

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 504
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10182-MCx-34 (01/28)

Short Title: Moore County Occupancy Tax Increase. (Local)

Sponsors: Representative Boles.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MOORE COUNTY TO LEVY AN ADDITIONAL
OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2 and 3 of S.L. 2011-113 read as rewritten:

"SECTION 2. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of Moore County may levy a room occupancy tax of up to three percent (3%) 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 2.(a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Moore County Board of Commissioners may levy an additional room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. Moore County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

"SECTION 2.(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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155.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 2.(c) Definitions. – The following definitions apply in this act:

- (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 proceeds 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 Moore County Tourism Development Authority, are designed to increase the



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1 use of lodging facilities, meeting facilities, or convention facilities in the
2 county or to attract tourists or business travelers to the county. The term
3 includes tourism-related capital expenditures.

4 **SECTION 2.(d)** Distribution and Use of Tax Revenue. – Moore County shall, on a
5 quarterly basis, remit to the Moore County Tourism Development Authority the net proceeds of
6 the occupancy tax. The Authority shall use at least two-thirds of the funds remitted to it under
7 this subsection to promote travel and tourism in Moore County and shall use the remainder ~~for~~
8 tourism-related expenditures to research, design, construct, provide, finance, operate, maintain,
9 and market a regional sports complex in Moore County, for which a regional sports authority,
10 as authorized by Part 3 of Article 20 of Chapter 160A of the General Statutes, is created.

11 **"SECTION 3.** Tourism Development Authority. – (a) Appointment and Membership. –
12 When the Board of Commissioners adopts a resolution levying a room occupancy tax under
13 this act, it shall also adopt a resolution creating the Moore County Tourism Development
14 Authority, which shall be a public authority under the Local Government Budget and Fiscal
15 Control Act and shall be composed of the following members:

- 16 (1) A county commissioner appointed by the Board of County Commissioners.
- 17 (2) Five owners or operators of hotels, motels, or other taxable tourist
18 accommodations, two of which own or operate the largest hotels, motels, or
19 other accommodations in the county by rental unit count and three of which
20 own or operate other hotels, motels, or other accommodations by rental unit
21 count, who shall be appointed by the Board of County Commissioners,
- 22 (3) The President and CEO of the Moore County Chamber of Commerce.
- 23 (4) Two individuals interested in the tourist business who have demonstrated an
24 interest in tourist development but do not own or operate a hotel, motel, or
25 other taxable tourist accommodation, who shall be appointed by the Board of
26 County Commissioners.

27 All members of the Authority shall serve without compensation. Vacancies in the Authority
28 shall be filled in the same manner as the initial appointments. Members appointed to fill
29 vacancies shall serve for the remainder of the unexpired term for which they are appointed to
30 fill. Members shall serve terms as provided in the rules of procedure and bylaws of the
31 Authority.

32 The Board of Commissioners shall designate one member of the Authority as chair. The
33 Authority shall meet at the call of the chair and shall adopt rules of procedure and bylaws to
34 govern its meetings. The Finance Officer for Moore County shall be the ex officio finance
35 officer of the Authority.

36 **"SECTION 3.(b)** Duties. – The Authority shall expend the net proceeds of the tax levied
37 under this act for the purposes provided in Section 2 of this act. The Authority shall promote
38 travel, tourism, and conventions in the county, sponsor tourist-related events and activities in
39 the county, and finance tourist-related capital projects in the county.

40 **"SECTION 3.(c)** Reports. – The Authority shall report quarterly and at the close of the
41 fiscal year to the Moore County Board of Commissioners on its receipts and expenditures for
42 the preceding quarter and for the year in such detail as the Board of Commissioners may
43 require."

44 **SECTION 2.** This act is effective when it becomes law.