

\_\_\_\_\_ offers the following  
substitute to HB 1444:

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 that certain taxes shall be excluded in computing the  
3 limitation on the total amount of local sales and use taxes which may be levied; to change  
4 certain provisions of the special county 1 percent sales and use tax and authorize the use and  
5 expenditure of tax proceeds for certain capital outlay projects consisting of a hospital or  
6 hospital facilities; to provide an effective date; to provide for applicability; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use  
11 taxes, is amended by striking subsection (b) of Code Section 48-8-6 , relating to limitations  
12 on local imposition of certain taxes, and inserting in its place a new subsection (b) to read as  
13 follows:

14 "(b) There shall not be imposed in any jurisdiction in this state or on any transaction in this  
15 state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent.  
16 For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and  
17 use tax which is levied in an area consisting of less than the entire state, however  
18 authorized, including such taxes authorized by or pursuant to constitutional amendment,  
19 except that the following taxes shall not count toward or be subject to such 2 percent  
20 limitation:

21 (1) A sales and use tax for educational purposes exempted from such limitation under  
22 Article VIII, Section VI, Paragraph IV of the Constitution; and

23 (2) Any tax levied for purposes of a metropolitan area system of public transportation,  
24 as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page  
25 964; the continuation of such amendment under Article XI, Section I, Paragraph IV(d)  
26 of the Constitution; and the laws enacted pursuant to such constitutional amendment.

1 If the imposition of any otherwise authorized local sales tax, local use tax, or local sales  
 2 and use tax would result in a tax rate in excess of that authorized by this subsection, then  
 3 such otherwise authorized tax may not be imposed."

#### 4 SECTION 2.

5 Said chapter is further amended by striking subparagraphs (a)(1)(B), (a)(1)(I.1), and (a)(1)(J)  
 6 of Code Section 48-8-111, relating to imposition of special county 1 percent sales and use  
 7 tax, and inserting in their place new subparagraphs (a)(1)(B), (a)(1)(J), (a)(1)(K), and  
 8 (a)(1)(L) to read as follows:

9 "(B) A capital outlay project or projects of the county for the use of or the benefit of  
 10 the citizens of the entire county and consisting of a county courthouse; county  
 11 administrative buildings; a civic center; ~~a hospital~~; a county or regional jail, correctional  
 12 institution, or other detention facility; a county library; a coliseum; local or regional  
 13 solid waste handling facilities as defined under paragraph (27.1) or (35) of Code  
 14 Section 12-8-22, as amended, excluding any solid waste thermal treatment technology  
 15 facility, including but not limited to, any facility for purposes of incineration or waste  
 16 to energy direct conversion; local or regional recovered materials processing facilities  
 17 as defined under paragraph (26) of Code Section 12-8-22, as amended; or any  
 18 combination of such projects;"

19 "~~(H.1)~~(J) A capital outlay project or projects of the county for the use and benefit of the  
 20 citizens of the entire county and consisting of any transportation facility designed for  
 21 the transportation of people or goods, including but not limited to railroads, port and  
 22 harbor facilities, mass transportation facilities, or any combination thereof; ~~or~~

23 (K) A capital outlay project or projects for the use and benefit of the citizens of the  
 24 entire county and consisting of a hospital or hospital facilities which are owned,  
 25 operated, or leased by or from a county or a hospital authority; or

26 ~~(J)~~(L) Any combination of two or more of the foregoing;"

#### 27 SECTION 3.

28 This Act shall become effective on July 1, 2002. Section 2 of this Act shall apply with  
 29 respect to taxes imposed or to be imposed under resolutions or ordinances adopted on or after  
 30 July 1, 2002.

#### 31 SECTION 4.

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