

House Bill 1522

By: Representative Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales
2 and use taxes, so as to provide for a program of tax refunds for companies creating new
3 tourism attractions; to provide for a short title; to provide for definitions; to provide for
4 legislative findings; to provide for conditions of eligibility and approval; to provide for
5 agreements; to provide for procedures, conditions, and limitations; to provide for powers,
6 duties, and responsibilities of the commissioner of community affairs and the Department
7 of Community Affairs and the governing authorities of counties and municipalities; to
8 provide for powers, duties, and authority of the state revenue commissioner and the
9 Department of Revenue; to provide for the authority to levy certain taxes relating to tourism
10 attractions; to amend Code Section 48-8-6, relating to prohibition of political subdivisions
11 from imposing various taxes and certain exemptions, so as to provide for a net exemption;
12 to amend Code Section 36-82-61 of the Official Code of Georgia Annotated, relating to
13 definitions regarding the "Revenue Bond Law," so as to provide for definitions; to provide
14 that undertakings may include tourism and community development; to provide for related
15 matters; to repeal conflicting laws; and for other purposes.

SECTION 1.

16 Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use
17 taxes, is amended by adding a new article to read as follows:
18

"ARTICLE 5

Part 1

19 48-8-240.
20

21 This article shall be known and may be cited as the 'Georgia Tourism and Community
22 Development Act for Natural and Cultural Resources.'
23

24 48-8-241.

25 As used in this article, the term:

26 (1) 'Agreement' means a tourism attraction agreement designed to develop tourism and
 27 community development entered into pursuant to Code Section 48-8-243 between a local
 28 county or municipality and an approved company with respect to a tourism attraction.

29 (2) 'Approved company' means any corporation, limited liability company, partnership,
 30 limited liability partnership, sole proprietorship, business trust, or any other entity that
 31 is seeking to undertake a tourism attraction that has been approved by the commissioner.

32 (3) 'Capital outlay project' shall have the same meaning as provided for in Code Section
 33 48-8-110.

34 (4) 'Commercial enterprise' means any business doing business that generates
 35 incremental sales and use tax and is located within a tourism attraction that has been
 36 approved by the department.

37 (5) 'Commissioner' means the commissioner of community affairs.

38 (6) 'Costs' means any and all costs associated with a tourism attraction, including, but not
 39 limited to, the following:

40 (A) Labor, vendors, contractors, subcontractors, builders, suppliers, deliverymen, and
 41 materialmen;

42 (B) Real and personal property or rights in real and personal property and any costs
 43 incidental thereto;

44 (C) Construction materials and equipment;

45 (D) Contract bonds and insurance of every kind;

46 (E) Marketing, legal, planning, architectural, and engineering services, including, but
 47 not limited to, estimates, plans and specifications, preliminary investigations, and
 48 supervision of construction;

49 (F) The principal of and interest on revenue bonds or other forms of debt;

50 (G) Working capital; and

51 (H) Installation of utilities, including, but not limited to, water, storm water, sewer
 52 treatment, storm-water treatment, gas, electricity, cable, and communications.

53 (7) 'Department' means the Department of Community Affairs.

54 (8) 'Historic and cultural resources' means:

55 (A) Historic sites within or near a tourism attraction, including, but not limited to,
 56 battlefields or forts;

57 (B) Parks, facilities, locations, groups, or organizations that perform historic
 58 enactments related to such sites;

59 (C) Museums that document the history, culture, and natural history of the area;

60 (D) Historic downtowns; and

61 (E) Scholars, tour guides, experts, and historians that have particular and extensive
 62 knowledge of the significant history of a particular area.

63 (9) 'Incremental sales and use tax' means all Georgia sales and use tax and all local sales
 64 and use tax other than local sales and use tax for education purposes generated by the
 65 tourism attraction above the amount of sales and use tax generated by the previous use
 66 of the property on which the tourism attraction is located.

