

House Bill 1305

By: Representatives Lunsford of the 85th, Post 2, Richardson of the 26th, Westmoreland of the 86th, Walker of the 115th, Keen of the 146th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
2 relating to the joint county and municipal sales and use tax, so as to authorize the proceeds
3 of such tax to be used to retire certain general obligation debt; to provide for procedures,
4 conditions, and limitations; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the
8 joint county and municipal sales and use tax, is amended by striking Code Section 48-8-85,
9 relating to referenda and procedures regarding imposition of the joint county and municipal
10 sales and use tax, and inserting in its place a new Code Section 48-8-85 to read as follows:
11 "48-8-85.

12 (a)(1) Whenever the governing authority of any county or qualified municipality located
13 wholly or partially within a special district in which a joint county and municipal sales
14 and use tax was not imposed on January 1, 1980, wishes to submit to the electors of the
15 special district the question of whether the tax authorized by Code Section 48-8-82 shall
16 be imposed, any such governing authority shall notify the election superintendent of the
17 county whose geographical boundary is conterminous with that of the special district by
18 forwarding to the election superintendent a copy of a resolution of the governing
19 authority calling for a referendum election. Upon receipt of the resolution, it shall be the
20 duty of the election superintendent to issue the call for an election for the purpose of
21 submitting the question of the imposition of the tax to the voters of the special district for
22 approval or rejection. The election superintendent shall set the date of the election for a
23 day not less than 30 nor more than 45 days after the date of the issuance of the call. The
24 election superintendent shall cause the date and purpose of the election to be published
25 once a week for two weeks immediately preceding the date of the election in the official
26 organ of the county. The ballot shall have written or printed thereon the following:

1 '() YES Shall a retail sales and use tax of 1 percent be levied within the special
2 () NO district within _____ County?'

3 (2) If debt is to be issued, the ballot shall also have written or printed thereon, following
4 the language specified by paragraph (1) of this subsection, the following:

5 'If imposition of the tax is approved by the voters, such vote shall also constitute
6 approval of the issuance of general obligation debt of _____ County in the
7 principal amount of \$ _____ for the purpose of _____.'

8 (b) All persons desiring to vote in favor of levying the tax shall vote 'Yes,' and ~~those~~ all
9 persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast
10 are in favor of levying the tax, then the tax shall be levied in accordance with this article;
11 otherwise, the tax ~~may~~ shall not be levied, and the question of the imposition of the tax may
12 not again be submitted to the voters of the special district until after 24 months immediately
13 following the month in which the election was held. It shall be the duty of the election
14 superintendent to hold and conduct such elections under the same rules and regulations as
15 govern special elections. It shall be his or her further duty to canvass the returns, declare
16 the result of the election, and certify the result to the Secretary of State and to the
17 commissioner. The expense of the election shall be borne by the county whose
18 geographical boundary is conterminous with that of the special district holding the election.

19 (c)(1) If the proposal includes the authority to issue general obligation debt and if more
20 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
21 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given
22 to the proper officers of the county; otherwise such debt shall not be issued. If the
23 authority to issue such debt is so approved by the voters, then such debt shall be issued
24 without further approval by the voters.

25 (2) If the issuance of general obligation debt is included and approved as provided in this
26 Code section, then the governing authority of the county may incur such debt either
27 through the issuance and validation of general obligation bonds or through the execution
28 of a promissory note or notes or other instrument or instruments. If such debt is incurred
29 through the issuance of general obligation bonds, such bonds and their issuance and
30 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
31 specifically provided otherwise in this article. If such debt is incurred through the
32 execution of a promissory note or notes or other instrument or instruments, no validation
33 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
34 through 36-80-14 except as specifically provided otherwise in this article. In either event,
35 such general obligation debt shall be payable first from the separate account in which are
36 placed the proceeds received by the county from the tax authorized by this article. Such
37 general obligation debt shall, however, constitute a pledge of the full faith, credit, and

1 taxing power of the county; and any liability on such debt not satisfied from the proceeds
2 of the tax authorized by this article shall be satisfied from the general funds of the
3 county."

4 **SECTION 2.**

5 Said article is further amended by adding a new Code section immediately following Code
6 Section 48-8-85, to be designated as Code Section 48-8-85.1, to read as follows:

7 "48-8-85.1.

8 The governing authority of any county or qualified municipality located wholly or partially
9 within a special district in which a tax under this article has been imposed prior to July 1,
10 2004, and is in effect may use the proceeds of such tax for the repayment of general
11 obligation which has been otherwise incurred pursuant to Chapter 82 of Title 36, with
12 respect to a purpose or purposes for which the tax under this article could be expended
13 pursuant to paragraph (2) of subsection (a) of Code Section 48-8-89."

14 **SECTION 3.**

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