

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH30246-LY-227 (4/12)

Short Title: NC Travel and Tourism Investment Act.

(Public)

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Sponsors: Representative Earle.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INVESTMENT PROGRAM AND A RURAL TOURISM DEVELOPMENT ACCOUNT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 2 of Article 10 of Chapter 143B of the General Statutes is amended by adding two new sections to read:

**"§ 143B-434.5. Travel and Tourism Capital Investment Program.**

(a) Program Established. – The Travel and Tourism Capital Investment Program is established in the Department of Commerce. Under the program, the Travel and Tourism Grant Committee established in this section may award grants to the sponsors of qualified projects for the purpose of inducing the creation of new or the expansion or renovation of existing travel and tourism projects. Grant proceeds may not be distributed to any private individual or entity. The Committee shall develop guidelines to be used in determining whether the conditions in this section are satisfied and whether the project described in the application is consistent with the program.

(b) Sponsor. – For the purpose of this section, the sponsor of a qualified project is a county or city in this State that will participate in financing the project.

(c) Committee. – The Travel and Tourism Grant Committee shall consist of the Secretary of Commerce, the Secretary of Revenue, the Director of the Office of State Budget and Management, the Chair of the North Carolina Travel and Tourism Board, the Executive Director of the North Carolina Institute for Minority Economic Development; three elected local government officials; and three public members. One elected local government official and one public member shall represent the Piedmont and shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. One elected local government official and one public member shall represent the Mountains and shall be appointed by the Governor. One elected local government official and one public member shall represent the

1 Coastal Plain and shall be appointed by the General Assembly upon the  
2 recommendation of the President Pro Tempore of the Senate. Neither the public  
3 members nor the elected local government officials may be associated with or employed  
4 by the travel and tourism industry or an entertainment enterprise or be in any contractual  
5 relationship regarding the qualified project. The appointed members shall serve  
6 two-year terms. The appointing authorities shall make appointments to the Committee  
7 that reflect the State's ethnic diversity. The Committee may act only upon a majority  
8 vote of its members.

9 It is unlawful for a member of the Committee to provide, during or within two years  
10 after the end of service on the Committee, services for compensation, as an employee,  
11 consultant, or otherwise, to any project that was awarded a grant under this section  
12 while the former member was serving on the Committee or to any person or entity that  
13 contracts with that project. Violation of this subsection is a Class 1 misdemeanor.

14 Meetings of the Committee are subject to the open meetings requirements of Article  
15 33C of Chapter 143 of the General Statutes. All documents of the Committee, including  
16 applications for grants, are public records governed by Chapter 132 of the General  
17 Statutes, including applicable provisions of the General Statutes protecting confidential  
18 information.

19 (d) Application. – The sponsor of a qualified project is responsible for applying  
20 for a grant under this section. The sponsor of a qualified project may apply for a grant  
21 no later than one year after the qualified project is opened to the public. Before filing an  
22 application, the sponsor must determine that the project meets all of the requirements  
23 for qualification and must include with the application detailed certification of the facts  
24 supporting the project's qualification. The application must contain all information  
25 required by the Committee, including a certification of the nature and cost of the  
26 tourism project, the estimated revenues to be generated by the project, the estimated  
27 economic benefit to the community, and the purposes for which the applicant will use  
28 the grant funds. The application must also include documentation proving (i) the role  
29 the project plays in increasing travel and tourism revenue and (ii) that the financing of  
30 the project requires local government participation. If the tourism project is the result of  
31 a public-private partnership, the application must set forth in detail the respective rights  
32 and obligations of the parties and the specific terms of the agreement. The application  
33 must be signed by the finance officer and the chair of the governing body of the  
34 sponsor.

35 (e) Fee. – When filing an application under this section, the applicant must pay  
36 the Committee the applicable fee provided in the table below based on the tier in which  
37 the project is located:

<u>Enterprise Tier</u>	<u>Fee</u>
<u>1 and 2</u>	<u>\$1,000</u>
<u>3</u>	<u>\$3,000</u>
<u>4 and 5</u>	<u>\$5,000</u>

42 The fee is due at the time the application is filed. The Committee shall determine the  
43 allocation of the fee imposed by this subsection among the agencies whose heads are ex

1 officio members of the Committee. The proceeds of the fee are receipts of the agency to  
 2 which they are credited.

