

DEPARTMENT OF COMMUNITY AFFAIRS
HOTEL/MOTEL TAX REPORT
SUMMARY OF EXPENDITURE REQUIREMENTS BY
AUTHORIZING CODE SECTION

City and county governments imposing a hotel/motel tax are required to expend the taxes collected in strict accordance with the provisions of the specific code section that was cited by the government when adopting the tax. To help ensure compliance with these expenditure requirements, each local government imposing a hotel/motel tax is required to adopt a budget plan specifying how the expenditure requirements of the Code will be met [O.C.G.A. 48-13-50(a)(9)(A)&(B)].

The following section provides a summary of the expenditure requirements of each of the 22 different provisions in O.C.G.A. 48-13-50 that authorize a hotel/motel tax. This summary information was taken directly from the Code, but the language has been modified and some elements have been reorganized in an attempt to make the requirements more understandable. *Although we believe the information in the summaries below is consistent with the original language and meaning of the law, it is not authoritative. Each local government is responsible for their compliance with these requirements and should consult the actual Code necessary to ensure compliance.*

Also, a government imposing a Hotel/Motel tax that has, within the government's geographic boundaries, a state park operated under the jurisdiction of the Department of Natural Resources that rents rooms and/or cabins, may be receiving under certain circumstances, collections from the state park in amounts that approximate what would have been received by the local government had the hotel/motel tax applied to such rooms or cabins. Item 23 below outlines the expenditure requirements applicable in such cases. **Note that on the reporting forms, both the state parks proceeds and expenditures thereof must be reported separately near the bottom of the form.**

1.) 3% Hotel/Motel Tax Authorized by Paragraph (a)(1)

A county or municipality levying a tax as provided in this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) for the purpose of promoting tourism, conventions, and trade shows a percentage of the total taxes collected under this Code section which is not less than the percentage of such tax collections expended for such purposes during the immediately preceding fiscal year. In addition, if during such immediately preceding fiscal year any portion of such tax receipts was expended for such purposes through a grant to or a contract or contracts with the state, a department of state government, a state authority, or a private sector nonprofit organization, then in each fiscal year thereafter, at least the same percentage shall be expended through a contract, or contracts with one or more such entities for the purpose of promoting tourism, conventions, and trade shows.

The expenditure requirements of this paragraph shall cease to apply to a county or municipality which levies a tax at a rate in excess of 3 percent, as authorized under paragraphs (2.1), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6)(A), (4.6)(B), (4.7), (5), (5.1), and (5.2) of this subsection; and in such case the expenditure requirements of such paragraph of this subsection pursuant to which such tax is levied shall apply instead.

2.) 5% Hotel/Motel Tax Authorized by Paragraph (a)(2.1)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of general recreation. Amounts so expended shall be expended only through a contract or contracts with a recreation authority created by a local Act of the General Assembly.

3.) 5% Hotel/Motel Tax Authorized by Paragraph (a)(2.2)

A county or municipality levying a tax pursuant to this paragraph may expend (in each fiscal year during which the tax is collected under this paragraph) the proceeds of the taxes collected for any or all of the following purposes:

(A) Promoting tourism, conventions, and trade shows;

(B) Promoting, attracting, stimulating, and developing conventions and tourism pursuant to Code Section 48-13-55; or

(C) Funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, infrastructure, and facilities which have the effect of promoting, attracting, stimulating, and developing conventions and tourism, including, but not limited to, a hotel facility and infrastructure and utility projects, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section.

The proceeds of the taxes collected under this paragraph shall be expended pursuant to a contract or a memorandum of understanding between the county or municipality, the private sector nonprofit organization, and the charitable trust, and such proceeds may be expended by or for the benefit of the county or municipality, the private sector nonprofit organization, or the charitable trust and related entities thereof for the purposes described above, provided that the expenditure of the proceeds of the tax levied on a charitable trust or a functionally related business thereof shall meet the requirements of Code Section 48-13-55.

