

The House Committee on Ways & Means offers the following substitute to SB 430:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to excise tax on rooms, lodgings, and accommodations, so as to revise the definition  
3 of tourism product development so as to specifically include military museums and related  
4 institutions; to remove the local government tax revenue threshold as it relates to the  
5 applicability of procedures for changing the designation of a private sector nonprofit  
6 organization engaged to promote tourism, conventions, and trade shows for such jurisdiction;  
7 to provide for criteria the Hotel Motel Tax Performance Review Board shall consider in  
8 approving or rejecting alterations or changes to such private sector nonprofit organization;  
9 to require the Hotel Motel Tax Performance Review Board to meet quarterly to address  
10 eligibility determinations and notifications of noncompliance; to provide for publication of  
11 such notifications; to provide for hearings and notice of such hearings; to provide for related  
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 430 (SUB)

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**SECTION 1.**

Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to excise tax on rooms, lodgings, and accommodations, is amended by revising paragraph (6) of Code Section 48-13-50.2, relating to definitions, as follows:

"(6) 'Tourism product development' means the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Tourism product development may include:

- (A) Lodging for the public for no longer than 30 consecutive days to the same customer;
- (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents;
- (C) Meeting, convention, exhibit, and public assembly facilities;
- (D) Sports stadiums, arenas, and complexes;
- (E) Golf courses associated with a resort development that are open to the general public on a contract or fee basis;
- (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways;
- (G) Amusement centers, amusement parks, theme parks, or amusement piers;
- (H) Hunting preserves, trapping preserves, or fishing preserves or lakes;
- (I) Visitor information and welcome centers;
- (J) Wayfinding signage;
- (K) Permanent, nonmigrating carnivals or fairs;
- (L) Airplanes, helicopters, buses, vans, or boats for excursions or sightseeing;
- (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools;

- 41 (N) ~~Planetariums Museums, planetariums~~, art galleries, botanical gardens, aquariums,  
 42 or zoological gardens;
- 43 (O) Parks, trails, and other recreational facilities;
- 44 (P) Performing arts facilities; ~~and~~
- 45 (Q) Air service product expansion at air carrier airports; ~~and~~
- 46 (R) Museums, including, but not limited to, military museums or any other institutions  
 47 dedicated to preserving, exhibiting, and interpreting the history of conflicts and military  
 48 actions of the United States armed forces and its service members through artifacts,  
 49 documents, and other memorabilia organized for similar purposes."

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**SECTION 2.**

51 Said article is further amended by revising subsection (k) of Code Section 48-13-51, relating  
 52 to county and municipal levies on public accommodations charges for promotion of tourism,  
 53 conventions, and trade shows, as follows:

54 "(k)(1) Any local governing authority levying the tax authorized under this article ~~which~~  
 55 ~~has collected more than \$500,000.00 in taxes per year in any of the three preceding fiscal~~  
 56 ~~years~~ shall not alter or change the designated private sector nonprofit organization  
 57 engaged to promote tourism, conventions, and trade shows for such local government  
 58 unless and until the governing authority and the destination marketing organization for  
 59 such local government agree to such alteration or change or such alteration or change is  
 60 approved as provided for in paragraph (2) of this subsection.

61 (2) If the governing authority and the destination marketing organization are unable to  
 62 reach an agreement as to altering or changing the designated private sector nonprofit  
 63 organization engaged to promote tourism, conventions, and trade shows, such proposed  
 64 alterations or changes shall then be moved to the Hotel Motel Tax Performance Review  
 65 Board, as established pursuant to Code Section 48-13-56.1, which shall meet ~~as needed~~  
 66 quarterly for approval or rejection based on the eligibility of the new proposed private

67 sector nonprofit organization, as defined by Code Section 48-13-50.2, along with the  
 68 following factors:

69 (A) Whether the existing private sector nonprofit organization is meeting visitation  
 70 goals set forth by its governing body;

71 (B) Dedicated purpose of the proposed and existing private sector nonprofit  
 72 organization as it relates to driving future visitation to the destination;

73 (C) Demonstrated local expertise by the existing private sector nonprofit organization  
 74 and any other private sector nonprofit organization under consideration;

75 (D) Ongoing investments and contractual obligations by the existing private sector  
 76 nonprofit organization and the risk of disruption by the proposed change; and

77 (E) Potential conflicts of interest for the existing and proposed private sector nonprofit  
 78 organizations."

79 **SECTION 3.**

80 Said article is further amended by revising subsections (c) and (d) of Code  
 81 Section 48-13-56.1, relating to Hotel Motel Tax Performance Review Board, composition,  
 82 appointments, investigations of complaints, and expenses of members, as follows:

83 "(c) It shall be the duty of the performance review board to make a thorough and complete  
 84 investigation of any complaint with respect to all actions of a county, municipality, or any  
 85 other entity regarding its expenditure of funds received from a tax under this article and  
 86 such county's, municipality's, or other entity's compliance with state law and regulations.  
 87 Complaints may be received from taxpayers, local governments, innkeepers, or private  
 88 sector nonprofit organizations. ~~All complaints shall be received by the department by~~  
 89 ~~June 1 in order to be heard the following year.~~ The performance review board shall meet  
 90 annually from September 1 through December 1 quarterly and shall have 90 days to hold  
 91 a hearing for any complaint received by the department. The department shall send a  
 92 notice to all interested parties of ~~the~~ any meeting place and time. The performance review

93 board shall issue a written report of its findings which shall include such evaluations,  
94 judgments, and recommendations as it deems appropriate.

95 (d) The findings of the report of the review board under subsection (c) of this Code section  
96 shall be transmitted to the commissioner of community affairs within ~~60~~ 30 calendar days  
97 of hearing the complaint. The commissioner of community affairs shall have 30 calendar  
98 days to review the findings of the performance review board. If the commissioner of  
99 community affairs determines that remedial action is necessary, the subject of the  
100 complaint shall be issued a ~~notice~~ notification of noncompliance by certified mail, return  
101 receipt requested, or statutory overnight delivery and shall be given a period of ~~90~~ calendar  
102 ~~days to take the necessary remedial action with respect to such findings. In the event that~~  
103 ~~such remedial action does not occur within the specified period;~~ 60 calendar days from  
104 receipt of such notice to submit to the commissioner a new report specifying the rate of  
105 taxation and amounts collected and remitted as required under Code Section 48-13-56.  
106 Failure to submit such report within the specified period shall result in an automatic  
107 notification to the performance review board for consideration at its next meeting. All  
108 notifications of noncompliance shall be provided to the legal organ of the county in which  
109 the subject is located and made public on the department's website until a remedy is  
110 provided. The subject of the complaint shall publish such notification of noncompliance  
111 in the legal organ of the county in which the subject is located within 30 days of its receipt.  
112 Further, the commissioner of community affairs shall immediately notify the state revenue  
113 commissioner of any failure to take remedial action, and the state revenue commissioner  
114 shall be authorized to take appropriate action to enforce compliance with such remedial  
115 action, up to and including termination of the tax."

116 **SECTION 4.**

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