) of the gross receipts
30 derived from the rental of an accommodation within the town that is subject to sales tax imposed
31 by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.

32 **SECTION 14.2.(b)** Administration. – A tax levied under this section shall be levied,
33 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
34 G.S. 160A-215 apply to a tax levied under this section.

35 **SECTION 14.2.(c)** Distribution and Use of Tax Revenue. – The Town of St. James
36 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the St. James Tourism
37 Development Authority. The Authority shall use at least two-thirds of the funds remitted to it
38 under this subsection to promote travel and tourism in the Town of St. James and shall use the
39 remainder for tourism-related expenditures.

40 The following definitions apply in this section:

- 41 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
42 collecting the tax, as determined by the finance officer, not to exceed three
43 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
44 proceeds collected each year and one percent (1%) of the remaining gross
45 proceeds collected each year.
- 46 (2) Promote travel and tourism. – To advertise or market an area or activity,
47 publish and distribute pamphlets and other materials, conduct market research,
48 or engage in similar promotional activities that attract tourists or business
49 travelers to the area. The term includes administrative expenses incurred in
50 engaging in the listed activities.
51

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

6 **SECTION 14.2.(d)** Tourism Development Authority. – Appointment and
7 Membership. – When the Town Council adopts a resolution levying a room occupancy tax under
8 this section, it shall also adopt a resolution creating the St. James Tourism Development
9 Authority, which shall be a public authority under the Local Government Budget and Fiscal
10 Control Act. The resolution shall provide for the membership of the Authority, including the
11 members' terms of office, and for the filling of vacancies on the Authority. At least one-third of
12 the members shall be individuals who are affiliated with businesses that collect the tax in the
13 town, and at least one-half of the members shall be individuals who are currently active in the
14 promotion of travel and tourism in the town. The Town Council shall designate one member of
15 the Authority as chair and shall determine the compensation, if any, to be paid to members of the
16 Authority.

17 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
18 govern its meetings. The finance officer for the Town of St. James shall be the ex officio finance
19 officer of the Authority.

20 **SECTION 14.2.(e)** Duties. – The Authority shall expend the net proceeds of the tax
21 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
22 provided in this Part.

23 **SECTION 14.2.(f)** Reports. – The Authority shall report quarterly and at the close
24 of the fiscal year to the St. James Town Council on its receipts and expenditures for the preceding
25 quarter and for the year in such detail as the Town Council may require.

26 **PART XV. TOWN OF FOUR OAKS OCCUPANCY TAX**

27 **SECTION 15.1.** Occupancy tax. – (a) Authorization and Scope. – The Four Oaks
28 Board of Commissioners may levy a room occupancy tax of up to two percent (2%) of the gross
29 receipts derived from the rental of an accommodation within the town that is subject to sales tax
30 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
31 sales tax.

32 **SECTION 15.1.(b)** Administration. – A tax levied under this section shall be levied,
33 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
34 G.S. 160A-215 apply to a tax levied under this section.

35 **SECTION 15.1.(c)** Distribution and Use of Tax Revenue. – The Town of Four Oaks
36 shall, on a quarterly basis, remit the net proceeds of the occupancy tax to Johnston County
37 Tourism Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County
38 Tourism Authority shall use at least two-thirds of the funds remitted to it under this subsection
39 to promote travel and tourism in the Town of Four Oaks and shall use the remainder for
40 tourism-related expenditures in the Town of Four Oaks. In accordance with the North Carolina
41 Constitution and the United States Constitution, the tax proceeds may be used only for the direct
42 benefit of the Town of Four Oaks. None of the proceeds may be used to promote travel or tourism
43 in areas within Johnston County that are outside of the Town of Four Oaks or for tourism-related
44 expenditures in the county that are outside of the Town of Four Oaks. The net proceeds of the
45 occupancy tax levied under this Part shall supplement rather than supplant any proceeds being
46 used in the Town of Four Oaks derived from the occupancy tax levied by Johnston County
47 pursuant to Chapter 647 of the 1987 Session Laws.