4.) 5% Hotel/Motel Tax Authorized by Paragraph(a)(3)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes that would be collected at a rate of 3 percent for the purpose of:

(A) promoting tourism, conventions, and trade shows;

(B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;

(C) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;

(D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;

(E) supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; *or*

(F) for some combination of such purposes. Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, *except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner.*

5.) 6% Hotel/Motel Tax Authorized by Paragraph (a)(3.2)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph):

(A) An amount equal to 33 1/3 percent of the total taxes collected at the rate of 6 percent for the purpose of promoting tourism, conventions, and trade shows, under a contract with a private sector nonprofit organization

(B) In addition to the amounts required to be expended above, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 16 2/3 percent of the total taxes collected at the rate of 6 percent for the purpose of either marketing or operating trade and convention facilities. *Marketing and operating expenditures may include a pre-opening marketing program for such a facility and an escrow account accrued prior to opening such facility to cover operating expenses to be incurred after the opening of such a facility. In the event such facility is not constructed, collected funds may be used for any lawful purpose relating to tourism by the county or municipality levying a tax pursuant to this paragraph.*

6.) 6% Hotel/Motel Tax Authorized by Paragraph (a)(3.3)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) for the purpose of

promoting tourism, conventions, and trade shows in each fiscal year during which the tax is collected under this paragraph an amount:

(A) that is not less than the amount that would have been spent if the tax rate had not been increased to 6 percent and if the same percentage of tax collections expended for such purposes during the immediately preceding fiscal year were expended for such purposes during the current fiscal year; *plus*

(B) an amount equal to 16 2/3 percent of the total taxes collected at the rate of 6 percent.

7.) 6% Hotel/Motel Tax Authorized by Paragraph (a)(3.4)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of:

(A) promoting tourism, conventions, and trade shows;

(B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;

(C) supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;

(D) supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes, if construction of such facility is funded, or was funded prior to July 1, 1990, in whole or in part by a grant of state funds, or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;

(E) supporting a facility owned by a local government, or local authority for convention and trade show purposes and any other similar or related purposes, if construction of such facility is substantially funded, or was substantially funded, on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended, and if such facility was substantially completed and in operation prior to December 31, 1993; *or*

(F) for some combination of such purposes.

Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, *except that amounts expended for the purposes specified in subparagraphs (C) and (D) of this paragraph may be so expended in any otherwise lawful manner.*

In addition to the amounts otherwise required to be expended under this paragraph, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 16 2/3 percent of the total taxes collected at the rate of 6 percent for promoting tourism, conventions, and trade shows. Amounts so expended shall be expended only

through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities.

8.) 6% Hotel/Motel Tax Authorized by Paragraph (a)(3.7)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes that would be collected at a rate of 3 percent for the purpose of:

(A) Promoting tourism, conventions, and trade shows;

(B) Supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;

(C) Supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;

(D) Supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes, if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;

(E) Supporting a facility owned by a local government, or local authority for convention and trade show purposes, and any other similar or related purposes, if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; *or*

(F) For some combination of such purposes.

Amounts expended pursuant to this paragraph shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, *except that amounts expended pursuant to requirement (C) or (D) above may be so expended in any otherwise lawful manner.*

In addition to the amounts required to be expended under this paragraph, a county or municipality levying a tax pursuant to this paragraph, and in which an international horse park used in Olympic Games competition is in operation prior to January 1, 1999, shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 16 2/3 percent of the total taxes collected at the rate of 6 percent for the purpose of constructing, developing, supporting, and operating a nature center, nature park, wetlands education center, or nature museum for educational and recreational purposes or any other similar purposes. *Amounts expended to meet this 16 2/3 percent*

expenditure requirement are not subject to the provisions above requiring expenditure through a contract or contracts with certain entities.

