

House Bill 1274

By: Representatives Stephens of the 164th, Pruett of the 144th, and Sims of the 119th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Department of Economic Development, so as to provide for a short title; to create a revenue fund for tourism marketing; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Tourism Marketing Act of 2012."

SECTION 2.

Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Department of Economic Development, is amended by adding a new Code section to read as follows:

"50-7-19.

(a) The state treasurer shall annually deposit an amount prescribed in this Code section out of the general revenue fund pursuant to Code Section 45-12-92, in a fund hereby created in the state treasury, to be known as the 'Tourism Division Supplemental Revenue Fund.'
The state treasurer shall administer the fund, and the moneys in such fund, except the appropriate percentage of any refund made of taxes collected under the provisions of Title 48, shall be used solely by the Tourism Division of the Department of Economic Development to pay for the state-wide advertising, marketing, and branding campaign for the promotion of state tourism. Moneys deposited in the Tourism Division Supplemental Revenue Fund shall be in addition to a budget base in each fiscal year. For fiscal year 2012, such budget base shall be \$700,000.00 and in each succeeding fiscal year the budget base shall be the prior fiscal year's general revenue base plus any additional appropriations made to the Tourism Division, including 100 percent of the prior fiscal year's deposits made to the Tourism Division Supplemental Revenue Fund pursuant to this Code section.

The general revenue base shall decrease by 10 percent in each fiscal year following fiscal year 2012. Notwithstanding the provisions of Code Section 45-12-89, to the contrary, moneys deposited in the Tourism Division Supplemental Revenue Fund shall be deemed expended and contractually obligated and shall not lapse to the general fund.

(b) In each fiscal year following fiscal year 2012, a portion of general revenue determined pursuant to this subsection shall be deposited to the credit of the Tourism Division Supplemental Revenue Fund pursuant to subsection (a) of this Code section. The commissioner of revenue shall determine the amount deposited to the credit of the Tourism Division Supplemental Revenue Fund in each fiscal year by computing the previous year's total appropriation into the Tourism Division Supplemental Revenue Fund and adding to such appropriation amount the total amount derived from the retail sales of tourist oriented goods and services collected pursuant to state sales taxes. If the increase in such sales taxes derived from the retail sales of tourist oriented goods and services in the fiscal year three years prior to the fiscal year in which each deposit shall be made is at least 3 percent over such sales taxes derived from the retail sales of tourist oriented goods and services generated in the fiscal year four years prior to the fiscal year in which each deposit shall be made, an amount equal to one-half of such sales taxes generated above a 3 percent increase shall be calculated by the commissioner of revenue and the amount calculated shall be deposited by the state treasurer to the credit of the Tourism Division Supplemental Revenue Fund.

(c) Total deposits in the Tourism Division Supplemental Revenue Fund in any fiscal year pursuant to subsections (a) and (b) of this Code section shall not exceed the amount deposited into the Tourism Division Supplemental Revenue Fund in the fiscal year immediately preceding the current fiscal year by more than \$3 million.

(d) As used in this Code section, the term 'sales of tourist oriented goods and services' means those sales by businesses registered with the Department of Revenue under the following NAICS Codes:

(1) NAICS Code 485310;

(2) NAICS Code 485320;

(3) NAICS Code 532111;

(4) NAICS Code 561510;

(5) NAICS Code 561520;

(6) NAICS Code 561591;

(7) NAICS Code 561599;

(8) NAICS Code 561920;

(9) NAICS Code 711110;

(10) NAICS Code 711120;

- 63 (11) NAICS Code 711130;
- 64 (12) NAICS Code 711190;
- 65 (13) NAICS Code 711211;
- 66 (14) NAICS Code 711211;
- 67 (15) NAICS Code 711219;
- 68 (16) NAICS Code 711310;
- 69 (17) NAICS Code 711320;
- 70 (18) NAICS Code 711410;
- 71 (19) NAICS Code 711510;
- 72 (20) NAICS Code 712110;
- 73 (21) NAICS Code 712130;
- 74 (22) NAICS Code 712190;
- 75 (23) NAICS Code 713110;
- 76 (24) NAICS Code 713120;
- 77 (25) NAICS Code 713290;
- 78 (26) NAICS Code 713910;
- 79 (27) NAICS Code 713930;
- 80 (28) NAICS Code 713940;
- 81 (29) NAICS Code 713950;
- 82 (30) NAICS Code 713990;
- 83 (31) NAICS Code 721110;
- 84 (32) NAICS Code 721120;
- 85 (33) NAICS Code 721191;
- 86 (34) NAICS Code 721199;
- 87 (35) NAICS Code 721211;
- 88 (36) NAICS Code 721214;
- 89 (37) NAICS Code 721310;
- 90 (38) NAICS Code 722110;
- 91 (39) NAICS Code 722211;
- 92 (40) NAICS Code 722212;
- 93 (41) NAICS Code 722213;
- 94 (42) NAICS Code 722310;
- 95 (43) NAICS Code 722320;
- 96 (44) NAICS Code 722330; and
- 97 (45) NAICS Code 722410.
- 98 (e) Prior to each appropriation from the Tourism Division Supplemental Revenue Fund,
- 99 the Tourism Division shall present to the Committee on Economic Development and

100 Tourism in the House of Representatives and to the Economic Development Committee
101 in the Senate, or their successors, a promotional marketing strategy including, but not
102 limited to, targeted markets, duration of market plans, ensuing market strategies, and the
103 actual and estimated investment return, if any, resulting therefrom."

104 **SECTION 3.**

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

107 **SECTION 4.**

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