67 (10) 'Municipal tourism attraction tax' means a tax assessed by the governing authority
 68 or municipality at a tourism attraction above the amount of sales and use tax generated
 69 by the previous use of the property on which the tourism attraction is located, with such
 70 tax distinct from the incremental sales and use tax and the tourism project tax;

71 (11) 'Natural and cultural resource based tourism attraction' or 'tourism attraction' means:

72 (A) A cultural or historical site or facility; a recreation or entertainment facility; an area
 73 of natural phenomena or scenic beauty; a hotel or conference center or a combination
 74 thereof; a golf course; marinas and water parks; or

75 (B) An entertainment destination center and associated retail businesses;

76 provided that such tourism attraction is approved by the commissioner as provided in
 77 Code Section 48-8-244; is located within five miles of any highway in Georgia which
 78 constitutes a part of The Dwight D. Eisenhower System of Interstate and Defense
 79 Highways; is located within 20 miles of a 1,000 acre or greater Georgia state park,
 80 whether such state park is managed as part of the Georgia state park system or by an
 81 authority established under Georgia law; is located within ten miles of a 100 acre or
 82 greater Georgia state park, whether such state park is managed as part of the Georgia state
 83 park system or by an authority established under Georgia law; is located within two miles
 84 of a Georgia waterway that is navigable in a 15 foot V-hulled engine powered boat for
 85 365 days of the year for a distance of at least ten miles from the point such measurement
 86 is taken; is located within 30 miles of a 30,000 acre or greater United States Wildlife
 87 Refuge that is located in Georgia; or is located within 15 miles of a 15,000 acre or greater
 88 United States National Park that is located in Georgia.

89 (12) 'Revenue commissioner' means the commissioner of revenue.

90 (13) 'Sales tax term' means the duration of the incremental sales and use tax and
 91 municipal tourism tax refund with such sales tax term extending 20 years from the year
 92 following the first year that the governing county or municipality of a tourism attraction
 93 receives an incremental sales and use tax refund and a municipal tourism attraction tax
 94 refund from the revenue commissioner.

95 (14) 'Tourism attraction account' means an account administered by the local governing
 96 body of a county or municipality where a tourism attraction is located into which the

97 incremental sales and use tax and the municipal tourism attraction is placed upon its
 98 receipt by such county or municipality.
 99 (15) 'Tourism project tax' means a tax assessed for a capital outlay project for a tourism
 100 attraction.

101 48-8-242.

102 The General Assembly finds and declares that the general welfare and material well-being
 103 of the citizens of the state depend in large measure upon the development of natural and
 104 cultural resource based tourism attractions in the state; that it is a substantial benefit to the
 105 state to induce the creation of such natural and cultural resource based tourism attractions
 106 within the state in order to advance the public purposes of relieving unemployment by
 107 creating jobs; that it is in the best interests of the state that natural and cultural resource
 108 based tourism attractions be used to tastefully showcase, promote, and create awareness of
 109 nearby Georgia state parks, national parks, national wildlife refuges, national wilderness
 110 areas, waterways, other natural areas, and cultural and historic areas to visitors and tourists
 111 from Georgia and from out of state; that the purposes to be accomplished under the
 112 provisions of this article are proper governmental and public purposes for which public
 113 moneys may be expended; and that the inducement of the creation and expansion of
 114 tourism attractions is of paramount importance to the economy of the state, mandating that
 115 the provisions of this article be liberally construed and applied in order to advance public
 116 purposes.

117 48-8-243.

118 (a)(1) As used in this subsection, 'costs' shall have the same meaning as provided for in
 119 paragraph (6) of Code Section 48-8-241.

120 (2) A company wishing to develop a tourism attraction pursuant to this article shall:

121 (A) Submit an application to the department for approval pursuant to Code Section
 122 48-8-244; and

123 (B) Subsequent to such approval and in order to continue the development of the
 124 tourism attraction approved by the department, the approved company shall be required
 125 to enter into an agreement with the governing authority of the county or municipality
 126 where the tourism project is located. Such agreement shall require such county or
 127 municipality to fund all costs, as such term is defined in paragraph (6) of Code Section
 128 48-8-241, associated with the tourism attraction, with such costs to be paid from
 129 incremental sales and use tax and municipal tourism attraction tax proceeds refunded
 130 by the revenue commissioner to such county or municipality, as well as with the

131 tourism project tax, as long as such tourism project tax is approved pursuant to this
132 Code section.