48 The following definitions apply in this section:

- 49 (1) Net proceeds. – Gross proceeds less the cost to the town of administering and
50 collecting the tax, as determined by the finance officer, not to exceed three
51

1 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
2 proceeds collected each year and one percent (1%) of the remaining gross
3 proceeds collected each year.

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

9 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
10 Tourism Authority, are designed to increase the use of lodging facilities,
11 meeting facilities, or convention facilities in the town or to attract tourists or
12 business travelers to the town. The term includes tourism-related capital
13 expenditures.
14

15 **PART XVI. BERTIE COUNTY OCCUPANCY TAX**

16 **SECTION 16.1.** Occupancy tax. – (a) Authorization and Scope. – The Bertie County
17 Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross
18 receipts derived from the rental of an accommodation within the county that is subject to sales
19 tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
20 sales tax.

21 **SECTION 16.1.(b)** Administration. – A tax levied under this section shall be levied,
22 administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in
23 G.S. 153A-155 apply to a tax levied under this section.

24 **SECTION 16.1.(c)** Distribution and Use of Tax Revenue. – Bertie County shall, on
25 a quarterly basis, remit the net proceeds of the occupancy tax to the Bertie County Tourism
26 Development Authority. The Authority shall use at least two-thirds of the funds to promote travel
27 and tourism and shall use the remainder for tourism-related expenditures in the county.

28 The following definitions apply in this subsection:

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

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

39 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
40 Tourism Development Authority, are designed to increase the use of
41 accommodations, meeting facilities, or convention facilities in the county or
42 to attract tourists or business travelers to the county. The term includes
43 tourism-related capital expenditures.

44 **SECTION 16.2.** Tourism Development Authority. – (a) Appointment and
45 Membership. – When the Bertie County Board of Commissioners adopts a resolution levying a
46 room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism
47 Development Authority, which shall be a public authority under the Local Government Budget
48 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
49 including the members' terms of office, and for the filling of vacancies on the Authority. At least
50 one-third of the members shall be individuals who are affiliated with businesses that collect tax
51 in the county, and at least one-half of the members shall be individuals who are currently active

1 in the promotion of travel and tourism in the county. The Bertie County Board of Commissioners
2 shall designate one member of the Authority as chair and shall determine the compensation, if
3 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 Bertie County shall be the ex officio finance officer
6 of the Authority.

7 **SECTION 16.2.(b) Duties.** – The Authority shall expend the net proceeds of the tax
8 levied under this Part for promoting travel and tourism and for tourism-related expenditures as
9 provided in this Part.

10 **SECTION 16.2.(c) Reports.** – The Authority shall report quarterly and at the close
11 of the fiscal year to the Bertie County Board of Commissioners on its receipts and expenditures
12 for the preceding quarter and for the year in such detail as the Board may require.

13 **PART XVII. IREDELL OCCUPANCY TAX CHANGES**

14 **SECTION 17.1.** Part IV of Chapter 570 of the 1985 Session Laws, as amended by
15 Section 21(f) of S.L. 2007-527, is repealed.

16 **SECTION 17.2.(a) Iredell County District I Created.** – Iredell County District I is
17 created as a taxing district. Its jurisdiction consists of that part of Iredell County that is located
18 outside of incorporated areas within the county. Iredell County District I is a body politic and
19 corporate and has the power to carry out the provisions of this section. The Iredell County Board
20 of Commissioners shall serve ex officio as the governing body of the district, and the officers of
21 the board of commissioners shall serve as the officers of the governing body of the district. A
22 simple majority of the governing body constitutes a quorum, and approval by a majority of those
23 present is sufficient to determine any matter before the governing body, if a quorum is present.

24 **SECTION 17.2.(b) Authorization and Scope.** – The governing body of Iredell
25 County District I may levy a room occupancy tax of up to six percent (6%) of the gross receipts
26 derived from the rental of an accommodation within the district that is subject to sales tax
27 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
28 sales or room occupancy tax.

