

Senate Resolution 845

By: Senators Mullis of the 53rd, Stoner of the 6th, Williams of the 19th, Reed of the 35th, Wiles of the 37th and others

ADOPTED SENATE

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for a 1 percent local option
2 sales and use tax to fund transportation projects and mass transit networks; to authorize such
3 tax on a joint county and municipal basis or on a regional basis including multiple counties
4 and cities; to provide for procedures, conditions, and limitations; to provide for other matters
5 relative to the foregoing; to provide for the submission of this amendment for ratification or
6 rejection; and for other purposes.

7 **BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The Constitution is amended by adding at the end of Article IX, Section IV thereof a new
10 Paragraph V to read as follows:

11 "Paragraph V. ***Transportation Improvement Sales and Use Tax.*** (a) On or after May 1,
12 2009, a 1 percent sales and use tax to be limited to a specified period of time to fund
13 transportation projects may be levied and collected as provided in this Paragraph.

14 (b) There are created within this state 159 special transportation districts. The
15 geographical boundary of each county shall correspond with and shall be conterminous
16 with the geographical boundary of one of the 159 special districts. When the imposition
17 of a joint county and municipal sales and use tax for transportation is authorized according
18 to the procedures of this Paragraph, the county whose geographical boundary is
19 conterminous with that of the special district and each participating municipality located
20 wholly or partially within the special district shall levy a joint sales and use tax. A
21 municipality shall become a participating municipality upon the adoption by the governing
22 authority thereof of the joint resolution described in subparagraph (d) of this Paragraph.
23 The board of commissioners of the county located in the special district and the governing
24 authority of each participating municipality shall impose, levy, and collect such tax only
25 upon approval by a majority of the qualified voters residing within the limits of the special
26 district voting in a referendum thereon. Except as otherwise provided in this Paragraph,
27 the procedures for conducting the special election on the question of imposing the tax and

1 for submitting the question again to the voters in the event the tax is not approved shall
2 correspond generally to the procedures provided for by Article 3 of Chapter 8 of Title 48
3 of the Official Code of Georgia Annotated, relating to the special county 1 percent sales
4 and use tax, as now or hereafter amended. Proceedings for the reimposition of such tax
5 shall be in the same manner as proceedings for the initial imposition of the tax, but the
6 newly authorized tax shall not be imposed until the expiration of the tax then in effect.

7 (c) The proceeds of the transportation improvement tax shall not be used to replace
8 existing general funds for transportation needs of the county and participating
9 municipalities in the special district, but shall be used as an additional revenue source to
10 increase funding for transportation projects. The percentage of the general fund budget of
11 the county and participating municipalities in the special district expended for
12 transportation purposes as of January 1, 2008, shall be increased by the amount of the
13 proceeds allotted to those entities from the imposition of this tax. Nothing in this
14 Paragraph shall prohibit a governing authority from increasing the percentage of its general
15 fund budget expended for transportation projects by an amount exceeding the amount of
16 proceeds from the transportation improvement tax.

17 (d) A joint resolution of the county and each participating municipality calling for the
18 imposition of the tax and the ballot submitting the question of the imposition of the tax to
19 the voters of the special district shall describe:

20 (1) The specific transportation projects to be funded;

21 (2) The maximum cost of such project or projects, which cost shall also be the
22 maximum amount of net proceeds to be raised by the tax; and

23 (3) The maximum period of time, to be stated in calendar years or calendar quarters for
24 which the tax may be levied which period of time shall be determined by the governing
25 authority of the county located in the special district.

26 (e) Nothing in this Paragraph shall prohibit a county and participating municipalities
27 located in the special district from imposing as additional taxes local sales and use taxes
28 authorized by general law.

29 (f) The tax imposed pursuant to this Paragraph shall not be subject to and shall not count
30 with respect to any general law limitation regarding the maximum amount of local sales
31 and use taxes which may be levied in any jurisdiction in this state.