133 The department shall approve all agreements entered into pursuant to paragraph (2) of this
134 subsection prior to the commencement of the development of any tourism attraction. Such
135 approval shall not be unreasonably withheld.

136 (b) Subsequent to the opening of the tourism attraction subject to an agreement, the
137 revenue commissioner shall refund to the tax commissioner of the county or municipality
138 that is a party to such agreement all incremental sales and use tax and all municipal tourism
139 attraction tax that he or she has collected related to a tourism attraction pursuant to this
140 Code section. The tax commissioner shall maintain a separate account for funds that he or
141 she receives pursuant to this Code section.

142 (c) A commercial enterprise shall, at least 60 days prior to conducting any business, notify,
143 in writing, the department of revenue and the tax commissioner of the county in which the
144 tourism attraction is located that it is a commercial enterprise.

145 48-8-244.

146 (a) An application for a tourism attraction filed with the department shall include
147 marketing plans for the tourism attraction that primarily target individuals who are not
148 residents of the state with such marketing plans to showcase not only the tourism attraction,
149 but also natural resources and historical and cultural resources within the area; a
150 description and location of the tourism attraction; capital and other anticipated expenditures
151 for the tourism attraction and the anticipated sources of funding therefor with municipal
152 revenue bonds funded through the sales tax refunds contemplated in this Code section
153 deemed an allowable funding source; the anticipated employment and wages to be paid at
154 the tourism attraction; business plans which indicate the average number of days in a year
155 in which the tourism attraction will be in operation and open to the public; and the
156 anticipated revenues to be generated by the tourism attraction.

157 (b) The commissioner may approve the tourism attraction if costs are expected to exceed
158 \$75 million and the commissioner determines that the tourism attraction will have a
159 significant and positive economic impact on the state considering the extent to which the
160 tourism attraction will showcase and create awareness of nearby natural resources and
161 historical and cultural resources; the number of visitors the tourism attraction is expected
162 to draw from out of state; and the number of new jobs the tourism attraction is expected to
163 create. Parts of a tourism attraction that are not contiguous may be considered as part of
164 the same tourism attraction, as long as the same approved company develops, operates, and
165 markets each noncontiguous part of the tourism attraction as part of the same tourism

166 attraction and such noncontiguous parts of the tourism attraction otherwise satisfy the
167 conditions of paragraph (11) of Code Section 48-8-241.

168 (c) A company applying for approval pursuant to this Code section shall make such
169 application no later than six months after the effective date of this article.

170 48-8-245.

171 The incremental sales and use tax and the municipal tourism attraction tax shall be
172 exclusively administered and collected by the revenue commissioner. Such administration
173 and collection shall be accomplished in the same manner and subject to the same applicable
174 provisions, procedures, and penalties provided in Article 1 of this chapter. Subsequent to
175 the collection of the incremental sales and use tax and the municipal services tax pursuant
176 to this Code section, the revenue commissioner shall refund to the county or municipality
177 that is a party to the agreement corresponding to such collection the amount collected, with
178 such funds to then immediately be placed into the tourism attraction account by such
179 county or municipality for payment of costs associated with a tourism attraction.

180 48-8-246.

181 A commercial enterprise filing a sales and use tax return remitting incremental sales and
182 use tax shall separately identify the location of each commercial enterprise at which any
183 of the incremental sales and use taxes remitted were collected at the tourism attraction and
184 shall specify the amount of sales and the amount of taxes collected at each commercial
185 enterprise for the period covered by the return in order to facilitate the determination by the
186 revenue commissioner that all incremental sales and use taxes were collected according to
187 situs of sale.

188 48-8-247.