29 **SECTION 17.2.(c) Administration.** – A tax levied under this section shall be levied,
30 administered, collected, and repealed as provided in G.S. 153A-155 as if Iredell County District
31 I were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

32 **SECTION 17.2.(d) Distribution and Use of Tax Revenue.** – Iredell County District
33 I shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Iredell County
34 District I Tourism Development Authority. The Iredell County District I Tourism Development
35 Authority shall use at least two-thirds of the proceeds to promote travel and tourism and shall use
36 the remainder for tourism-related expenditures in the district. In accordance with the North
37 Carolina Constitution and the United States Constitution, the tax proceeds may be used only for
38 the direct benefit of the jurisdiction of Iredell County District I.

39 The following definitions apply in this subsection:

- 40
- 41 (1) Net proceeds. – Gross proceeds less the cost to the county of administering
42 and collecting the tax, as determined by the finance officer, not to exceed three
43 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
44 proceeds collected each year and one percent (1%) of the remaining gross
45 receipts collected each year.
 - 46 (2) Promote travel and tourism. – To advertise or market an area or activity,
47 publish and distribute pamphlets and other materials, conduct market research,
48 or engage in similar promotional activities that attract tourists or business
49 travelers to the area. The term includes administrative expenses incurred in
50 engaging in the listed activities.

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

6 **SECTION 17.3.** Iredell County District I Tourism Development Authority. – (a)
7 Appointment and Membership. – When the governing body of Iredell County District I adopts a
8 resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating
9 the Iredell County District I Tourism Development Authority, which shall be a public authority
10 under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the
11 membership of the Authority, including the members' terms of office, and for the filling of
12 vacancies on the Authority. At least one-third of the members must be individuals who are
13 affiliated with businesses that collect the tax in Iredell County, and at least one-half of the
14 members must be individuals who are currently active in the promotion of travel and tourism in
15 Iredell County. The governing body shall designate one member of the Authority as chair and
16 shall determine the compensation, if any, to be paid to members of the Authority.

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

20 **SECTION 17.3.(b)** Duties. – The Authority shall expend the net proceeds of the tax
21 levied under this Part for the purposes provided in this Part. The Authority shall promote travel
22 and tourism in the district and make tourism-related expenditures in the district.

23 **SECTION 17.3.(c)** Reports. – The Authority shall report quarterly and at the close
24 of the fiscal year to the Iredell County Board of Commissioners on its receipts and expenditures
25 for the preceding quarter and for the year in such detail as the board may require.

26 **SECTION 17.4.** The governing body of Iredell County District I and the Iredell
27 County Board of Commissioners shall adopt any resolutions or modify any adopted resolutions,
28 as needed, to carry out the provisions of this Part.

29 **SECTION 17.5.** This Part does not affect the rights or liabilities of the State, a
30 taxpayer, or another person arising under an act repealed by this Part before the effective date of
31 its amendment, nor does it affect the right to any refund or credit of a tax that accrued under the
32 repealed act before the effective date of its repeal.

33 **SECTION 17.6.** Section 17.1 of this Part becomes effective when the governing
34 body of Iredell County District I adopts a resolution levying a room occupancy tax under Section
35 17.2 of this Part. The remainder of this Part is effective when it becomes law.

36 37 **PART XVIII. SWAIN COUNTY OCCUPANCY TAX**

38 **SECTION 18.1.** Chapter 923 of the 1985 Session Laws, as amended by Section 1 of
39 S.L. 2007-23, reads as rewritten:

40 "Section 1. Occupancy Tax. (a) Authorization and Scope. – The Swain County Board of
41 Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts
42 derived from the rental of ~~any room, lodging, or accommodation furnished by a hotel, motel, inn,~~
43 ~~tourist camp, or similar place~~ an accommodation within the county that is subject to sales tax
44 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
45 sales tax. ~~This tax does not apply to accommodations furnished by nonprofit charitable,~~
46 ~~educational, or religious organizations when furnished in furtherance of their nonprofit purpose.~~

47 (a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a)
48 of this section, the Swain County Board of Commissioners may levy an additional room
49 occupancy tax of up to one percent (1%) of the gross receipts derived from the rental of
50 accommodations taxable under subsection (a) of this section. The levy, collection,
51 administration, and repeal of the tax authorized by this subsection shall be in accordance with

1 the provisions of this section. Swain County may not levy a tax under this subsection unless it
2 also levies the ~~maximum~~ tax authorized under subsection (a) of this section.

