

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1348

Short Title: Camden County Occupancy Tax.

(Local)

Sponsors: Representative Owens.

Referred to: Rules, Calendar, and Operations of the House.

May 10, 2004

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. (a) Authorization and Scope. – The Camden 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 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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155.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) Distribution and Use of Tax Revenue. – Camden County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Camden 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 Camden 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 market research, or engage in similar promotional activities that attract

1 tourists or business travelers to the area; the term includes
2 administrative expenses incurred in engaging in these activities.

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

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

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

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

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

31 **SECTION 3.** G.S. 153A-155(g) reads as rewritten:

32 "(g) This section applies only to Anson, Brunswick, Buncombe, Cabarrus,
33 Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Durham, Granville,
34 Madison, Montgomery, Nash, New Hanover, Pender, Person, Randolph, Richmond,
35 Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and
36 to the Township of Averagesboro in Harnett County."

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