189 The governing authority of the county or municipality shall maintain a record of each and
190 every tourism attraction and costs associated with such tourism attraction, including any
191 costs that are paid for out of bond or other debt issued. In each annual audit a schedule
192 shall be included which shows for each ongoing such project the original estimated cost,
193 the current estimated cost if it is not the original estimated cost, amounts expended in prior
194 years, and amounts expended in the current year. The auditor shall verify and test
195 expenditures sufficient to provide assurances that the schedule is fairly presented in relation
196 to the financial statements. The auditor's report on the financial statements shall include
197 an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all
198 material respects in relation to the financial statements taken as a whole.

199

Part 2200 48-8-250.

201 Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution
202 of this state, a special district is created in every municipality that has within its boundaries
203 a tourism attraction. The boundaries of such special district shall correspond with the
204 boundaries of the tourism attraction.

205 48-8-251.

206 (a) The municipality where the tourism attraction is to be located may impose a municipal
207 tourism attraction tax in addition to the local sales and use tax portion of the incremental
208 sales and use tax and a tourism project tax. A municipal tourism attraction tax shall not
209 exceed a rate of up to 3 percent. Except as to rate, a municipal tourism attraction tax
210 imposed shall be levied upon all sales generated at a tourist attraction and shall correspond
211 to the tax imposed by Article 1 of this chapter. The imposition, rate, and duration of the
212 municipal tourism attraction tax shall be determined by resolution or ordinance. No
213 referendum or election shall be required.

214 (b) The municipality or county authorizing the municipal tourism attraction tax shall
215 deposit the proceeds of such tax into a special trust fund held separate and apart from all
216 other funds and shall apply such proceeds only for costs related to the tourism attraction.

217 (c) The municipal tourism attraction tax shall be levied only at the tourism attraction and
218 is in addition to any other sales and use tax that may be levied by the municipality or the
219 county.

220 48-8-252.

221 (a) A municipality may impose within its boundaries a tourism project during the sales tax
222 term for a limited period of time for the purpose of funding a capital outlay project within
223 the boundaries of the tourism attraction. Any tax imposed under this article shall be at the
224 rate of 1 percent. Except as to rate, a tax imposed under this article shall correspond to the
225 tax imposed by Article 1 of this chapter. Nothing in this Code section shall prohibit a
226 county from levying a tax to subsidize a capital outlay project pursuant to Code Section
227 48-8-111.

228 (b) Any municipality that desires to have a tourism project tax levied shall pass an
229 ordinance or resolution authorizing such tax. Such ordinance or resolution shall specify
230 eligible expenditures identified by the municipality for use of proceeds distributed pursuant
231 to Code Section 48-8-257. Such ordinance or resolution shall also specify the purpose or
232 purposes for which the proceeds of the tax are to be used and may be expended, which

233 purpose or purposes may consist of capital outlay projects located in the tourism attraction
 234 and which may include any of the following purposes:

235 (1) A capital outlay project consisting of road, street, and bridge purposes, which
 236 purposes may include sidewalks and bicycle paths;

237 (2) A regional capital outlay project or projects within the tourism attraction and
 238 consisting of a civic center, library, museum, or coliseum;

239 (3) A capital outlay project or projects which will be operated by a joint authority or
 240 authorities of the county and the municipality;

241 (4) A capital outlay project consisting of a cultural facility, a recreational facility, a
 242 historic facility, or a facility for some combination of such purposes;

243 (5) A water capital outlay project, a sewer capital outlay project, a water and sewer
 244 capital outlay project, or a combination of such projects, to be owned or operated or both
 245 by a county water and sewer district and one or more qualified municipalities in the
 246 county;

247 (6) A capital outlay project or projects within the tourism attraction and consisting of
 248 public safety facilities or related capital equipment used in the operation of public safety;
 249 and

250 (7) Any combination of two or more of the purposes set out in paragraphs (1) through (6)
 251 of this subsection.

252 48-8-253.