3 (a2) Authorization of Second Additional Tax. – In addition to the tax authorized by
4 subsections (a) and (a1) of this section, the Swain County Board of Commissioners may levy an
5 additional room occupancy tax of up to two percent (2%) of the gross receipts derived from the
6 rental of accommodations taxable under subsection (a) of this section. The levy, collection,
7 administration, and repeal of the tax authorized by this subsection shall be in accordance with
8 the provisions of this section. Swain County may not levy a tax under this subsection unless it
9 also levies the tax authorized under subsections (a) and (a1) of this section.

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

13 (e) Distribution and Use of Tax Revenue. – Swain County shall, on a quarterly basis,
14 remit the net proceeds of the occupancy tax to the Swain Tourism Development Authority. The
15 Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote
16 travel and tourism ~~in Swain County~~ and shall use the remainder for tourism-related
17 ~~expenditures.~~ expenditures in the 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 three
21 percent (3%) of the first five hundred thousand dollars (\$500,000) of gross
22 proceeds collected each year and one percent (1%) of the remaining gross
23 proceeds 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 research,
26 or engage in similar promotional activities that attract tourists or business
27 travelers to the ~~area;~~ the area. The term includes administrative expenses
28 incurred in engaging in the listed activities.
- 29 (3) Tourism-related expenditures. – Expenditures that, in the judgment of Swain
30 County Tourism Development Authority, are designed to increase the use of
31 ~~lodging facilities, meeting facilities, or convention facilities~~ accommodations,
32 meeting facilities, or convention facilities in the county or to attract tourists or
33 business travelers to the county. The term includes tourism-related capital
34 expenditures.

35 "**Sec. 2.** Tourism Development Authority. – (a) Appointment and Membership. – When the
36 ~~board of commissioners Swain County Board of Commissioners~~ adopts a resolution levying a
37 room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism
38 Development Authority, which shall be a public authority under the Local Government Budget
39 and Fiscal Control Act. The resolution shall provide for the membership of the Authority,
40 including the members' terms of office, and for the filling of vacancies on the Authority. At least
41 one-third of the members shall be individuals who are affiliated with businesses that collect the
42 tax in the county, and at least one-half of the members shall be individuals who are currently
43 active in the promotion of travel and tourism in the county. The ~~board of commissioners Swain~~
44 County Board of Commissioners shall designate one member of the Authority as chair and shall
45 determine the compensation, if any, to be paid to members of the Authority.

46 The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern
47 its meetings. The finance officer of Swain County shall be the ex officio finance officer of the
48 Authority.

49 (b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act
50 ~~for the purposes provided in Section 1 of this act. The Authority shall promote travel, tourism,~~
51 ~~and conventions in Swain County, sponsor tourist-related events and activities in the county, and~~

1 ~~finance tourist-related capital projects in the county.~~ promoting travel and tourism and for
2 tourism-related expenditures as provided in this act.

3 (c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to
4 the ~~board of county commissioners.~~ Swain County Board of Commissioners on its receipts and
5 expenditures for the preceding quarter and for the year in such detail as the ~~board.~~ Board may
6 require.

7"

9 PART XXII. CARTERET COUNTY OCCUPANCY TAX

10 SECTION 22.1. Section 2(i) of S.L. 2013-223 reads as rewritten:

11 "SECTION 2.(i) Use and Distribution of Tax Revenue. – The net proceeds of the occupancy
12 taxes levied under Section 2 of this act are distributed as follows:

- 13 (1) Travel and tourism promotion. – Carteret County must, on a quarterly basis,
14 remit fifty percent (50%) to the Carteret County Tourism Development
15 Authority to be used to promote travel and tourism.
- 16 (2) Beach nourishment. – Carteret County must use the remaining fifty percent
17 (50%) only for beach nourishment on Bogue Banks. The county may not
18 accumulate a balance of tax proceeds for beach nourishment in excess of ~~thirty~~
19 sixty million dollars (\$30,000,000)-(\$60,000,000)."

