

The Senate Finance Committee offered the following substitute to HB 991:

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 revise comprehensively provisions regarding distribution of proceeds
3 and renegotiation of distribution certificates of the joint county and municipal sales and use
4 tax; to provide for procedures, conditions, and limitations; to provide for applicability
5 regarding certain new qualified municipalities or newly expanded qualified municipalities;
6 to change provisions relating to the procedure for call of a referendum election on
7 discontinuing imposition of such tax; to authorize the imposition of a local option sales and
8 use tax for transportation projects and costs within special districts; to establish special
9 districts; to provide for definitions, procedures, conditions, and limitations for the imposition,
10 collection, disbursement, and termination of the tax; to provide for powers, duties, and
11 authority of the state revenue commissioner; to provide for related matters; to provide an
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use
15 taxes, is amended by revising subsection (d) of Code Section 48-8-89, relating to the
16 distribution of proceeds of the joint county and municipal sales and use tax and the
17 renegotiation of distribution certificates, as follows:
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19 "(d)(1) ~~Except as otherwise provided in paragraph (7) of this subsection, a~~ A certificate
20 providing for the distribution of the proceeds of the tax authorized by this article shall
21 expire on December 31 of the second year following the year in which the decennial
22 census is conducted. No later than December 30 of the second year following the year
23 in which the census is conducted, a ~~renegotiated~~ new distribution certificate meeting the
24 requirements for certificates specified by subsection (b) of this Code section shall be filed
25 with and received by the commissioner. The General Assembly recognizes that the
26 requirement for government services is not always in direct correlation with population.

27 Although a ~~renegotiated~~ new distribution certificate is required within a time certain of
 28 the decennial census, this requirement is not meant to convey an intent by the General
 29 Assembly that population as a criterion should be more heavily weighted than other
 30 criteria. It is the express intent of the General Assembly in requiring such renegotiation
 31 that eligible political subdivisions shall analyze local service delivery responsibilities and
 32 the existing allocation of proceeds made available to such governments under the
 33 provisions of this article and make rational the allocation of such resources to meet such
 34 service delivery responsibilities. Political subdivisions in their renegotiation of such
 35 distributions shall at a minimum consider the criteria specified in subsection (b) of this
 36 Code section.

37 (2) The commissioner shall be notified in writing of the commencement of renegotiation
 38 proceedings by the county governing authority ~~in~~ on behalf of all eligible political
 39 subdivisions within the special district. The eligible political subdivisions shall
 40 commence renegotiations at the call of the county governing authority ~~but no later than~~
 41 before July 1 of the second year following the year in which the census is conducted. If
 42 the county governing authority does not issue the call by that date, any eligible
 43 municipality may issue the call and so notify the commissioner and all eligible political
 44 subdivisions within the special district.

45 (3) Following the commencement of such renegotiation, if the parties necessary to an
 46 agreement fail to reach an agreement within 60 days, such parties shall ~~agree to~~ submit
 47 the dispute to nonbinding arbitration, mediation, or such other means of resolving
 48 conflicts in a manner which, ~~in the judgment of the commissioner, reflects a good faith~~
 49 ~~effort to resolve~~ attempts to reach a resolution of the dispute. Any renegotiation
 50 agreement reached pursuant to this paragraph shall be in accordance with the
 51 requirements specified in paragraph (1) of this subsection.

52 (4)(A) If the parties necessary to an agreement fail to reach an agreement within 60
 53 days of submitting the dispute to nonbinding arbitration, mediation, or such other
 54 means of resolving conflicts, as required by paragraph (3) of this subsection, any of
 55 such parties may file a petition in superior court of the county seeking resolution of the
 56 items remaining in dispute. Such petition shall be filed no later than 30 days after the
 57 last day of the 60 day alternative dispute resolution period required by paragraph (3) of
 58 this subsection. Such petition shall be assigned to a judge pursuant to Code Section
 59 15-1-9.1 or 15-6-13 who is not a judge in the circuit in which the county is located.
 60 The judge selected may also be a senior judge pursuant to Code Section 15-1-9.2 who
 61 resides in another circuit.