3 (f) Qualification. – A qualified project is a newly created travel and tourism  
 4 project or expansion or renovation of a travel and tourism project that the Committee  
 5 determines, pursuant to a feasibility study under this section, meets all of the following  
 6 conditions:

7 (1) The sponsor's financial participation is a critical factor in the  
 8 construction of the project.

9 (2) A project located in an enterprise tier one, two, or three area will target  
 10 at least fifteen percent (15%) of its visitors from among persons who  
 11 reside outside the State or more than 25 miles from the project. A  
 12 project located in an enterprise tier four or five area will target at least  
 13 thirty-five percent (35%) of its visitors from among persons who  
 14 reside outside the State or more than 50 miles from the project.

15 (3) The project has a business plan that demonstrates a positive economic  
 16 impact on the community in which the project is located.

17 (4) The applicant has provided impact projections regarding estimated  
 18 State and local tax revenues with respect to the project.

19 (5) The project will have a significant and positive economic impact on  
 20 the community in which the project is located, considering among  
 21 other factors the extent to which the tourism project will compete  
 22 directly with existing tourism attractions in the area and the amount by  
 23 which tax revenues from the tourism project will exceed the amount of  
 24 the grant provided.

25 (6) The applicant has provided a cost-benefit analysis of the project.

26 (7) The applicant has provided an economic impact analysis, certified by a  
 27 certified public accountant, which demonstrates the employment, gross  
 28 State product, and personal income effects of the project over a  
 29 10-year period.

30 (8) The project will be available to the public for a minimum of 100 days  
 31 per year.

32 (9) The project will generate at least 10 new jobs in the community in  
 33 which the project is located. At least three of the new jobs will be  
 34 full-time positions if the project is located in an enterprise tier one,  
 35 two, or three area. At least seven of the new jobs will be full-time  
 36 positions if the project is located in an enterprise tier four area. At least  
 37 10 of the new jobs will be full-time positions if the project is located in  
 38 an enterprise tier five area.

39 (10) The project will have the following minimum cost based on the  
 40 enterprise tier in which it is located:

<u>Enterprise Tier</u>	<u>Minimum Cost</u>
<u>1 and 2</u>	<u>\$250,000</u>
<u>3</u>	<u>\$500,000</u>
<u>4</u>	<u>\$3,000,000</u>

5 \$4,000,000

(11) The governing body of the sponsor has passed a resolution stating the need for the project and the positive economic impact and enhancement of travel and tourism revenues from the project.

(12) The applicant has demonstrated by clear and convincing evidence the following:

a. The project will not result in unnecessary duplication of existing services.

b. The project will generate new visitors to the area rather than drawing visitors away from other existing tourism attractions.

(13) The average wage of the jobs created by the project is at least equal to eighty-five percent (85%) of the applicable wage standard provided in G.S. 105-129.4(b) based on the tier in which the project is located.

(g) Feasibility Study. – The applicant must fund a feasibility study certified by a certified public accountant and coordinated solely by the Committee. The Committee shall develop a list of qualified firms to conduct the study. The Committee shall prescribe the scope of the study to cover all of the qualifications established in this section.

(h) Amount. – Subject to the maximums provided in this section, the amount of a grant with respect to a qualified project is forty-five percent (45%) of the total amount of the following taxes collected and retained by the State each year:

(1) The net State sales tax collected on sales by or within the qualified project, as determined by the Department of Revenue.

(2) The net privilege tax paid by the qualified project under G.S. 105-37.1, as determined by the Department of Revenue.

(i) Maximums. – The maximum term of a grant is 10 years. No project may receive any grant proceeds for a year that is more than 10 years beyond the date of the initial grant award. The maximum amount of a grant is one million dollars (\$1,000,000) per year.

(j) Use. – The proceeds of a grant may be used only for capital costs, including debt service, with respect to the qualified project for which the grant was awarded.

(k) Disbursement. – In order to receive grant disbursements under this section, the sponsor of the qualified project must provide the Department of Revenue with periodic, verified accountings of the tax collections provided in subsection (h) of this section. These reports must be made at the times and in the form prescribed by the Department of Revenue. Each report must include the name, address, and tax identification number of every taxpayer whose collections are included in the report and any other information required by the Department of Revenue.