21 PART XXIII. DAVIDSON COUNTY OCCUPANCY TAX

22 SECTION 23.1.(a) Davidson County District D Created. – Davidson County District
23 D is created as a taxing district. Its jurisdiction consists of that part of Davidson County that is
24 located outside of incorporated areas within the county. Davidson County District D is a body
25 politic and corporate and has the power to carry out the provisions of this Part. The Davidson
26 County Board of Commissioners shall serve ex officio as the governing body of the district, and
27 the officers of the county shall serve as the officers of the governing body of the district. A simple
28 majority of the governing body constitutes a quorum, and approval by a majority of those present
29 is sufficient to determine any matter before the governing body, if a quorum is present.

30 SECTION 23.1.(b) Authorization and Scope. – The governing body of Davidson
31 County District D may levy a room occupancy tax of up to six percent (6%) of the gross receipts
32 derived from the rental of an accommodation within the district that is subject to sales tax
33 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
34 sales or room occupancy tax.

35 SECTION 23.1.(c) Administration. – A tax levied under this section shall be levied,
36 administered, collected, and repealed as provided in G.S. 153A-155 as if Davidson County
37 District D were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under
38 this section.

39 SECTION 23.1.(d) Distribution and Use of Tax Revenue. – Davidson County
40 District D shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the
41 Davidson County District D Tourism Development Authority created pursuant to this Part. The
42 Authority shall use at least two-thirds of the proceeds distributed to it to promote travel and
43 tourism in the district and shall use the remainder for tourism-related expenditures in the district.
44 In accordance with the North Carolina Constitution and the United States Constitution, the tax
45 proceeds may be used only for the direct benefit of the jurisdiction of Davidson County District
46 D.

47 The following definitions apply in this subsection:

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

1 proceeds collected each year and one percent (1%) of the remaining gross
2 receipts collected each year.

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

8 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
9 Tourism Development Authority, are designed to increase the use of
10 accommodations, meeting facilities, or convention facilities in a district or to
11 attract tourists or business travelers to the district. The term includes
12 tourism-related capital expenditures.

13 **SECTION 23.2.** Davidson County District D Tourism Development Authority. – (a)
14 Appointment and Membership. – When the governing body of Davidson County District D
15 adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution
16 creating the Davidson County District D Tourism Development Authority, which shall be a
17 public authority under the Local Government Budget and Fiscal Control Act. The resolution shall
18 provide for the membership of the Authority, including the members' terms of office, and for the
19 filling of vacancies on the Authority. At least one-third of the members must be individuals who
20 are affiliated with businesses that collect the tax in the district, and at least one-half of the
21 members must be individuals who are currently active in the promotion of travel and tourism in
22 the district. The governing body of Davidson County District D shall designate one member of
23 the Authority as chair and shall determine the compensation, if any, to be paid to members of the
24 Authority.

25 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
26 govern its meetings. The Finance Officer for Davidson County shall be the ex officio finance
27 officer of the Authority.

28 **SECTION 23.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
29 levied under this Part for promoting travel and tourism in the district and for tourism-related
30 expenditures in the district as provided in this Part.

31 **SECTION 23.2.(c)** Reports. – The Authority shall report quarterly and at the close
32 of the fiscal year to the Davidson County Board of Commissioners on its receipts and
33 expenditures for the preceding quarter and for the year in such detail as the board may require.
34

35 **PART XXIV. DAVIE COUNTY OCCUPANCY TAX**

36 **SECTION 24.1.(a)** Davie County District E Created. – Davie County District E is
37 created as a taxing district. Its jurisdiction consists of that part of Davie County that is located
38 outside of the incorporated areas of Mocksville, Bermuda Run, and Cooleemee. Davie County
39 District E is a body politic and corporate and has the power to carry out the provisions of this
40 Part. The Davie County Board of Commissioners shall serve ex officio as the governing body of
41 the district, and the officers of the county shall serve as the officers of the governing body of the
42 district. A simple majority of the governing body constitutes a quorum, and approval by a
43 majority of those present is sufficient to determine any matter before the governing body, if a
44 quorum is present.

