

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1431

Short Title: Burgaw Occupancy Tax. (Local)

Sponsors: Senator Soles.

Referred to: Finance.

May 17, 2006

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BURGAW TO LEVY A ROOM
OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Burgaw 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 town 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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Distribution and Use of Tax Revenue. – The Town of Burgaw shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Burgaw 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 Burgaw and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town 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 receipts 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

1 tourists or business travelers to the area; the term includes
2 administrative expenses incurred in engaging in the listed activities.

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

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

20 The Authority shall meet at the call of the chair and shall adopt rules of
21 procedure to govern its meetings. The Finance Officer for the Town of Burgaw shall be
22 the ex officio finance officer of the Authority.

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

28 **SECTION 2.(c)** Reports. – The Authority shall report quarterly and at the
29 close of the fiscal year to the Board of Commissioners on its receipts and expenditures
30 for the preceding quarter and for the year in such detail as the Board of Commissioners
31 may require.

32 **SECTION 3.** Administrative provisions. – G.S. 160A-215(g) reads as
33 rewritten:

34 "(g) This section applies only to Beech Mountain District W, to the Cities of
35 Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings
36 Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville,
37 Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of
38 Beech Mountain, Blowing Rock, Burgaw, Carolina Beach, Carrboro, Franklin, Kure
39 Beach, Jonesville, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls,
40 Troutman, West Jefferson, Wilkesboro, and Wrightsville Beach, and to the
41 municipalities in Avery and Brunswick Counties."

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