

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 883
Committee Substitute Favorable 10/8/01
Third Edition Engrossed 10/11/01

Short Title: Tyrrell Occupancy Tax.

(Local)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM
OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Tyrrell occupancy tax. (a) Authorization and Scope. – The Tyrrell County Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by private, nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155.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

SECTION 1.(c) Use of Tax Revenue. – Tyrrell County shall on a quarterly basis, remit the net proceeds of the occupancy tax to the Tyrrell Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Tyrrell County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

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

1 market research, or engage in similar promotional activities that attract
2 tourists or business travelers to the area; the term includes
3 administrative expenses incurred in engaging in these activities.

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

9 **SECTION 2.** Tyrrell Tourism Development Authority. – (a) Appointment
10 and Membership. – When the board of commissioners adopts a resolution levying a
11 room occupancy tax under this act, it shall also adopt a resolution creating a county
12 Tourism Development Authority, which shall be a public authority under the Local
13 Government Budget and Fiscal Control Act. The resolution shall provide for the
14 membership of the Authority including the members' terms of office, and for the filling
15 of vacancies on the Authority. At least one-third of the members must be individuals
16 who are affiliated with businesses that collect the tax in the county and at least
17 three-fourths of the members must be individuals who are currently active in the
18 promotion of travel and tourism in the county. The board of commissioners shall
19 designate one member of the Authority as chair and shall determine the compensation,
20 if any, to be paid to members of the Authority.

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

24 **SECTION 2.(b)** Duties. – The Authority shall expend the net proceeds of
25 the tax levied under this act for the purposes provided in Section 1 of this act. The
26 Authority shall promote travel, tourism, and conventions in the county, sponsor
27 tourist-related events and activities in the county, and finance tourist-related capital
28 projects in the county.

29 **SECTION 2.(c)** Reports. – The Authority shall report quarterly and at the
30 close of the fiscal year to the board of commissioners on its receipts and expenditures
31 for the preceding quarter and for the year in such detail as the board may require.

32 **SECTION 3.** County Administrative Provisions. – G.S. 153A-155(g) is
33 amended by adding "Tyrrell," immediately after "Transylvania."

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