

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 350
Committee Substitute Favorable 4/22/21**

Short Title: Warren County Occupancy Tax.

(Local)

Sponsors:

Referred to:

March 23, 2021

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE WARREN COUNTY TO LEVY AN OCCUPANCY TAX.
The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Warren County Board of Commissioners may levy a room occupancy tax of five percent (5%) 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.

SECTION 1.(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155.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 Part.

SECTION 1.(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 Warren County Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 1.(d) Distribution and Use of Tax Revenue. – Warren County shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under this act to the Warren County 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 Warren County and shall use the remainder for tourism-related expenditures.

SECTION 2. Warren County Tourism Development Authority. – (a) Appointment and Membership. – When the Warren County Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Warren County Tourism Development Authority, which shall be a public authority under the Local



1 Government Budget and Fiscal Control Act. The resolution shall provide for the membership of
2 the Authority, including the members' terms of office, and for the filling of vacancies on the
3 Authority. At least one-third of the members shall be individuals who are affiliated with
4 businesses that collect the tax in the county, and at least one-half of the members shall be
5 individuals who are currently active in the promotion of travel and tourism in the county. The
6 Board of Commissioners shall designate one member of the Authority as chair and shall
7 determine the compensation, if any, to be paid to members of the Authority.

8 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
9 govern its meetings. The Finance Officer for Warren County shall be the ex officio finance officer
10 of the Authority.

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

15 **SECTION 2.(c) Reports.** – The Authority shall report quarterly and at the close of
16 the fiscal year to the Warren County Board of Commissioners on its receipts and expenditures
17 for the preceding quarter and for the year in such detail as the Board of Commissioners may
18 require.

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

20 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
21 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
22 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
23 to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell,
24 Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,
25 Durham, Edgecombe, Forsyth, Franklin, Graham, Granville, Halifax, Haywood, Henderson,
26 Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, Northampton,
27 Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan,
28 Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Warren,
29 Washington, Wayne, and Wilson Counties, to Harnett County District H, New Hanover County
30 District U, Surry County District S, Watauga County District U, Wilkes County District K,
31 Yadkin County District Y, and the Township of Averasboro in Harnett County and the Ocracoke
32 Township Taxing District."

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