253 (a) A municipal governing authority voting to impose a tourism project tax shall notify the
 254 municipal election superintendent by forwarding to the superintendent a copy of the
 255 resolution or ordinance of the municipal governing authority calling for the imposition of
 256 the tourism project tax. Such ordinance or resolution shall specify the following:

257 (1) The maximum period of time of the tax, to be stated in calendar years or calendar
 258 quarters and not to exceed five years;

259 (2) The aggregate maximum costs of the tourism project which shall be funded from the
 260 proceeds of the tax, which aggregate maximum costs shall also be the maximum amount
 261 of net proceeds to be raised by the tax; and

262 (3) If general obligation debt is to be issued in conjunction with the imposition of the tax,
 263 as authorized by this article, the principal amount of the debt to be issued, the interest rate
 264 or rates or the maximum interest rate or rates which such debt is to bear, and the amount
 265 of principal to be paid in each year during the life of the debt.

266 (b) Upon receipt of the resolution or ordinance, the municipal election superintendent shall
 267 issue the call for an election for the purpose of submitting the question of the imposition
 268 of the tax to the voters of the municipality. The municipal election superintendent shall

269 issue the call and shall conduct the election on a date and in the manner authorized under
 270 Code Section 21-2-540. The municipal election superintendent shall cause the date and
 271 purpose of the election to be published once a week for four weeks immediately preceding
 272 the date of the election in the legal organ of the county or in a newspaper having general
 273 circulation in the municipality at least equal to that of the legal organ. If general obligation
 274 debt is to be issued in conjunction with the imposition of the tourism project tax, the notice
 275 published by the municipal election superintendent shall also include, in such form as may
 276 be specified by the municipal governing authority, the principal amount of the debt, the rate
 277 or rates of interest or the maximum rate or rates of interest the debt will bear, and the
 278 amount of principal to be paid in each year during the life of the debt. Such publication of
 279 notice by the municipal election superintendent shall take the place of the notice otherwise
 280 required by Code Section 36-80-11 or by subsection (b) of Code Section 36-82-1, which
 281 notice shall not be required.

282 (c)(1) The ballot shall have written or printed thereon the following:

283 ' () YES 'Shall a special 1 percent sales and use tax be imposed in _____ for
 284 a period of time not to exceed _____ and for the raising of not
 285 () NO more than \$ _____ for the purpose of funding a tourism attraction?'

286 (2) If debt is to be issued, the ballot shall also have written or printed thereon, following
 287 the language specified by paragraph (1) of this subsection, the following:

288 'If imposition of the tax is approved by the voters, such vote shall also constitute
 289 approval of the issuance of general obligation debt of _____ in the
 290 principal amount of \$ _____ for the above purpose.'

291 (d) All persons desiring to vote in favor of imposing the tourism project tax shall vote
 292 'Yes,' and all persons opposed to levying the tourism project tax shall vote 'No.' If more
 293 than one-half of the votes cast are in favor of imposing the tourism project tax, then such
 294 tax shall be imposed as provided in this article. Otherwise, the tourism project tax shall not
 295 be imposed and the question of imposing the tourism project tax shall not again be
 296 submitted to the voters of the municipality until after 12 months immediately following the
 297 month in which the election was held; provided, however, that if an election date
 298 authorized pursuant to subsection (b) of this Code section occurs during the twelfth month
 299 immediately following the month in which such election was held, the question of
 300 imposing the tourism project tax may be submitted to the voters of the municipality on such
 301 date. The municipal election superintendent shall hold and conduct the election under the
 302 same rules and regulations as govern special elections. The municipal election
 303 superintendent shall canvass the returns, declare the result of the election, and certify the
 304 result to the Secretary of State and to the commissioner. The expense of the election shall
 305 be paid from municipal funds.

306 (e)(1) If the proposal includes the authority to issue general obligation debt and if more
307 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
308 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given
309 to the proper officers of the municipality; otherwise, such debt shall not be issued. If the
310 authority to issue such debt is so approved by the voters, then such debt may be issued
311 without further approval by the voters.