32 (g) The tax imposed pursuant to this Paragraph shall not be subject to any sales and use
33 tax exemption with respect to the sale or use of food and beverages which is imposed by
34 law.

35 (h) The sales and use tax imposed under this Paragraph shall not apply to:

36 (1) The sale or use of tangible personal property used in the production or generation
37 of energy; or

1 (2) The sale or use of energy used in the manufacturing or processing of tangible goods
2 primarily for resale.

3 (i) The tax authorized by this Paragraph may be imposed, levied, and collected as
4 provided in this Paragraph without further action by the General Assembly, but the General
5 Assembly shall be authorized by general law to further define and implement its
6 provisions. Not later than April 1, 2009, the General Assembly shall provide by general
7 law for the method of distribution of the proceeds, for the expenditure of the proceeds
8 raised through the provisions of this Paragraph, and except as otherwise provided in
9 subparagraphs (g) and (h) of this Paragraph, for any other sales or uses to which the tax
10 imposed under this Paragraph shall not apply. An amount equal to not less than 80 percent
11 of the total amount of proceeds collected shall be expended within the special district on
12 the specific transportation projects. With respect to the remaining proceeds, an amount
13 equal to not less than 20 percent of the total amount of proceeds collected shall be remitted
14 to the Department of Transportation on a monthly basis. The department shall expend an
15 amount equal to not less than 10 percent of the total amount of proceeds collected solely
16 for the purpose of constructing, operating, and maintaining multicounty or regional mass
17 transit networks within the special district and shall deposit an amount equal to not less
18 than 10 percent of the total amount of proceeds collected in the general fund of the state
19 which proceeds shall be available solely for general transportation purposes as specified
20 by general law.

21 (j) Not later than April 1, 2009, the General Assembly shall provide by general law for
22 a multicounty or regional transportation sales and use tax alternative to focus on projects
23 of regional significance. The board of commissioners of each county and the governing
24 authority of each municipality located therein which desire to participate in a regional
25 transportation sales and use tax shall adopt a resolution by majority vote calling for such
26 tax. The combined geographic boundaries of those counties shall constitute the boundary
27 of the single regional transportation special district. The adoption of such resolution shall
28 be binding upon the county's participation in the regional transportation district referendum
29 and tax in the regional special district if the referendum is approved in a regional vote. The
30 tax shall be imposed, levied, and collected throughout the entire regional special district
31 upon approval by a majority vote of the qualified voters residing in the limits of the
32 regional special district voting in a referendum thereon. Except as otherwise provided in
33 this subparagraph, a regional special district tax shall correspond to the special district tax
34 provided for under subparagraphs (a) through (h) of this Paragraph. Such general law shall
35 provide for the method of distribution of the proceeds and for the expenditure of the
36 proceeds raised in each regional special district in which such tax is imposed as provided
37 in this subparagraph. An amount equal to not less than 80 percent of the total amount of

1 proceeds collected shall be expended within that regional special district on the specific
 2 transportation projects. With respect to the remaining proceeds, an amount equal to not
 3 less than 20 percent of the total amount of proceeds collected shall be remitted to the
 4 Department of Transportation on a monthly basis. The department shall expend an amount
 5 equal to not less than 10 percent of the total amount of proceeds collected solely for the
 6 purpose of constructing, operating, and maintaining multicounty or regional mass transit
 7 networks within the regional special district and shall deposit an amount equal to not less
 8 than 10 percent of the total amount of proceeds collected in the general fund of the state
 9 which proceeds shall be available solely for general transportation purposes as specified
 10 by general law."

11

SECTION 2.

12 The above proposed amendment to the Constitution shall be published and submitted as
 13 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 14 above proposed amendment shall have written or printed thereon the following:

15 "() YES Shall the Constitution of Georgia be amended so as to provide for a 1
 16 percent local option sales and use tax to fund transportation projects and
 17 () NO mass transit networks on a joint county and municipal basis or a regional
 18 basis including multiple counties and municipalities if approved in a
 19 referendum?"

20 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 21 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 22 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 23 become a part of the Constitution of this state.