

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 319
HOUSE BILL 770

AN ACT TO MODIFY THE HICKORY-CONOVER OCCUPANCY TAX LAW.

The General Assembly of North Carolina enacts:

Section 1. Section 4(a) of Chapter 929 of the 1985 Session Laws (1986) reads as rewritten:

"(a) Any tax levied under this act is due and payable to the levying jurisdiction in monthly installments on or before the 25th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 25th day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A return filed under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law."

Sec. 2. Sections 6 through 10 of Chapter 929 of the 1985 Session Laws (1986) read as rewritten:

"Sec. 6. Disposition of Taxes Collected. (a) The taxing city shall remit one hundred percent (100%) of the net proceeds of the occupancy tax to the Hickory-Conover Tourism Development ~~Advisory Council~~ Authority. 'Net proceeds' means gross proceeds.

(b) The Hickory-Conover Tourism Development ~~Advisory Council~~ Authority shall allocate 100 percent (100%) of the net proceeds of the occupancy tax in a fiscal year for improving, leasing, constructing, financing, operating, or acquiring facilities and properties as needed to provide for a civic center facility and development of tourism, support services, tourist-related events and any other appropriate activities for providing tourism-related facilities and/or attractions.

(c) Provision of a civic center facility shall be a priority use of funds.

(d) The taxing city shall distribute the amounts due to the Hickory-Conover Tourism Development ~~Advisory Council~~ Authority monthly.

(e) The levying jurisdiction may contract with another governmental unit to collect and disperse the funds directly to the Hickory-Conover Tourism Development ~~Advisory Council~~ Authority.

"Sec. 7. Appointment, Duties of the Hickory-Conover Tourism Development ~~Advisory Council~~ Authority. (a) When the Cities of Hickory and Conover adopt a resolution levying a tax under this act, they shall also adopt a resolution creating a Hickory-Conover Tourism Development ~~Advisory Council~~ Authority. When the City of Goldsboro or Hendersonville adopts a resolution levying a tax under this act, it shall

adopt a resolution creating a Tourism Development Advisory Council. The membership of the Hickory/Conover Tourism Development ~~Advisory Council, Authority,~~ the membership of the Goldsboro Tourism Development Advisory Council, and the membership of the Hendersonville Tourism Development Advisory Council are as follows:

(1) Three owners/operators of hotels, motels, or other taxable accommodations in the Cities of Hickory and Conover; two of whom shall be appointed by the Hickory City Council and one appointed by Conover City Council. The City of Goldsboro shall appoint three owners/operators of hotels, motels, or other taxable tourism accommodations to its Tourism Development Advisory Council. The City of Hendersonville shall appoint three owners/operators of hotels, motels, or other taxable tourism accommodations to its Tourism Development Advisory Council.

(2) Three individuals who have demonstrated an interest in convention and tourism development and do not own or operate hotels, motels, or other taxable tourism accommodations, one of whom shall be appointed by the Catawba County Chamber of Commerce, one appointed by the Hickory City Council and one by the Conover City Council. The City of Goldsboro shall appoint three individuals who have demonstrated an interest in conventions and tourism development in the Goldsboro area, and who do not own or operate hotels, motels, or other taxable tourism accommodations. The City of Hendersonville shall appoint to its Tourism Development Advisory Council three individuals who have demonstrated an interest in conventions and tourism development in the Hendersonville area, and who do not own or operate hotels, motels, or other taxable tourism accommodations.

(3) Three ex officio members shall be the City Managers of Hickory and Conover and Executive Vice President of the Catawba County Chamber of Commerce. If other municipal corporations levy the tax and allocate same to the ~~Council, Authority,~~ their chief appointed official, as defined in N.C. General Statutes, Chapter 160A, Article 7, Part 2, shall also serve as an ex officio member of the ~~Council, Authority.~~ The City of Goldsboro shall appoint three ex officio members which shall include the city manager, the executive vice-president of the Goldsboro Chamber of Commerce, and the mayor of the City of Goldsboro. The City of Hendersonville shall appoint the following three ex officio members to its Tourism Development Advisory Council: a member of the Henderson County Board of Commissioners, the executive vice-president of The Greater Hendersonville Chamber of Commerce, and the mayor of the City of Hendersonville.

(b) All members of the ~~Council—Authority~~ shall serve without compensation. Travel expenses, as approved in the annual budget, may be provided by the ~~Hickory-Conover Tourism Development Advisory Council, Authority.~~ Vacancies in the ~~Council Authority~~ shall be filled by the appointing authority of the member creating the vacancy.

(c) Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms which will be staggered and may serve no more than two consecutive three-year terms. The members shall elect a chairperson and treasurer, who shall serve for a term

of two years. The ~~Council~~Authority shall meet at the call of the chairperson and shall adopt rules of procedure to govern its meeting as provided by Robert's Rules of Order.

"Sec. 8. Contracts Authorized. (a) The Hickory-Conover Tourism Development Advisory Council~~Authority~~ may contract with any person, firm, or agency to assist it in carrying out the purposes for which the tax proceeds are levied by this act or other revenues.

(b) The Hickory-Conover Tourism Development ~~Advisory Council~~Authority shall prepare an annual budget and shall report quarterly and at the close of the fiscal year to the governing body that has jurisdiction of activities pursuant to Section 6(b) and 6(c) of this act on their receipts and expenditures for the preceding quarter and year in such detail as the municipal corporation may require. An audit will be conducted as part of the municipal corporation's audit contract.

"Sec. 9. Repeal of Levy. (a) The Cities of Hickory and Conover may by joint resolution repeal the levy of the room occupancy tax levied by them. The Cities of Goldsboro and Hendersonville may by resolution repeal the levy of the room occupancy tax levied by them. No repeal of taxes levied under this act shall be effective until the end of the fiscal year in which the repeal resolution was adopted.

(b) No liability for any tax levied under this act that attached prior to the date on which a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed may be denied as a result of the repeal.

(c) Notwithstanding the provisions of subsection (a), the Cities of Hickory and Conover may not repeal the levy of the room occupancy tax levied by them if before the effective date of the repeal either City has outstanding indebtedness under Article 4, 5, 8, or 9 of Chapter 159 of the General Statutes for the provision of a civic center facility.

~~"Sec. 10. Legislation enacted to authorize all counties to levy a room occupancy tax repeals this act unless the statewide act specifically exempts this act."~~

Sec. 3. This act applies only to the Cities of Hickory and Conover.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th day of June, 1987.