

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55136-MCx-53 (2/13)

Short Title: Perquimans County Occupancy Tax. (Local)

Sponsors: Senator Jones.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM
OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of Perquimans County 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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155.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) 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.

- 1 (3) Tourism-related expenditures. – Expenditures that, in the judgment of
2 the Perquimans County Tourism Development Authority, are designed
3 to increase the use of lodging facilities, meeting facilities, or
4 convention facilities in the county or to attract tourists or business
5 travelers to the county. The term includes tourism-related capital
6 expenditures.

7 **SECTION 1.(d)** Distribution and Use of Tax Revenue. – Perquimans
8 County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the
9 Perquimans County Tourism Development Authority. The Authority shall use at least
10 two-thirds of the funds remitted to it under this subsection to promote travel and tourism
11 in Perquimans County and shall use the remainder for tourism-related expenditures.

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

24 The Authority shall meet at the call of the chair and shall adopt rules of
25 procedure to govern its meetings. The Finance Officer for Perquimans County shall be
26 the ex officio finance officer of the Authority.

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

32 **SECTION 2.(c)** Reports. – The Authority shall report quarterly and at the
33 close of the fiscal year to the Perquimans County Board of Commissioners on its
34 receipts and expenditures for the preceding quarter and for the year in such detail as the
35 Board of Commissioners may require.

36 **SECTION 3.** Administrative provisions. – G.S. 153A-155(g) reads as
37 rewritten:

38 "(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe,
39 Cabarrus, Camden, Carteret, Chowan, Clay, Craven, Cumberland, Currituck, Dare,
40 Davie, Duplin, Durham, Franklin, Granville, Halifax, Madison, Martin, Montgomery,
41 Nash, New Hanover, New Hanover County District U, Pasquotank, Pender,
42 Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly,
43 Transylvania, Tyrrell, Vance, and Washington Counties, to Watauga County District U,
44 and to the Township of Averagesboro in Harnett County."

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