45 **SECTION 24.1.(b)** Authorization and Scope. – The governing body of Davie
46 County District E may levy a room occupancy tax of up to three percent (3%) of the gross receipts
47 derived from the rental of an accommodation within the district that is subject to sales tax
48 imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local
49 sales or room occupancy tax.

50 **SECTION 24.1.(c)** Administration. – A tax levied under this section shall be levied,
51 administered, collected, and repealed as provided in G.S. 153A-155 as if Davie County District

1 E were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this
2 section.

3 **SECTION 24.1.(d)** Distribution and Use of Tax Revenue. – Davie County District
4 E shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the Davie County
5 District E Tourism Development Authority created pursuant to this Part. The Authority shall use
6 at least two-thirds of the proceeds distributed to it to promote travel and tourism in the district
7 and shall use the remainder for tourism-related expenditures in the district. In accordance with
8 the North Carolina Constitution and the United States Constitution, the tax proceeds may be used
9 only for the direct benefit of the jurisdiction of Davie County District E.

10 The following definitions apply in this subsection:

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

26 **SECTION 24.2.** Davie County District E Tourism Development Authority. – (a)
27 Appointment and Membership. – When the governing body of Davie County District E adopts a
28 resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating
29 the Davie County District E Tourism Development Authority, which shall be a public authority
30 under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the
31 membership of the Authority, including the members' terms of office, and for the filling of
32 vacancies on the Authority. At least one-third of the members must be individuals who are
33 affiliated with businesses that collect the tax in the district, and at least one-half of the members
34 must be individuals who are currently active in the promotion of travel and tourism in the district.
35 The governing body of the Davie County District E shall designate one member of the Authority
36 as chair and shall determine the compensation, if any, to be paid to members of the Authority.

37 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
38 govern its meetings. The Finance Officer for Davie County shall be the ex officio finance officer
39 of the Authority.

40 **SECTION 24.2.(b)** Duties. – The Authority shall expend the net proceeds of the tax
41 levied under this Part for promoting travel and tourism in the district and for tourism-related
42 expenditures in the district as provided in this Part.

43 **SECTION 24.2.(c)** Reports. – The Authority shall report quarterly and at the close
44 of the fiscal year to the Davie County Board of Commissioners on its receipts and expenditures
45 for the preceding quarter and for the year in such detail as the board may require.

46 **PART XXV. MECKLENBURG MEALS TAX AND OCCUPANCY TAX SUNSET** 47 **EXTENSIONS**

48 **SECTION 25.1.(a)** Section 9.1 of Chapter 908 of the 1983 Session Laws, as
49 amended by Chapters 821 and 922 of the 1989 Session Laws and S.L. 2001-402, reads as
50 rewritten:
51

1 "Sec. 9.1. Sunset of Certain Provisions. – ~~Effective on the latest of the three dates listed~~
 2 ~~below~~, Section 7 of this act and Section 9(a)(4)b. of this act are ~~repealed~~:repealed effective July
 3 1, 2060.