312 (2) If the issuance of general obligation debt is included and approved as provided in this
313 Code section, then the governing authority of the municipality may incur such debt either
314 through the issuance and validation of general obligation bonds or through the execution
315 of a promissory note or notes or other instrument or instruments. If such debt is incurred
316 through the issuance of general obligation bonds, such bonds and their issuance and
317 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36. If such debt is
318 incurred through the execution of a promissory note or notes or other instrument or
319 instruments, no validation proceedings shall be necessary and such debt shall be subject
320 to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise
321 in this article. In either event, such general obligation debt shall be payable first from the
322 separate account in which are placed the proceeds received by the municipality from the
323 tourism attraction tax, which shall be separate from the tourism attraction account. Such
324 general obligation debt shall, however, constitute a pledge of the full faith, credit, and
325 taxing power of the municipality; and any liability on such debt which is not satisfied
326 from the proceeds of the tourism attraction tax shall be satisfied from the general funds
327 of the municipality.

328 (f) No general obligation debt shall be issued in conjunction with the imposition of a
329 tourism project tax unless the municipal governing authority determines that, and if the
330 debt is to be validated it is demonstrated in the validation proceedings that, during each
331 year in which any payment of principal or interest on the debt comes due the municipality
332 will receive from the tourism project tax net proceeds sufficient to fully satisfy such
333 liability. General obligation debt issued under this article shall be payable first from the
334 separate account in which are placed the proceeds received by the municipality from the
335 tourism project tax. Such debt, however, shall constitute a pledge of the full faith, credit,
336 and taxing power of the municipality; and any liability on said debt which is not satisfied
337 from the proceeds of the tourism project tax shall be satisfied from the general funds of the
338 municipality.

339 48-8-254.

340 (a) If the referendum for the tourism project tax is approved, such tax shall be imposed on
341 the first day of the next succeeding calendar quarter which begins more than 80 days after
342 the date of the election at which the tourism project tax was approved by the voters.

343 (b) The tourism project tax shall cease to be imposed on the earliest of the following dates:

344 (1) If the resolution or ordinance calling for the imposition of the tourism project tax
345 provided for the issuance of general obligation debt and such debt is the subject of
346 validation proceedings, as of the end of the first calendar quarter ending more than 80
347 days after the date on which a court of competent jurisdiction enters a final order denying
348 validation of such debt;

349 (2) On the final day of the maximum period of time specified for the imposition of the
350 tourism project tax; or

351 (3) As of the end of the calendar quarter during which the revenue commissioner
352 determines that the tax will have raised revenues sufficient to provide to the municipality
353 net proceeds equal to or greater than the amount specified as the maximum amount of net
354 proceeds to be raised by the tax.

355 (c)(1) No municipality shall impose at any time more than a single tourism project tax;
356 provided, however, that a local tourism project tax may be imposed simultaneously with
357 a municipal tourism attraction tax and an incremental sales and use tax.

358 (2) A city in which a tourism project tax is in effect may, while the tax is in effect, adopt
359 a resolution or ordinance calling for a reimposition of a tourism project tax upon the
360 termination of the tax then in effect; and a referendum may be held for this purpose while
361 the tax is in effect. Proceedings for such reimposition shall be in the same manner as
362 proceedings for the initial imposition of the tax pursuant to Code Section 48-8-253. Such
363 newly authorized tax shall not be imposed until the expiration of the tax then in effect;
364 provided, however, that in the event of emergency conditions under which a municipality
365 is unable to conduct a referendum so as to continue the tax then in effect without
366 interruption, the revenue commissioner may, if feasible administratively, waive the
367 limitations of subsection (a) of this Code section to the minimum extent necessary so as
368 to permit the reimposition of a tax, if otherwise approved as required under this Code
369 section, without interruption, upon the expiration of the tax then in effect.

370 (3) Following the expiration of a tax under this part, the governing authority of a
371 municipality may initiate proceedings for the reimposition of a tourism project tax
372 pursuant to this part in the same manner as provided in this part for the initial imposition
373 of such tax.

374 48-8-255.

