

House Bill 408 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 51<sup>st</sup>, Raffensperger of the 50<sup>th</sup>, Geisinger of the 48<sup>th</sup>, and Wilkinson of the 52<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to an excise tax on rooms, lodging, and accommodations, so as to clarify the  
3 application of certain provisions to certain municipalities; to provide for conditions and  
4 limitations; to provide for related matters; to provide for an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an  
9 excise tax on rooms, lodging, and accommodations, is amended by revising paragraph (5)  
10 of subsection (a) of Code Section 48-13-51, relating to county and municipal levies on public  
11 accommodations, as follows:

12 "(5)(A)(i) Notwithstanding any other provision of this subsection, a county (within  
13 the territorial limits of the special district located within the county) or municipality  
14 is authorized to levy a tax under this Code section at a rate of 7 percent. A county or  
15 municipality levying a tax pursuant to this paragraph shall expend an amount equal  
16 to at least 51.4 percent of the total taxes collected prior to July 1, 1990, at the rate of  
17 7 percent and an amount equal to at least 32.14 percent of the total taxes collected on  
18 or after July 1, 1990, at the rate of 7 percent for the purpose of: (I) promoting tourism,  
19 conventions, and trade shows; (II) supporting a facility owned or operated by a state  
20 authority for convention and trade show purposes or any other similar or related  
21 purposes; (III) supporting a facility owned or operated by a local authority or local  
22 government for convention and trade show purposes or any other similar or related  
23 purposes, if a written agreement to provide such support was in effect on January 1,  
24 1987, and if such facility is substantially completed and in operation prior to July 1,  
25 1987; (IV) supporting a facility owned or operated by a local government or local  
26 authority for convention and trade show purposes or any other similar or related

27 purposes if construction of such facility is funded or was funded in whole or in part  
28 by a grant of state funds; or (V) for some combination of such purposes. Amounts so  
29 expended shall be expended only through a contract or contracts with the state, a  
30 department of state government, a state authority, or a private sector nonprofit  
31 organization or through a contract or contracts with some combination of such  
32 entities, except that amounts expended for those purposes specified in subdivisions  
33 (III) and (IV) of this division may be so expended in any otherwise lawful manner.

34 (ii) In addition to the amounts required to be expended under division (i) of this  
35 subparagraph, a county or municipality levying a tax pursuant to this paragraph shall  
36 further expend (in each fiscal year during which the tax is collected under this  
37 paragraph) an amount equal to 14.3 percent of the total taxes collected prior to July  
38 1, 1990, at the rate of 7 percent and an amount equal to 39.3 percent of the total taxes  
39 collected on or after July 1, 1990, at the rate of 7 percent toward funding a  
40 multipurpose domed stadium facility. Amounts so expended shall be expended only  
41 through a contract originally with the state, a department or agency of the state, or a  
42 state authority or through a contract or contracts with some combination of the above.  
43 Any tax levied pursuant to this paragraph shall terminate not later than December 31,  
44 2020, unless extended as provided in subparagraph (B) of this paragraph, provided  
45 that during any period during which there remains outstanding any obligation which  
46 is incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as  
47 contemplated by this paragraph, and secured in whole or in part by a pledge of a tax  
48 authorized under this Code section, or any such obligation which is incurred to refund  
49 such an obligation incurred before January 1, 1991, the powers of the counties and  
50 municipalities to impose and distribute the tax imposed by this paragraph shall not be  
51 diminished or impaired by the state and no county or municipality levying the tax  
52 imposed by this paragraph shall cease to levy the tax in any manner that will impair  
53 the interest and rights of the holders of any such obligation. This proviso shall be for  
54 the benefit of the holder of any such obligation and, upon the issuance of any such  
55 obligation by an authority of the state, shall constitute a contract with the holder of  
56 such obligations.

57 (B) Notwithstanding the termination date stated in division (ii) of subparagraph (A) of  
58 this paragraph, notwithstanding paragraph (6) of this subsection, and notwithstanding  
59 subsection (b) of this Code section, a tax levied under this paragraph may be extended  
60 by resolution of the levying county or municipality and continue to be collected through  
61 December 31, 2050, if a state authority certifies: (i) that the same portion of the  
62 proceeds will be used to fund a successor facility to the multipurpose domed facility as  
63 is currently required to fund the multipurpose domed facility under division (ii) of

64 subparagraph (A) of this paragraph; (ii) that such successor facility will be located on  
65 property owned by the state authority; and (iii) that the state authority has entered into  
66 a contract with a national football league team for use of the successor facility by the  
67 national football league team through the end of the new extended period of the tax  
68 collection. During the extended period of collection provided for in this subparagraph,  
69 the county or municipality levying the tax shall continue to comply with the  
70 expenditure requirements of division (i) of subparagraph (A) of this paragraph. During  
71 the extended period of collection, the county or municipality shall further expend (in  
72 each fiscal year during which the tax is collected during the extended period of  
73 collection) an amount equal to 39.3 percent of the total taxes collected at the rate of 7  
74 percent toward funding the successor facility certified by the state authority. Amounts  
75 so expended shall be expended only through a contract with the certifying state  
76 authority. Any tax levied pursuant to this paragraph shall terminate not later than  
77 December 31, 2050, provided that during any period during which there remains  
78 outstanding any obligation which is incurred to fund the successor facility certified by  
79 the state authority, and secured in whole or in part by a pledge of a tax authorized under  
80 this Code section, or any such obligation which is incurred to refund such an obligation,  
81 the powers of the counties and municipalities to impose and distribute the tax imposed  
82 by this paragraph shall not be diminished or impaired by the state and no county or  
83 municipality levying the tax imposed by this paragraph shall cease to levy the tax in any  
84 manner that will impair the interest and rights of the holders of any such obligation.  
85 This proviso shall be for the benefit of the holder of any such obligation and, upon the  
86 issuance of any such obligation by an authority of the state, shall constitute a contract  
87 with the holder of such obligations.

88 (C) Notwithstanding any provision of the law to the contrary, and subject to the  
89 limitations contained in this subparagraph, a municipality levying a tax a percentage of  
90 which is dedicated to financing a multipurpose domed stadium pursuant to division (ii)  
91 of subparagraph (A) of this paragraph shall be further authorized to expend in each  
92 fiscal year during which the tax is collected under this paragraph an amount equal to  
93 39.3 percent of the total taxes collected at the rate of 7 percent toward funding any of  
94 the purposes permitted for tourism product development contained in paragraph (6) of  
95 Code Section 48-13-50.2. Any funding pursuant to this paragraph shall not commence  
96 until the municipality has terminated its obligations under division (ii) of subparagraph  
97 (A) of this paragraph and so long as there remains outstanding any obligation which is  
98 incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as  
99 contemplated by this paragraph, and secured in whole or in part by a pledge of a tax

100 authorized under this Code section, or any such obligation which is incurred to refund  
101 such an obligation incurred before January 1, 1991."

102 **SECTION 2.**

103 This Act shall become effective on July 1, 2016.

104 **SECTION 3.**

105 All laws and parts of laws in conflict with this Act are repealed.