

House Bill 1276

By: Representative Jerguson of the 22nd

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 joint county and municipal sales and use taxation, so as to define qualified service
3 districts; to authorize allocation of proceeds to qualified service districts; to require a millage
4 adjustment; to provide intent; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to joint
9 county and municipal sales and use taxation, is amended by enacting a new Code section to
10 read as follows:

11 "48-8-80.1.

12 As used in this article, the term 'qualified service district' means a service district created
13 by the governing authority of a county pursuant to Article IX, Section II, Paragraph VI of
14 the Constitution of this state to pay, wholly or partially, the cost of providing county
15 government services therein and to construct and maintain facilities therefor. The term is
16 applicable only to service districts where the county services to be provided in the qualified
17 district are not generally provided countywide within the special district created pursuant
18 to Code Section 48-8-81."

19 **SECTION 2.**

20 Said article is further amended by revising Code Section 48-8-91, relating to conditions
21 precedent to imposing the joint sales and use tax, millage rate adjustments, formulas,
22 information required on tax bills, and other matters, by adding a new subsection (c) to read
23 as follows:

24 "(c)(1) Notwithstanding the provisions of subsection (a) of this Code section, where a
25 county has created a qualified service district as defined in Code Section 48-8-80.1, the

1 governing authority of the county may, in its discretion, allocate proceeds of the tax
 2 distributed to the county in accordance with the distribution certificate required by
 3 subsection (b) of Code Section 48-8-89 to assist such county in funding all or any portion
 4 of the services provided by or through the county to residents or properties located within
 5 a qualified service district. Where proceeds of the tax are allocated to a qualified service
 6 district, the county shall annually reduce the millage rate for ad valorem taxation of
 7 tangible property within such qualified service district in the same manner described in
 8 subsection (a) of this Code section.

9 (2) A county governing authority that allocates a portion of the proceeds distributed to
 10 the county to a qualified service district may not allocate an amount that is in excess of
 11 the ad valorem tax levied for the provision of services to residents or properties located
 12 in the qualified service district.

13 (3) The intent of this subsection is to recognize that county governing authorities provide
 14 certain county services on a county-wide basis to all residents and properties within the
 15 geographical boundary of the county corresponding with and conterminous with the
 16 geographical boundary of the special district and to recognize that certain county
 17 governing authorities, in addition to providing such countywide services, provide county
 18 services that are established to serve residents and properties within a service district in
 19 a manner similar to the manner in which municipalities provide services not otherwise
 20 provided by the county to residents or properties within the boundaries of the
 21 municipality. The further intent of this subsection is to allow a county governing
 22 authority to allocate its proceeds from the joint sales and use tax authorized by this article
 23 in a manner in which the governing authority determines to be fair and equitable to
 24 residents and property owners of the county, including residents and property owners
 25 within a qualified service district, based on the services provided by the county governing
 26 authority."

27 **SECTION 3.**

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

30 **SECTION 4.**

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