

House Bill 903 (AS PASSED HOUSE AND SENATE)

By: Representatives Burkhalter of the 50<sup>th</sup> and Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to  
2 county and municipal tax levies on hotels and motels and other public accommodations, so  
3 as to revise provisions relating to a levy at the rate of 7 percent by certain counties and  
4 municipalities; to provide that, where such tax was levied for the purpose of funding a  
5 multipurpose domed stadium facility and is subject to a stated expiration date, the expiration  
6 date may be extended under certain circumstances; to provide for extension for purposes of  
7 funding a successor facility upon certification of certain conditions by a state authority; to  
8 provide for expenditure through a contract with the state authority; to provide for a new  
9 extended expiration date; to provide for the protection of bondholders; to authorize certain  
10 counties and municipalities to levy such taxes at the rate of 7 percent; to provide for  
11 procedures, conditions, and limitations; to provide for other related matters; to provide an  
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and  
16 municipal tax levies on hotels and motels and other public accommodations, is amended by  
17 revising paragraph (5) of subsection (a) as follows:

18 "5)(A)(i) Notwithstanding any other provision of this subsection, a county (within  
19 the territorial limits of the special district located within the county) or municipality  
20 is authorized to levy a tax under this Code section at a rate of 7 percent. A county or  
21 municipality levying a tax pursuant to this paragraph shall expend an amount equal  
22 to at least 51.4 percent of the total taxes collected prior to July 1, 1990, at the rate of  
23 7 percent and an amount equal to at least 32.14 percent of the total taxes collected on  
24 or after July 1, 1990, at the rate of 7 percent for the purpose of: ~~(A)~~ (I) promoting  
25 tourism, conventions, and trade shows; ~~(B)~~ (II) supporting a facility owned or  
26 operated by a state authority for convention and trade show purposes or any other

27 similar or related purposes; ~~(C)~~ (III) supporting a facility owned or operated by a local  
 28 authority or local government for convention and trade show purposes or any other  
 29 similar or related purposes, if a written agreement to provide such support was in  
 30 effect on January 1, 1987, and if such facility is substantially completed and in  
 31 operation prior to July 1, 1987; ~~(D)~~ (IV) supporting a facility owned or operated by  
 32 a local government or local authority for convention and trade show purposes or any  
 33 other similar or related purposes if construction of such facility is funded or was  
 34 funded in whole or in part by a grant of state funds; or ~~(E)~~ (V) for some combination  
 35 of such purposes. Amounts so expended shall be expended only through a contract  
 36 or contracts with the state, a department of state government, a state authority, or a  
 37 private sector nonprofit organization or through a contract or contracts with some  
 38 combination of such entities, except that amounts expended for those purposes  
 39 specified in ~~subparagraphs~~ subdivisions ~~(C)~~ (III) and ~~(D)~~ (IV) of this ~~paragraph~~  
 40 division may be so expended in any otherwise lawful manner.

41 (ii) In addition to the amounts required to be expended ~~above~~ under division (i) of  
 42 this subparagraph, a county or municipality levying a tax pursuant to this paragraph  
 43 (5) shall further expend (in each fiscal year during which the tax is collected under  
 44 this paragraph (5)) an amount equal to 14.3 percent of the total taxes collected prior  
 45 to July 1, 1990, at the rate of 7 percent and an amount equal to 39.3 percent of the  
 46 total taxes collected on or after July 1, 1990, at the rate of 7 percent toward funding  
 47 a multipurpose domed stadium facility. Amounts so expended shall be expended only  
 48 through a contract originally with the state, a department or agency of the state, or a  
 49 state authority or through a contract or contracts with some combination of the above.  
 50 Any tax levied pursuant to this paragraph shall terminate not later than December 31,  
 51 2020, unless extended as provided in subparagraph (B) of this paragraph, provided  
 52 that during any period during which there remains outstanding any obligation which  
 53 is incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as  
 54 contemplated by this paragraph (5), and secured in whole or in part by a pledge of a  
 55 tax authorized under this Code section, or any such obligation which is incurred to  
 56 refund such an obligation incurred before January 1, 1991, the powers of the counties  
 57 and municipalities to impose and distribute the tax imposed by this paragraph (5) shall  
 58 not be diminished or impaired by the state and no county or municipality levying the  
 59 tax imposed by this paragraph shall cease to levy the tax in any manner that will  
 60 impair the interest and rights of the holders of any such obligation. This proviso shall  
 61 be for the benefit of the holder of any such obligation and, upon the issuance of any  
 62 such obligation by an authority of the state, shall constitute a contract with the holder  
 63 of such obligations.

