

House Bill 575 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 82nd, Hanson of the 80th, and Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To authorize the governing authority of the City of Brookhaven to levy an excise tax
2 pursuant to the authority of subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to
3 provide procedures, conditions, and limitations; to provide for related matters; to provide for
4 a conditional effective date and automatic repeal; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Pursuant to the authority of subsection (b) of Code Section 48-13-51 of the O.C.G.A., the
9 governing authority of the City of Brookhaven is authorized to levy an excise tax at the rate
10 of 8 percent of the charge for the furnishing for value to the public of any room or rooms,
11 lodgings, or accommodations furnished by any person or legal entity licensed by, or required
12 to pay business or occupation taxes to, the municipality for operating a hotel, motel, inn,
13 bed-and-breakfast, lodge, tourist camp, tourist cabin, campground, or any other place in
14 which rooms, lodgings, or accommodations are regularly or periodically furnished for value.

15 **SECTION 2.**

16 The enactment of this Act is subsequent to the adoption of Resolution No. 2017-02-03 by the
17 governing authority of the City of Brookhaven on February 15, 2017, which specifies the
18 subsequent tax rate, identifies the projects or tourism product development purposes, and
19 specifies the allocation of proceeds.

20 **SECTION 3.**

21 In accordance with the terms of such resolution adopted by the mayor and council of the City
22 of Brookhaven:

23 (1) In each fiscal year during which a tax is collected pursuant to paragraph (2) of
24 subsection (b) of Code Section 48-13-51 of the O.C.G.A., an amount equal to not less than

25 50 percent of the total amount of taxes collected that exceeds the amount of taxes that
26 would be collected at the rate of 5 percent shall be expended for promoting tourism,
27 conventions, and trade shows by the destination marketing organization of the City of
28 Brookhaven; and

29 (2) The remaining amount of taxes collected that exceeds the amount of taxes that would
30 be collected at the rate of 5 percent which is not otherwise expended under paragraph (1)
31 of this section shall be expended for tourism product development.

32 **SECTION 4.**

33 The excise tax at the rate of 8 percent of the charge for the furnishing for value to the public
34 of any room or rooms, lodgings, or accommodations furnished by any person or legal entity
35 licensed by, or required to pay business or occupation taxes to, the municipality for operating
36 a hotel, motel, inn, bed-and-breakfast, lodge, tourist camp, tourist cabin, campground, or any
37 other place in which rooms, lodgings, or accommodations are regularly or periodically
38 furnished for value shall automatically revert to the rate of 5 percent upon the completion of
39 the construction of the Peachtree Creek Greenway, and either:

40 (1) The expiration of an appropriate intergovernmental agreement with a lawfully enacted
41 authority or other entity with the power to issue bonds for the construction of the Peachtree
42 Creek Greenway, which intergovernmental agreement shall terminate upon the defeasance
43 or retirement of any bonds issued pursuant to the authority's powers; or

44 (2) After 25 years from the effective date of this Act.

45 **SECTION 5.**

46 In the event of an amendment by the General Assembly to subsection (b) of Code Section
47 48-13-51 of the O.C.G.A. to allow local governments to utilize one-half of the 3 percent
48 assessment on lodging for items other than direct marketing organization expenses, such 1.5
49 percent tax shall be utilized in the City of Brookhaven for residential ad valorem tax
50 reduction and for no other purpose.

51 **SECTION 6.**

52 This Act shall become effective on July 1, 2017; provided, however, that this Act shall only
53 become effective if the General Assembly does not enact general legislation during the 2017
54 regular session to provide for the use of the proceeds of the hotel/motel tax in municipalities
55 subject to division (a)(5)(A)(ii) of Code Section 48-13-51 of the O.C.G.A. If such legislation
56 is enacted, this Act shall not become effective and shall stand repealed in its entirety on
57 July 1, 2017.

58

SECTION 7.

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