

Senate Bill 497

By: Senators Mullis of the 53rd, Beach of the 21st, Anderson of the 24th, Robertson of the 29th and Albers of the 56th

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 levies on public accommodations charges for the promotion of  
3 tourism, conventions, and trade shows, so as to revise various provisions related to certain  
4 municipal levies; 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 Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and  
9 municipal levies on public accommodations charges for promotion of tourism, conventions,  
10 and trade shows, is amended by revising division (a)(5)(A)(i) and paragraph (b)(7), as  
11 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:

19 (I) Promoting tourism, conventions, and trade shows;

20 (II) Supporting a facility owned or operated by a state authority for convention and  
21 trade show purposes or any other similar or related purposes;

22 (III) Supporting a facility owned or operated by a local authority or local  
23 government for convention and trade show purposes or any other similar or related  
24 purposes, if a written agreement to provide such support was in effect on January 1,  
25 1987, and if such facility is substantially completed and in operation prior to July 1,  
26 1987;

27 (IV) Supporting a facility owned or operated by a local government or local  
28 authority for convention and trade show purposes or any other similar or related  
29 purposes if construction of such facility is funded or was funded in whole or in part  
30 by a grant of state funds; or

31 (V) For some combination of such purposes.

32 Amounts so expended shall be expended only through a contract or contracts with the  
33 state, a department of state government, a state authority, or a private sector nonprofit  
34 organization, or through a contract or contracts with some combination of such  
35 entities, except that amounts expended for those purposes specified in subdivisions  
36 (III) and (IV) of this division may be so expended in any otherwise lawful manner.

37 Provided, however, that during any period for which there remains such a contract or  
38 contracts in effect, the revenue collected and expended under such contract or  
39 contracts shall not be diminished or impaired by the state by way of any change to the  
40 boundaries of the municipality or otherwise, and no municipality levying the tax  
41 imposed by this paragraph shall cease to levy such tax within the boundaries of the  
42 municipality as such boundaries existed on the date such contract or contracts first  
43 went into effect, or otherwise in any manner that will reduce the amount of such

44 revenue collected. This proviso shall be for the benefit of the holder of such  
45 obligations and, upon the initial execution of any such contract or contracts, shall  
46 constitute a contract with the holder of such obligations."

47 "(7)(A) Any municipality which is levying an excise tax under paragraph (5) of  
48 subsection (a) of this Code section, so long as any obligation as described in division  
49 (a)(5)(A)(ii) or subparagraph (a)(5)(B) of this Code section remains outstanding, shall  
50 leave such excise tax in effect at the rate of 7 percent and may levy up to an additional  
51 1 percent excise tax under this paragraph so long as the combined rate does not exceed  
52 8 percent. If a municipality has elected to levy such additional 1 percent excise tax under  
53 this subparagraph, no change to the boundaries of such municipality as such boundaries  
54 existed on the date such additional tax first became effective shall diminish or impair the  
55 levy of such tax within the original boundaries of such municipality subject to such tax  
56 on the first day that such tax became effective. Such additional tax shall continue to be  
57 imposed and collected within such original boundaries at the same rate and under the  
58 same terms and conditions in effect on the day that such tax first became effective.

59 (B)(i) Such additional excise tax shall not be deemed to violate the provisions of  
60 subsection (d) of this Code section.

61 (ii) Such additional excise tax shall not count toward or be subject to the 14 percent  
62 rate limitations of subsection (c.1) of Code Section 48-8-6 and subsection (d) of Code  
63 Section 48-8-201.

64 (C) Any taxes collected in excess of 7 percent shall be expended by the municipality  
65 for the promotion of conventions and tradeshow by a not for profit destination  
66 marketing organization located within the same county or counties as the municipality  
67 and in existence and operation on January 1, 2011, through a contract or contracts with  
68 the state, a department of state government, or a state authority. At least 80 percent of  
69 such tax amounts shall be segregated by the destination marketing organization and  
70 used in securing major conventions at facilities containing at least 1.3 million square

71 feet of floor space used for convention hall purposes and events at facilities containing  
72 at least 70,000 seats used for major events under the control of a state authority, and  
73 amounts so segregated may be held by the destination marketing organization and  
74 expended in fiscal years subsequent to the fiscal year in which the taxes were collected.  
75 (D) Any municipal levy of any additional excise tax under this paragraph must be  
76 approved by local Act and shall also comply with the resolution requirements contained  
77 in paragraph (4) of this subsection in regard to the additional excise tax levied under  
78 this paragraph only. The local Act of the General Assembly shall provide that the first  
79 7 percent in excise tax levied under the authority of paragraph (5) of subsection (a) of  
80 this Code section shall continue to be levied under that paragraph and all amounts  
81 collected thereunder shall be expended as required therein and that the additional  
82 amounts collected under the provisions of this paragraph shall be expended as required  
83 in this paragraph."

84

**SECTION 2.**

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

87

**SECTION 3.**

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