

House Bill 777

By: Representative Royal of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
2 relating to the homestead option sales and use tax, so as to define additional terms; to
3 authorize the proceeds of such tax to be used in part for certain municipal capital outlay
4 projects; to specify when a referendum election on imposition of the tax may be called; to
5 change provisions relating to the procedure for call of the election; to change provisions with
6 respect to disbursement of the proceeds of such tax; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
11 homestead option sales and use tax, is amended by striking Code Section 48-8-101, relating
12 to definitions, and inserting in its place a new Code Section 48-8-101 to read as follows:

13 "48-8-101.

14 As used in this article, the term:

15 (1) 'Ad valorem taxes for county purposes' means any and all ad valorem taxes for
16 county maintenance and operation purposes levied by, for, or on behalf of the county,
17 excluding taxes to retire general obligation bonded indebtedness of the county.

18 (2) 'Affected municipality' means each municipality required to adopt a resolution
19 approving the local government service delivery strategy pursuant to subsection (b) of
20 Code Section 36-70-25.

21 (3) 'Capital outlay projects' means major, permanent, or long-term improvements or
22 betterments of a county or municipality within the special district, such as land and
23 structures, such as would be properly chargeable to a capital asset account and as
24 distinguished from current expenditures and ordinary maintenance expenses.

1 question of whether to impose a homestead exemption within such county and based on the
 2 amount of proceeds from the sales and use tax levied and collected pursuant to this article.
 3 The election superintendent shall cause the date and purpose of the election to be published
 4 once a week for two weeks immediately preceding the date of the election in the official
 5 organ of such county. The ballot shall have written or printed thereon the following
 6 statement which shall precede the ballot question specified in this subsection and the ballot
 7 question specified by the required local Act:

8 'NOTICE TO ELECTORS: Unless BOTH the homestead exemption AND the retail
 9 homestead option sales and use tax are approved, then neither the exemption nor the sales
 10 and use tax shall become effective.'

11 Such statement shall be followed by the following:

12 '() YES Shall a retail homestead option sales and use tax of 1 percent be levied
 13 within the special district within _____ County for the purposes
 14 () NO of funding capital outlay projects and of funding services to replace revenue
 15 lost to an additional homestead exemption of up to 100 percent of the
 assessed value of homesteads from county taxes for county purposes?'

16 Notwithstanding any other provision of law to the contrary, the statement, ballot question,
 17 and local Act ballot question referred to in this subsection shall precede any and all other
 18 ballot questions calling for the levy or imposition of any other sales and use tax which are
 19 to appear on the same ballot."

20 SECTION 4.

21 Said article is further amended by striking subsection (a) of Code Section 48-8-104, relating
 22 to administration of such tax and disbursement of proceeds, and inserting in its place a new
 23 subsection (a) to read as follows:

24 "(a) The sales and use tax levied pursuant to this article shall be exclusively administered
 25 and collected by the commissioner for the use and benefit of each county whose
 26 geographical boundary is conterminous with that of a special district and each affected
 27 municipality within the special district. Such administration and collection shall be
 28 accomplished in the same manner and subject to the same applicable provisions,
 29 procedures, and penalties provided in Article 1 of this chapter; provided, however, that all
 30 moneys collected from each taxpayer by the commissioner shall be applied first to such
 31 taxpayer's liability for taxes owed the state. Dealers shall be allowed a percentage of the
 32 amount of the sales and use tax due and accounted for and shall be reimbursed in the form
 33 of a deduction in submitting, reporting, and paying the amount due if such amount is not
 34 delinquent at the time of payment. The deduction shall be at the rate and subject to the
 35 requirements specified under subsections (b) through (f) of Code Section 48-8-50."

1 **SECTION 5.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 6.**

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