4 (1) ~~July 1 following the date of final satisfaction, by payment or other irrevocable~~
 5 ~~defeasance, of any debt instruments or obligations that meet both of the~~
 6 ~~following conditions:~~

7 a. ~~They were issued by the City of Charlotte or by a related special~~
 8 ~~purpose entity in connection with the financing of the Charlotte~~
 9 ~~Convention Center or of any hotel or parking facility constructed or~~
 10 ~~participated in by the city to support or serve the convention center.~~

11 b. ~~They were issued and outstanding on or before July 1, 2001.~~

12 (2) ~~July 1 following the date of final satisfaction, by payment or other irrevocable~~
 13 ~~defeasance, of any debt instruments or obligations that were issued by the City~~
 14 ~~of Charlotte or by a related special purpose entity in connection with a~~
 15 ~~construction contract for expansion of the existing convention center that~~
 16 ~~meets both of the following conditions:~~

17 a. ~~The expansion contracted for will encompass at least 100,000 square~~
 18 ~~feet of additional exhibit and meeting space and related support~~
 19 ~~facilities.~~

20 b. ~~The design contract for the expansion contracted for was awarded by~~
 21 ~~January 1, 2011.~~

22 (3) ~~July 1, 2031."~~

23 **SECTION 25.1.(b)** Section 1(e) of S.L. 2005-68 reads as rewritten:

24 "**SECTION 1.(e)** Repeal. – A tax levied under this act shall only be repealed in accordance
 25 with this ~~subsection~~.subsection and G.S. 153A-155(f). The Mecklenburg County Board of
 26 Commissioners shall repeal the tax effective ~~the not earlier than the later~~ of July 1, 2038, or July
 27 1 after the date of final satisfaction, by payment or other irrevocable defeasance, of any debt
 28 instruments or obligations that were issued by the City of Charlotte or a related special purpose
 29 entity in connection with the financing or refinancing of the NASCAR Hall of Fame Museum
 30 ~~facility~~.facility but not later than July 1, 2060. Effective upon the repeal of the tax in accordance
 31 with this subsection, subsection (a) of this section is repealed, and any tax levied under that
 32 subsection shall be rescinded. Repeal of a tax levied under this act does not affect a liability for
 33 a tax that has attached before the effective date of the repeal, nor does it affect a right to a refund
 34 of a tax that accrued before the effective date of the repeal."

35 **SECTION 25.1.(c)** Section 1(f) of S.L. 2005-68 reads as rewritten:

36 "**SECTION 1.(f)** Distribution and Use of Proceeds. – The local administrative authority,
 37 acting on its own behalf or as agent for each taxing entity shall distribute the proceeds of the tax
 38 levied pursuant to this act to the City of Charlotte. The City of Charlotte shall use the proceeds
 39 only for the acquisition, construction, repair, maintenance, renovation, improvement, and
 40 financing or refinancing of a NASCAR Hall of Fame Museum facility and an ancillary and
 41 adjacent NASCAR/convention center ballroom facility. The Charlotte Regional Visitors
 42 Authority shall have all the powers and duties enumerated in Section 5.23 of the Charter of the
 43 City of Charlotte (S.L. 2000-26 as amended by S.L. 2001-402 and S.L. 2004-14) with respect to
 44 facilities constructed pursuant to this act."

45 **SECTION 25.1.(d)** Subsection (c) of this section is effective when it becomes law
 46 and applies to the use of tax proceeds collected on or after that date.

47 **PART XXVI. APPLICABILITY AND EFFECTIVE DATE**

48 **SECTION 26.1.** G.S. 153A-155(g) reads as rewritten:

49 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
 50 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
 51

1 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
2 to Alleghany, Anson, Bertie, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret,
3 Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie,
4 Duplin, Durham, Edgecombe, Forsyth, Franklin, Graham, Granville, Halifax, Haywood,
5 Henderson, Jackson, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, New
6 Hanover, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond,
7 Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Swain, Transylvania,
8 Tyrrell, Union, Vance, Warren, Washington, Wayne, and ~~Wilson~~ Wilson, and Yancey Counties,
9 to Avery County District A, Graham County District G, Harnett County District H, Iredell
10 County District I, New Hanover County District U, Surry County District S, Watauga County
11 District U, Wilkes County District K, ~~W~~, Yadkin County District Y, and the Township of
12 Averagesboro in Harnett County and the Ocracoke Township Taxing District."

13 **SECTION 26.2.** G.S. 160A-215(g) reads as rewritten:

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

29 **SECTION 26.3.** Except as otherwise provided, this act is effective when it becomes
30 law.