

House Bill 1444 (AS PASSED HOUSE AND SENATE)

By: Representatives Broome of the 160th, Buck of the 135th, Walker of the 141st, Stanley of the 50th, Stanley of the 49th and others

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 provide
4 certain exemptions from certain local sales and use taxes; to change certain provisions of the
5 special county 1 percent sales and use tax and authorize the use and expenditure of tax
6 proceeds for certain capital outlay projects consisting of a hospital or hospital facilities; to
7 provide an effective date; to provide for applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 new subsections (b) and (c) to
13 read as follows:
14

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

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

24 (2) Any tax levied for purposes of a metropolitan area system of public transportation,
25 as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page

1 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d)
 2 of the Constitution; and the laws enacted pursuant to such constitutional amendment;
 3 provided, however, that the exception provided for under this paragraph shall only apply
 4 in a county in which a tax is being imposed under subparagraph (a)(1)(F) of Code Section
 5 48-8-111 solely for the purpose or purposes of a water capital outlay project or projects,
 6 a sewer capital outlay project or projects, a water and sewer capital outlay project or
 7 projects, or a combination of such projects and such exception shall apply only during the
 8 period the tax under said subparagraph (a)(1)(F) is in effect.

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

12 (c) Where the exception specified in paragraph (2) of subsection (b) of this Code section
 13 applies, the tax imposed under subparagraph (a)(1)(F) of Code Section 48-8-111 shall not
 14 apply to:

15 (1) The furnishing for value to the public of any room or rooms, lodgings, or
 16 accommodations which is subject to taxation under Article 3 of Chapter 13 of this title;

17 and

18 (2) The sale of motor vehicles."

19 SECTION 2.

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

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

34 ~~"(I.1)(J)~~ (J) A capital outlay project or projects of the county for the use and benefit of the
 35 citizens of the entire county and consisting of any transportation facility designed for

1 the transportation of people or goods, including but not limited to railroads, port and
2 harbor facilities, mass transportation facilities, or any combination thereof; or
3 (K) A capital outlay project or projects for the use and benefit of the citizens of the
4 entire county and consisting of a hospital or hospital facilities that are owned by a
5 county or a hospital authority and operated by the county or hospital authority or by an
6 organization which is tax exempt under Section 501(c)(3) of the Internal Revenue
7 Code, which operates the hospital through a contract or lease with the county or
8 hospital authority; or
9 ~~(J)~~(L) Any combination of two or more of the foregoing;".

10 **SECTION 3.**

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

14 **SECTION 4.**

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