9.) 6% Hotel/Motel Tax Authorized by Paragraph (a)(4)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected) an amount equal to at least 43 1/3 percent of the total taxes collected at the rate of 6 percent for the purpose of:

(A) promoting tourism, conventions, and trade shows;

(B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;

(C) supporting a facility owned or operated by a local authority or local government for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;

(D) supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes, if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;

(E) supporting a facility owned by a local government, or local authority for convention and trade show purposes and any other similar or related purposes, if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of Title 48, and such facility was substantially completed and in operation prior to December 31, 1993; *or*

(F) for some combination of such purposes.

Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, *except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner.*

In addition to the amounts required to be expended above, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected) an amount equal to at least 1 percent of the total taxes collected at the rate of 6 percent for the purpose of supporting a museum of aviation and aviation hall of fame, or an amount equal to at least 16 2/3 percent of the total taxes collected at the rate of 6 percent for the purpose of construction or expansion of either:

(A) a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;

(B) a facility owned or operated by a local authority, or local government for convention and trade show purposes or any other similar or related purposes, if such support is provided to a governmental entity with which the county or municipality levying the tax

had in effect on January 1, 1987, a contractual agreement concerning governmental support of a convention and trade show facility;

(C) a facility owned or operated for convention and trade show purposes, visitor welcome center purposes, or any other similar or related purposes by a convention and visitors bureau authority created by local Act of the General Assembly for a municipality;

(D) a facility owned or operated for convention and trade show purposes or any other similar or related purposes by a coliseum and exhibit hall authority created by local Act of the General Assembly for a county and one or more municipalities therein;

(E) a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended, and such facility was substantially completed and in operation prior to December 31, 1993;

(F) a system of bicycle or pedestrian trails or walkways, or both, connecting a historic district within the levying county or municipality and surrounding areas (*with respect to this purpose, construction and expansion shall include acquisition and development*), if not later than December 1, 1993, the county or municipality has adopted ordinances, resolutions, or contracts which:

- 1) designate such historic district;
- 2) obligate the county or municipality to provide funds to promote tourism to a historic district owners and business association which qualifies as a private sector nonprofit organization under subparagraph (a)(8)(A) of this Code section and Section 501(c)(6) of the Internal Revenue Code;
- 3) provide a "comprehensive plan" as provided for in Chapters 70 and 71 of Title 36;
- 4) provide a transportation plan as a component of such comprehensive plan; *and*
- 5) provide a recreation plan which is designed to identify recreation needs through the year 2000 and which includes provisions for such system of trails or walkways, or both; provided that the authority to expend funds for such system of trails or walkways, or both, shall expire when all capital costs of the initial acquisition, construction, and development of such system as identified in the relevant plan have been paid and in no event later than July 1, 2002. Amounts so expended to meet such 16 2/3 percent expenditure requirement shall not be subject to the foregoing provisions of this paragraph requiring expenditure through a contract or contracts with certain entities; *or*

(G) a system of bicycle or pedestrian greenways, trails, walkways, or any combination thereof connecting a downtown historic, or business district, within the levying county or municipality and surrounding areas (*and with respect to this purpose construction and expansion shall include acquisition and development*), if not later than December 1, 2000, the county or municipality has adopted ordinances, resolutions, or contracts which:

- 1) designate such historic or downtown business district;
- 2) obligate the county or municipality to provide funds to promote tourism to a downtown business district owners and business association or chamber of commerce which qualify as private sector nonprofit organizations under

subparagraph (a)(8)(A) of this Code section and Section 501(c)(6) of the Internal Revenue Code;

- 3) provide a "comprehensive plan" as provided for in Chapters 70 and 71 of Title 36;
- 4) provide a transportation plan as a component of such comprehensive plan; *and*
- 5) provide a recreation plan as a component of such comprehensive plan which includes provisions for such system of trails or walkways or both; provided that the authority to expend funds for such system of trails or walkways, or both, shall expire when all capital costs of the initial acquisition, construction, and development of such system as identified in the relevant plan have been paid and in no event later than July 1, 2005. Amounts so expended to meet such 16 2/3 percent expenditure requirement shall not be subject to the foregoing provisions of this paragraph requiring expenditure through a contract or contracts with certain entities.