375 Both the municipal tourism attraction tax and the tourism project tax shall be exclusively
 376 administered and collected by the revenue commissioner for the use and benefit of the
 377 tourism attraction. Such administration and collection shall be accomplished in the same
 378 manner and subject to the same applicable provisions, procedures, and penalties provided
 379 in Article 1 of this chapter, and provided that the revenue commissioner may rely upon a
 380 representation by or in behalf of the county or municipality or the Secretary of State that
 381 such a tax has been validly imposed, and the revenue commissioner and the revenue
 382 commissioner's agents shall not be liable to any person for collecting any such tax which
 383 was not validly imposed.

384 48-8-256.

385 Each sales and use tax return remitting the incremental sales and use tax, the municipal
 386 tourism attraction tax, or the tourism project tax shall separately identify the location of
 387 each retail establishment at which any of such taxes remitted were collected and shall
 388 specify the amount of sales and the amount of such taxes collected at each establishment
 389 for the period covered by the return in order to facilitate the determination by the revenue
 390 commissioner that all sales and use taxes imposed pursuant to this article are collected and
 391 distributed according to situs of sale.

392 48-8-257.

393 The proceeds of the municipal tourism attraction tax and the tourism project tax collected
 394 by the revenue commissioner under this article shall be disbursed as soon as practicable
 395 after collection as follows:

396 (1) One percent of the amount collected shall be paid into the general fund of the state
 397 treasury in order to defray the costs of administration; and

398 (2) The remaining proceeds of the tax shall be distributed to the governing authority of
 399 the county or municipality imposing the tax for the use of funding costs associated with
 400 the tourism attraction.

401 48-8-258.

402 The incremental sales and use tax, municipal tourism attraction tax, and tourism project tax
 403 authorized by this article shall be in addition to any other local sales and use tax; provided,
 404 however, that no other local taxes other than these three taxes and a 1 percent local
 405 education tax may be imposed within the boundaries of the tourism attraction.

406 48-8-259.

407 The governing authority of the county or municipality shall maintain a record of each and
 408 every tourism attraction and cost for which the proceeds of the incremental sales and use
 409 tax, municipal attraction tourism tax, or tourism project tax are used. In each annual audit
 410 a schedule shall be included which shows for each ongoing such project the original
 411 estimated cost, the current estimated cost if it is not the original estimated cost, amounts
 412 expended in prior years, and amounts expended in the current year. The auditor shall
 413 verify and test expenditures sufficient to provide assurances that the schedule is fairly
 414 presented in relation to the financial statements. The auditor's report on the financial
 415 statements shall include an opinion, or disclaimer of opinion, as to whether the schedule
 416 is presented fairly in all material respects in relation to the financial statements taken as a
 417 whole.

418 48-8-260.

419 The revenue commissioner and the commissioner shall have the power and authority to
 420 promulgate such rules and regulations as shall be necessary for the effective and efficient
 421 administration and enforcement of this article."

422 **SECTION 2.**

423 Code Section 48-8-6 of the Official Code of Georgia Annotated, relating to prohibition of
 424 political subdivisions from imposing various taxes and certain exemptions, is amended in
 425 subsection (b) by adding a new paragraph to read as follows:

426 "(2.1) A local sales and use tax levied pursuant to Article 5 of this chapter;"

427 **SECTION 3.**

428 Code Section 36-82-61 of the Official Code of Georgia Annotated, relating to definitions
 429 regarding the "Revenue Bond Law," is amended by revising paragraphs (3) and (4) and
 430 adding a new paragraph to read as follows:

431 "(3) 'Revenue' or 'revenue of the undertaking' means:

432 (A) All all revenues, income, and earnings arising out of or in connection with the
 433 operation or ownership of the undertaking and, if so stated in the resolution or
 434 resolutions authorizing the issuance of obligations under this article, also means
 435 moneys received as grants from the United States of America, from this state, or from
 436 any instrumentality or agency of the foregoing in aid of such undertaking; and

437 (B) Revenue refunded to a county or municipality pursuant to Code Section 48-8-243.

438 (3.1)(A) 'Tourism attraction development' means the costs associated with the creation,
 439 promotion, and operation of a tourism attraction.