The Department of Revenue must disburse grants awarded under this section in accordance with G.S. 105-269.16. The Department of Revenue must also disburse funds to the Rural Tourism Development Account in accordance with G.S. 105-269.16.

Upon awarding a grant under this section, the Committee must provide the following information to the Department of Revenue:

- 1           (1) The name, address, and other identifying information of the sponsor to  
2 whom the grant was awarded.
- 3           (2) The name and address of any lessee or individual or entity who has  
4 entered into a contract with the sponsor of the qualified project.
- 5           (3) The address and other identifying information of each facility that is  
6 part of the qualified project for which the grant was awarded.
- 7           (4) The maximum amount of the grant as determined in accordance with  
8 this section.
- 9           (5) Any other information included in the application, if required by the  
10 Department of Revenue.

11           (1) Reports. – The Committee must report annually to the Joint Legislative  
12 Commission on Governmental Operations concerning the applications made for grants,  
13 the grants awarded under this section, and the division and use of the fee collected by  
14 the Committee under this section.

15           (m) Cap. – No more than twenty million dollars (\$20,000,000) in grants shall be  
16 awarded each fiscal year. For the purpose of this maximum, the amount awarded is  
17 calculated as the estimated cumulative maximum amount of the grant over its term  
18 divided by the number of years in its term. Within this cap, one-seventh of the funds  
19 shall be allocated each year to each regional economic district as identified by the  
20 Department of Commerce. If there are insufficient qualified projects from a district in  
21 any fiscal year, the amount allocated to that district shall be reallocated among the  
22 remaining districts for that year.

23 **"§ 143B-434.6. Rural Tourism Development Account.**

24           (a) Creation of Account. – There is created in the Department of Commerce,  
25 Division of Tourism, Film, and Sports Development, the Rural Tourism Development  
26 Account to provide grants to encourage the development of tourism projects within rural  
27 areas of the State. The Account is established as a special reserve fund.

28           (b) Administration. – The Division of Tourism, Film, and Sports Development  
29 shall administer this account in accordance with the following provisions:

- 30           (1) Only projects with total development costs less than twenty-five  
31 million dollars (\$25,000,000) are eligible to receive a grant under this  
32 section. For purposes of this section, 'development costs' has the same  
33 meaning as under G.S. 143B-437.71.
- 34           (2) A grant may not exceed one hundred thousand dollars (\$100,000) per  
35 project.

36           (c) Reports. – The Department of Commerce shall report annually to the General  
37 Assembly concerning the applications made to the account, the payments made from the  
38 account, and the effect of the payments on job creation in rural areas of the State. The  
39 Department of Commerce shall also report quarterly to the Joint Legislative  
40 Commission on Governmental Operations and the Fiscal Research Division of the  
41 General Assembly on the use of the moneys in the account, including information  
42 regarding to whom payments were made and in what amounts."

43           **SECTION 2.** Article 9 of Chapter 105 of the General Statutes is amended by  
44 adding a new section to read:

1 "§ 105-269.16. Travel and tourism grants.

2 (a) Grants. – The Department must annually disburse the travel and tourism  
3 grants awarded under G.S. 143B-434.5. Each annual disbursement must be made by  
4 October 1 for the preceding fiscal year. The amount of each grant must be calculated in  
5 accordance with G.S. 143B-434.5 based on information provided to the Department by  
6 the sponsor of the qualified project. If information necessary to calculate a portion of a  
7 grant is not available, the Department must disburse only that portion for which  
8 information is available.

9 (b) Rural Account. – At the time the Department disburses grants under  
10 subsection (a) of this section, the Department shall credit to the Rural Tourism  
11 Development Account created in G.S. 143B-434.6 an amount equal to one-ninth of the  
12 total grant funds disbursed.

13 (c) Funding. – To pay for the cost of implementing this section, the Department  
14 must draw from State sales and use tax collections under Article 5 of this Chapter an  
15 amount equal to the funds disbursed under this section and the Department's costs of  
16 administering the disbursements. The Department must provide the Committee an  
17 annual accounting of funds disbursed under this section."

18 **SECTION 3.** This act becomes effective January 1, 2005, and expires for  
19 grant applications filed on or after July 1, 2008.