

House Bill 903 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Burkhalter of the 50th and Stephens of the 164th

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 provide for other
 10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

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

H. B. 903 (SUB)

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

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

62 (B) Notwithstanding the termination date stated in division (ii) of subparagraph (A) of
 63 this paragraph (5), notwithstanding paragraph (6) of this subsection (a), and

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

92 **SECTION 2.**

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

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

95 (A) 'Fund' and 'funding' ~~means~~ mean the cost and expense of all things deemed
 96 necessary by a state authority for the construction and operation of a multipurpose
 97 domed stadium and a successor facility to such multipurpose domed stadium including
 98 but not limited to the study, operation, marketing, acquisition, construction, finance,
 99 development, extension, enlargement, or improvement of land, waters, property, streets,

100 highways, buildings, structures, equipment, or facilities, and the repayment of any
101 obligation incurred by an authority in connection therewith.

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

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

110 **SECTION 3.**

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