

House Bill 658 (AS PASSED HOUSE AND SENATE)

By: Representatives Ehrhart of the 36th, Carson of the 46th, and Anulewicz of the 42nd

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 excise tax on rooms, lodgings, and accommodations, so as to remove the sunset
3 date for the time during which a certain excise tax on rooms, lodgings, and accommodations
4 may be collected; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to
9 excise tax on rooms, lodgings, and accommodations, is amended by revising paragraph (5.1)
10 of subsection (a) of Code Section 48-13-51, relating to county and municipal levies on public
11 accommodations charges for promotion of tourism, conventions, and trade shows, as follows:

12 "(5.1) Notwithstanding any other provision of this subsection, a county (within the
13 territorial limits of the special district located within the county) and the municipalities
14 within a county in which a coliseum and exhibit hall authority has been created by local
15 Act of the General Assembly for a county and one or more municipalities therein, and
16 which local coliseum and exhibit hall authority is in existence on or before January 1,
17 1991, and which local coliseum and exhibit hall authority has not constructed or operated
18 any facility before January 1, 1991, may levy a tax under this Code section at a rate of 8
19 percent. A county or municipality levying a tax pursuant to this paragraph shall expend
20 (in each fiscal year during which the tax is collected under this paragraph) an amount
21 equal to at least 62 1/2 percent of the total taxes collected at the rate of 8 percent for the
22 purpose of:

23 (A) Promoting tourism, conventions, and trade shows;

24 (B) Funding, supporting, acquiring, constructing, renovating, improving, and equipping
25 buildings, structures, and facilities, including, but not limited to, a coliseum, exhibit
26 hall, conference center, performing arts center, or any combination thereof, for

27 convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts
 28 purposes and other events and activities for similar and related purposes, acquiring the
 29 necessary property therefor, both real and personal, and funding all expenses incident
 30 thereto, and supporting, maintaining, and promoting such facilities owned, operated,
 31 or leased by or to the local coliseum and exhibit hall authority or a downtown
 32 development authority; or

33 (C) For some combination of such purposes;

34 provided, however, that at least 50 percent of the total taxes collected at the rate of 8
 35 percent shall be expended for the purposes specified in subparagraph (B) of this
 36 paragraph. Amounts so expended shall be expended only through a contract or contracts
 37 with the state, a department of state government, a state authority, a convention and
 38 visitors bureau authority created by local Act of the General Assembly for a municipality,
 39 a local coliseum and exhibit hall authority, a downtown development authority, or a
 40 private sector nonprofit organization, or through a contract or contracts with some
 41 combination of such entities. The aggregate amount of all excise taxes imposed under
 42 this paragraph and all sales and use taxes, and other taxes imposed by a county or
 43 municipality, or both, shall not exceed 13 percent; provided, however, that any sales tax
 44 for educational purposes which is imposed pursuant to Article VIII, Section VI,
 45 Paragraph IV of the Constitution shall not be included in calculating such limitation. Any
 46 tax levied pursuant to this paragraph shall terminate not later than December 31, ~~2028~~
 47 2053, provided that during any period during which there remains outstanding any
 48 obligation issued to fund a facility as contemplated by this paragraph, secured in whole
 49 or in part by a pledge of a tax authorized under this Code section, the powers of the
 50 counties and municipalities to impose and distribute the tax imposed by this paragraph
 51 shall not be diminished or impaired by the state and no county or municipality levying
 52 the tax imposed by this paragraph shall cease to levy the tax in any manner that will
 53 impair the interests and rights of the holder of any such obligation. This proviso shall be
 54 for the benefit of the holder of any such obligation and, upon the issuance of any such
 55 obligation by a local coliseum and exhibit hall authority or a downtown development
 56 authority, shall constitute a contract with the holder of such obligation. Notwithstanding
 57 any other provision of this Code section to the contrary, as used in this paragraph, the
 58 term 'fund' or 'funding' shall include the cost and expense of all things deemed necessary
 59 by a local coliseum and exhibit hall authority or a downtown development authority for
 60 the construction and operation of a facility or facilities, including, but not limited to, the
 61 study, operation, marketing, acquisition, construction, financing, including the payment
 62 of principal and interest on any obligation of the local coliseum and exhibit hall authority
 63 or the downtown development authority and any obligation of the local coliseum and

64 exhibit hall authority or the downtown development authority to refund any prior
65 obligation of the local coliseum and exhibit hall authority or the downtown development
66 authority, development, extension, enlargement, or improvement of land, waters,
67 property, streets, highways, buildings, structures, equipment, or facilities and the
68 repayment of any obligation incurred by an authority in connection therewith; 'obligation'
69 shall include bonds, notes, or any instrument creating an obligation to pay or reserve
70 moneys and having an initial term of not more than 37 years; 'facility' or 'facilities' ~~shall~~
71 ~~mean~~ means any of the buildings, structures, and facilities described in subparagraph (B)
72 of this paragraph and any associated parking areas or improvements originally owned or
73 operated incident to the ownership or operation of such facility used for any purpose or
74 purposes specified in subparagraph (B) of this paragraph by a local coliseum and exhibit
75 hall authority or a downtown development authority; and 'downtown development
76 authority' ~~shall mean~~ means a downtown development authority created by local Act of
77 the General Assembly for a municipality pursuant to a local constitutional amendment."

78 **SECTION 2.**

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