

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 140
Second Edition Engrossed 3/24/15

Short Title: Lake Santeetlah Occupancy Tax Authorization. (Local)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 4, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF LAKE SANTEETLAH TO LEVY AN
3 OCCUPANCY TAX.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Occupancy tax. – (a) Authorization and Scope. – The Town Council
6 of the Town of Lake Santeetlah may levy a room occupancy tax of up to three percent (3%) of
7 the gross receipts derived from the rental of an accommodation within the town that is subject
8 to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any
9 State or local sales tax.

10 **SECTION 1.(b)** Administration. – A tax levied under this section shall be levied,
11 administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in
12 G.S. 160A-215 apply to a tax levied under this section.

13 **SECTION 1.(c)** Distribution and Use of Tax Revenue. – The Town of Lake
14 Santeetlah shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Lake
15 Santeetlah Tourism Development Authority. The Authority shall use at least two-thirds of the
16 funds remitted to it under this subsection to promote travel and tourism in the Town of Lake
17 Santeetlah and shall use the remainder for tourism-related expenditures.

18 The following definitions apply in this section:

19 (1) Net proceeds. – Gross proceeds less the cost to the town of administering
20 and collecting the tax, as determined by the finance officer, not to exceed
21 three percent (3%) of the first five hundred thousand dollars (\$500,000) of
22 gross proceeds collected each year and one percent (1%) of the remaining
23 gross proceeds collected each year.

24 (2) Promote travel and tourism. – To advertise or market an area or activity,
25 publish and distribute pamphlets and other materials, conduct market
26 research, or engage in similar promotional activities that attract tourists or
27 business travelers to the area; the term includes administrative expenses
28 incurred in engaging in the listed activities.

29 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the
30 Lake Santeetlah Tourism Development Authority, are designed to increase
31 the use of lodging facilities, meeting facilities, or convention facilities in the
32 town or to attract tourists or business travelers to the town. The term
33 includes tourism-related capital expenditures.

34 **SECTION 1.(d)** Tourism Development Authority. – Appointment and
35 Membership. – When the Town Council adopts a resolution levying a room occupancy tax
36 under this section, it shall also adopt a resolution creating the Lake Santeetlah Tourism



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

9 The Authority shall meet at the call of the chair and shall adopt rules of procedure to
10 govern its meetings. The finance officer for the Town of Lake Santeetlah shall be the ex officio
11 finance officer of the Authority.

12 **SECTION 1.(e) Duties.** – The Authority shall expend the net proceeds of the tax
13 levied under this section for the purposes provided in subsection (c) of this section. The
14 Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related
15 events and activities in the town, and finance tourist-related capital projects in the town.

16 **SECTION 1.(f) Reports.** – The Authority shall report quarterly and at the close of
17 the fiscal year to the Lake Santeetlah Town Council on its receipts and expenditures for the
18 preceding quarter and for the year in such detail as the Town Council may require.

19 **SECTION 2.** G.S. 160A-215(g) reads as rewritten:

20 "(g) Applicability. – Subsection (c) of this section applies to all cities that levy an
21 occupancy tax. To the extent subsection (c) conflicts with any provision of a local act,
22 subsection (c) supersedes that provision. The remainder of this section applies only to Beech
23 Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia,
24 Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lake Santeetlah,
25 Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly,
26 Reidsville, Roanoke Rapids, Salisbury, Shelby, Statesville, Washington, and Wilmington, to
27 the Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling
28 Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson,
29 Elkin, Fontana Dam, Franklin, Grover, Hillsborough, Jonesville, Kenly, Kure Beach, Leland,
30 McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pembroke, Pilot
31 Mountain, Ranlo, Robbinsville, Selma, Smithfield, St. Pauls, Swansboro, Troutman, Tryon,
32 West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the
33 municipalities in Avery and Brunswick Counties."

34 **SECTION 3.** This act is effective when it becomes law.