440 (B) As used in this paragraph:

441 (i) 'Costs' shall have the same meaning as provided for in paragraph (6) of Code
 442 Section 48-8-241.

443 (ii) 'Tourism attraction' shall have the same meaning as provided for in paragraph (11)
 444 Code Section 48-8-241.

445 (4) 'Undertaking' includes the following revenue-producing undertakings or any
 446 combination of two or more of such undertakings, whether now existing or hereafter
 447 acquired or constructed:

448 (A) Causeways, tunnels, viaducts, bridges, and other crossings;

449 (B) Highways, parkways, airports, docks, piers, wharves, terminals, and other
 450 facilities;

451 (C) Systems, plants, works, instrumentalities, and properties:

452 (i) Used or useful in connection with the obtaining of a water supply and the
 453 conservation, treatment, and disposal of water for public and private uses;

454 (ii) Used or useful in connection with the collection, treatment, and disposal of
 455 sewage, waste, and storm water; together with all parts of any such undertaking and
 456 all appurtenances thereto, including lands, easements, rights in land, water rights,
 457 contract rights, franchises, approaches, dams, reservoirs, generating stations, sewage
 458 disposal plants, intercepting sewers, trunk connecting and other sewer and water
 459 mains, filtration works, pumping stations, and equipment;

460 (iii) Used or useful in connection with the collection, treatment, reuse, or disposal of
 461 solid waste; or

462 (iv) Used or useful in connection with buying, constructing, extending, operating, and
 463 maintaining gas or electric generating and distribution systems together with all
 464 necessary appurtenances thereof; provided, ~~further~~, however, that any revenue
 465 certificates issued to buy, construct, extend, operate, and maintain electric generating
 466 and distribution systems shall, before being undertaken, be authorized by a majority
 467 of those voting at an election held for the purpose in the county, municipal
 468 corporation, or political subdivision affected, the election for such to be held in the
 469 same manner as is used in issuing bonds of such county, municipal corporation, or
 470 political subdivision and the said elections shall be called and provided for by officers
 471 in charge of the fiscal affairs of said county, municipal corporation, or political
 472 subdivision affected;

473 (D) Dormitories, laboratories, libraries, and other related facilities;

474 (E) Parks, golf links and fairways, tennis courts, swimming pools, playgrounds, athletic
 475 fields, grandstands and stadiums; buildings to be used for various types of sports,
 476 including baseball and football; buildings to be constructed and used for the housing

477 of exhibits for fairs and educational purposes; buildings to be used for the housing of
 478 livestock, horses, cattle, swine, poultry, and agricultural exhibits for exhibition
 479 purposes; the erection and construction of buildings to be used for amusement purposes
 480 or educational purposes or a combination of the two; and such buildings to be used for
 481 fairs, expositions, or exhibitions in connection therewith;

482 (F) Combinations of sea wall, groin, and beach erosion protection systems;

483 (G) Public parking areas and public parking buildings;

484 (H) Purchase of lands used by the United States government as army camps for the
 485 training of soldiers during the war, when and if the same is declared surplus by the
 486 United States government or its authority, provided that a county shall only be allowed
 487 to purchase lands which were within its boundaries at the time such lands were acquired
 488 by the United States government or any division of the United States government;

489 (I) Parking meters on streets, thoroughfares, parkways, and any avenue of traffic, such
 490 meters to be located thereon or immediately adjacent thereto for the purpose of
 491 providing space for vehicles and authorizing the use of same for parking purposes upon
 492 the payment of a charge therefor;

493 (J) Purchase of existing public common carriers of passengers for hire and facilities
 494 necessary, incident, or needful thereto by the use of motor buses, trackless trolleys,
 495 electric trolleys, or any other means of transportation of passengers on the streets and
 496 highways;

497 (K) The purchase of land and the construction thereon of facilities for lease to
 498 industries, so as to relieve abnormal unemployment conditions; ~~and~~

499 (L) Jails and all other structures and facilities which are necessary and convenient for
 500 the operation of jails; and

501 (M) Natural and cultural tourism development."

502 **SECTION 4.**

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