64 (B) Notwithstanding the termination date stated in division (ii) of subparagraph (A) of  
 65 this paragraph (5), notwithstanding paragraph (6) of this subsection (a), and  
 66 notwithstanding subsection (b) of this Code section, a tax levied under this paragraph  
 67 may be extended by resolution of the levying county or municipality and continue to  
 68 be collected through December 31, 2050, if a state authority certifies: (i) that the same  
 69 portion of the proceeds will be used to fund a successor facility to the multipurpose  
 70 domed facility as is currently required to fund the multipurpose domed facility under  
 71 division (ii) of subparagraph (A) of this paragraph; (ii) that such successor facility will  
 72 be located on property owned by the state authority; and (iii) that the state authority has  
 73 entered into a contract with a national football league team for use of the successor  
 74 facility by the national football league team through the end of the new extended period  
 75 of the tax collection. During the extended period of collection provided for in this  
 76 subparagraph, the county or municipality levying the tax shall continue to comply with  
 77 the expenditure requirements of division (i) of subparagraph (A) of this paragraph.  
 78 During the extended period of collection, the county or municipality shall further  
 79 expend (in each fiscal year during which the tax is collected during the extended period  
 80 of collection) an amount equal to 39.3 percent of the total taxes collected at the rate of  
 81 7 percent toward funding the successor facility certified by the state authority.  
 82 Amounts so expended shall be expended only through a contract with the certifying  
 83 state authority. Any tax levied pursuant to this paragraph shall terminate not later than  
 84 December 31, 2050, provided that during any period during which there remains  
 85 outstanding any obligation which is incurred to fund the successor facility certified by  
 86 the state authority, and secured in whole or in part by a pledge of a tax authorized under  
 87 this Code section, or any such obligation which is incurred to refund such an obligation,  
 88 the powers of the counties and municipalities to impose and distribute the tax imposed  
 89 by this paragraph (5) shall not be diminished or impaired by the state and no county or  
 90 municipality levying the tax imposed by this paragraph shall cease to levy the tax in any  
 91 manner that will impair the interest and rights of the holders of any such obligation.  
 92 This proviso shall be for the benefit of the holder of any such obligation and, upon the  
 93 issuance of any such obligation by an authority of the state, shall constitute a contract  
 94 with the holder of such obligations."

95 **SECTION 2.**

96 Said Code section is further amended by revising paragraph (7) of subsection (a) as follows:

97 "(7) As used in this subsection, the term:

98 (A) 'Fund' and 'funding' ~~means~~ mean the cost and expense of all things deemed  
 99 necessary by a state authority for the construction and operation of a multipurpose

100 domed stadium and a successor facility to such multipurpose domed stadium including  
 101 but not limited to the study, operation, marketing, acquisition, construction, finance,  
 102 development, extension, enlargement, or improvement of land, waters, property, streets,  
 103 highways, buildings, structures, equipment, or facilities, and the repayment of any  
 104 obligation incurred by an authority in connection therewith.

105 (B) 'Obligation' means bonds, notes, or any instrument creating an obligation to pay  
 106 or reserve moneys ~~incurred prior to January 1, 1991~~, and having an initial term of not  
 107 more than 30 years.

108 (C) 'Multipurpose domed stadium facility' means a multipurpose domed stadium  
 109 facility and any associated parking areas or improvements originally owned or operated  
 110 incident to the ownership or operation of a facility used for convention and trade show  
 111 purposes by the state, a department or agency of the state, a state authority, or a  
 112 combination thereof."

### 113 SECTION 3.

114 Said Code section is further amended by adding a new subsection to read as follows:

115 "(b.1) As an alternative to the provisions of subsection (b) of this Code section, any county  
 116 (within the territorial limits of the special district located within the county) and any  
 117 municipality which is levying a tax under this Code section at the rate of 6 percent under  
 118 paragraph (3.4) or (4) of subsection (a) of this Code section shall be authorized to levy a  
 119 tax under this Code section at the rate of 7 percent in the manner provided in this  
 120 subsection. Both the county and municipality shall adopt a resolution which shall specify  
 121 that an amount equal to the total amount of taxes collected under such levy at a rate of 6  
 122 percent shall continue to be expended as it was expended pursuant to either paragraph (3.4)  
 123 or (4) of subsection (a) of this Code section, as applicable, and such resolution shall specify  
 124 the manner of expenditure of funds for an amount equal to the total amount of taxes  
 125 collected under such levy that exceeds the amount that would be collected at the rate of 6  
 126 percent for any tourism, convention, or trade show purposes, tourism product development  
 127 purposes, or any combination thereof. Each resolution shall be required to be ratified by  
 128 a local Act of the General Assembly. Only when both such local Acts have become law,  
 129 the governing authority of the county and municipality shall be authorized to levy an excise  
 130 tax pursuant to this subsection at the rate of 7 percent of the charge for the furnishing for  
 131 value to the public of any room or rooms, lodgings, or accommodations furnished by any  
 132 person or legal entity licensed by, or required to pay business or occupation taxes to, the  
 133 municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin,  
 134 campground, or any other place in which rooms, lodgings, or accommodations are  
 135 regularly or periodically furnished for value."

136 **SECTION 4.**

137 This Act shall become effective upon its approval by the Governor or upon its becoming law  
138 without such approval.

139 **SECTION 5.**

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