10.) 7% Hotel/Motel Tax Authorized by Paragraph (a)(4.2)

A local consolidated government levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected) an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes that would be collected at a rate of 3 percent as follows:

- (A) an amount equal to 28.58 of the total taxes collected at the rate of 7 percent for the purpose of promoting tourism, conventions, and trade shows through a contract with a private sector nonprofit organization, an authority created by local Act of the General Assembly, or through a contract, or contracts with any combination of such entities;
- (B) an amount equal to 14.29 percent of the total taxes collected at the rate of 7 percent for the purpose of supporting a civic center owned or operated, or both, by the local consolidated government; and
- (C) an amount equal to 14.29 percent of the total taxes collected at the rate of 7 percent for the purpose of maintaining and operating a performing arts facility.

11.) 7% Hotel/Motel Tax Authorized by Paragraph (a)(4.4)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to:

- (A) 28.58 percent of the total taxes collected at the rate of 7 percent for the purpose of promoting tourism, conventions, and trade shows under a contract with a private sector nonprofit organization, and,
- (B) an amount equal to 28.58 percent of the total taxes collected at the rate of 7 percent for the purpose of either marketing or operating community auditorium or theater facilities, or a community convention or trade center of which the theater or auditorium is a part. *Marketing and operating expenditures may include a pre-opening marketing program for such facilities and an escrow account accrued prior to opening such facilities to cover operating expenses to be incurred after the opening of such facilities.*

12.) 7% Hotel/Motel Tax Authorized by Paragraph (a)(4.5)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) amounts as follows:

(A) an amount equal to 28.58 percent of the total taxes collected at the rate of 7 percent for the purpose of

- 1) promoting tourism, conventions, and trade shows;
 - 2) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;
 - 3) supporting a facility owned or operated by a local government, or local authority for convention and trade show purposes or any other similar or related purposes;
- or**
- 4) for some combination of such purposes.

Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, *except that amounts expended for purpose 3) may be so expended in any otherwise lawful manner; and*

(B) an amount equal to 28.58 percent of the total taxes collected at the rate of 7 percent for the purpose of operating, maintaining, and marketing of a conference center facility.

13.) 5% Hotel/Motel Tax Authorized by Paragraph (a)(4.6)(A)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to at least 40 percent of the total taxes collected at the rate of 5 percent for the purpose of:

- (A) promoting tourism, conventions, and trade shows;
- (B) funding and supporting a facility owned or operated by such convention and visitors authority; **or**
- (C) for some combination of such purposes.

Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, a convention center authority created by local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract, or contracts with some combination of such entities, *except that amounts expended for purpose (B) may be so expended in any otherwise lawful manner without the necessity of a contract.*

14.) 6%Hotel/Motel Tax Authorized by Paragraph (a)(4.6)(B)

A municipality levying a tax pursuant to this subparagraph shall expend, in each fiscal year during which the tax is collected under this subparagraph, an amount equal to the amount by which the total taxes collected under this subparagraph exceed the taxes which would have been collected at the rate of 5 percent for the purpose of dispensing information about the qualities of such municipality and promoting business in the

municipality, and to acquire for such use a building located in an area of high density retail businesses within the limits of such municipality.

15.) 7% Hotel/Motel Tax Authorized by Paragraph (a)(5)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 32.14 percent of the total taxes collected at the rate of 7 percent for the purpose of:

- (A) promoting tourism, conventions, and trade shows;
- (B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;
- (C) supporting a facility owned or operated by a local authority or local government for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;
- (D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded in whole or in part by a grant of state funds; **or**
- (E) for some combination of such purposes.

Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities, *except that amounts expended for those purposes specified in subparagraphs (C) and (D) of this paragraph may be so expended in any otherwise lawful manner.*

In addition to the amounts required to be expended above, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 39.3 percent of the total taxes collected at the rate of 7 percent toward funding a multipurpose domed stadium facility. Amounts so expended shall be expended only through a contract originally with the state, a department or agency of the state, or a state authority or through a contract or contracts with some combination of the above.

