

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 78

Short Title: Morganton Occupancy Tax. (Local)

Sponsors: Representative Church.

Referred to: Rules, Calendar, and Operations of the House.

February 7, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF MORGANTON 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 City Council of Morganton 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 city 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 – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215.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 City of Morganton shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Morganton 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 the City of Morganton 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 city 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

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 Morganton Tourism Development Authority, are designed to increase
5 the use of lodging facilities, meeting facilities, or convention facilities
6 in the city or to attract tourists or business travelers to the city. The
7 term includes tourism-related capital expenditures.

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

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

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

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

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

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

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