16.) 8% Hotel/Motel Tax Authorized by Paragraph (a)(5.1)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 8 percent for the purpose of:

- (A) promoting tourism, conventions, and trade shows;
- (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a coliseum, exhibit hall, conference center, performing arts center, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to

the local coliseum and exhibit hall authority or a downtown development authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 8 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph.

Amounts so expended shall be expended only through a contract, or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum and exhibit hall authority, a downtown development authority, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities.

17.) 8% Hotel/Motel Tax Authorized by Paragraph (a)(5.2)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to $33 \frac{1}{3}$ percent of the total taxes collected at the rate of 8 percent for the purpose of promoting tourism, conventions, and trade shows, under a contract with a private sector nonprofit organization.

In addition to the amounts required to be expended for the above purpose, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to $16 \frac{2}{3}$ percent of the total taxes collected at the rate of 8 percent for the purpose of either marketing or operating community auditorium or theater facilities, or community convention or trade center of which the theater or auditorium is a part. *Marketing and operating expenditures may include a pre-opening marketing program for such facilities and an escrow account accrued prior to opening such facilities to cover operating expenses to be incurred after the opening of such facilities.*

In addition to the amounts required to be expended for purposes in the two paragraphs above, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to $33 \frac{1}{3}$ percent of the total taxes collected at the rate of 8 percent for general recreation purposes. Amounts so expended shall be expended only through a contract or contracts with a recreation authority created by local Act of the General Assembly.

18.) 5% Hotel/Motel Tax Authorized by Paragraph (a)(5.3)

A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year beginning on or after July 1, 1987) for the purpose of promoting tourism, conventions, and trade shows a percentage of the total taxes collected under this Code section which is not less than the percentage of such tax collections expended for such purposes during the immediately preceding fiscal year. If during such immediately preceding fiscal year any portion of such tax receipts was expended for such purposes through a grant to or a contract or contracts with the state, a department of state government, a state authority, a private sector nonprofit organization, or a convention and

visitors bureau authority created by a local act of the General Assembly which was in existence on July 1, 2005, then in each fiscal year beginning on or after July 1, 1987, at least the same percentage shall be expended through a contract or contracts with one or more such entities for the purpose of promoting tourism, conventions, and trade shows.

19.) 6% up to 8% Hotel/Motel Tax Authorized by Paragraph (b)

Governments imposing a tax under this new authorization must expend at least half of the revenue in excess of what would have been collected at a 5% tax rate as follows:

At least 50% of the excess must be expended for promoting tourism, conventions, and trade shows by the destination marketing organization designated by the local government, except that governments already contracting with a 501(c)(6) private nonprofit can continue doing so even if this private nonprofit does not qualify as a destination marketing organization.

Any amount of the excess not expended for promoting tourism, conventions, and trade shows must be expended for Tourism Development Projects.

Revenue collected up to 5% is controlled by the expenditure requirements of authorization paragraph (a)(3).

20.) 48-13-54 -- Expenditure Requirements Applicable to All Jurisdictions Receiving Funds From a State Parks in Lieu of Taxes for Lodge/Cabin Rentals

Any state park operated under the jurisdiction of the Department of Natural Resources which regularly furnishes for value lodge rooms as well as meals and conference or meeting facilities or has a minimum of 20 cabins and which is located in a county or municipality levying a tax under this article shall, as provided in this Code section, agree to collect and remit to the county or municipality within whose taxing jurisdiction the facility is located amounts which are equal to, or partially equal to, the amounts which would be collected and remitted to the county or municipality under the tax levied by the county or municipality under Code Section 48-13-51 if the lodges or cabins were privately operated. The sums so collected and remitted shall only be expended for development, promotion, and advertising of the lodges or cabins from which the money was collected and remitted or for similar purposes of promoting, advertising, stimulating, and developing conventions and tourism in the county or municipality in which the state park is operated as long as said promotion or advertising prominently features the state park facilities or similar facilities operated under the jurisdiction of the Department of Natural Resources.