62 (B) Following the filing of the petition as specified under subparagraph (A) of this
 63 paragraph, the county and qualified municipalities representing at least one-half of the

64 aggregate municipal population of all qualified municipalities located wholly or
 65 partially within the special district shall separately submit to the judge and the other
 66 parties a written best and final offer specifying the distribution of the tax proceeds.
 67 There shall be one such offer from the county and one such offer from qualified
 68 municipalities representing at least one-half of the aggregate municipal population of
 69 all qualified municipalities located wholly or partially within the special district. The
 70 offer from the county may be an offer representing the county and any qualified
 71 municipalities that are not represented in the offer from the qualified municipalities
 72 representing at least one-half of the aggregate municipal population of all qualified
 73 municipalities located wholly or partially within the special district.

74 (C) Any qualified municipality or municipalities located wholly or partially within the
 75 special district who are not a party to an offer under subparagraph (B) of this paragraph,
 76 and who represent at least one-half of the aggregate municipal population of all
 77 qualified municipalities who are not a party to an offer under subparagraph (B) of this
 78 paragraph, shall be authorized to separately submit to the judge and the other parties a
 79 written best and final offer specifying the distribution of the tax proceeds. There shall
 80 be one such offer from such qualified municipality or municipalities.

81 (D) Each offer under subparagraphs (B) and (C) of this paragraph shall take into
 82 account the allocation required for any absent municipalities in accordance with
 83 subsection (b) of this Code section. The judge shall conduct such hearings as the judge
 84 deems necessary and shall render a decision based on the requirements and intent of
 85 paragraph (1) of this subsection and the criteria in subsection (b) of this Code section.
 86 The judge's decision shall adopt the best and final offer of one of the parties submitted
 87 under subparagraphs (B) and (C) of this paragraph specifying the allocation of the tax
 88 proceeds and shall also include findings of fact. The judge shall enter a final order
 89 containing a new distribution certificate and transmit a copy of it to the commissioner.

90 (E) A final order entered under subparagraph (D) of this paragraph shall be subject to
 91 appeal by application upon one or more of the following grounds:

- 92 (i) The judge's disregard of the law;
- 93 (ii) Partiality of the judge; or
- 94 (iii) Corruption, fraud, or misconduct by the judge or a party.

95 (F) During the process set forth in this paragraph, the commissioner shall continue to
 96 distribute the sales tax proceeds according to the percentages specified in the most
 97 recently filed distribution certificate or in accordance with subsection (f) of Code
 98 Section 48-8-89.1, as applicable, until a new distribution certificate is properly filed.

99 ~~(4)~~(5) If the renegotiated a new distribution certificate as provided for in paragraph (1)
 100 of this subsection Code section is not received by the commissioner by the required date,

101 the authority to impose the tax authorized by Code Section 48-8-82 shall cease, ~~on~~
 102 ~~December 31 of the second year following the year in which the decennial census is~~
 103 ~~conducted~~ and the tax shall not be levied in the special district after such date unless the
 104 reimposition of the tax is subsequently authorized pursuant to Code Section 48-8-85.
 105 When the imposition of the tax is so terminated, the commissioner shall retain the
 106 proceeds of the tax which were to be distributed to the governing authorities of the county
 107 and qualified municipalities within the special district until the commissioner receives a
 108 certificate ~~in~~ on behalf of each such governing authority specifying the percentage of the
 109 proceeds which each such governing authority shall receive. If no such certificate is
 110 received by the commissioner within 120 days of the date on which the authority to levy
 111 the tax was terminated, the proceeds shall escheat to the state, and the commissioner shall
 112 transfer the proceeds to the state's general fund.

113 ~~(5)~~(6) If the commissioner receives ~~the renegotiated~~ a new distribution certificate by the
 114 required date, the commissioner shall distribute the proceeds of the tax in accordance
 115 with the directions of the ~~renegotiated~~ new distribution certificate commencing on
 116 January 1 of the year immediately following the year in which such certificate was
 117 ~~renegotiated~~ executed by the parties or the judge or the first day of the second calendar
 118 month following the month such certificate was ~~renegotiated~~ executed by the parties or
 119 the judge, whichever is sooner.

120 ~~(6)~~(7) Costs of any conflict resolution under paragraph (3) ~~or~~ (4) of this subsection shall
 121 be borne proportionately by the affected political subdivisions in accordance with the
 122 final percentage distributions of the proceeds of the tax as reflected by the ~~renegotiated~~
 123 new distribution certificate.

124 ~~(7)~~ All distribution certificates on file with the commissioner on July 1, 1994, which
 125 were not renegotiated in accordance with the 1990 decennial census figures or
 126 renegotiated on or after January 1, 1992, shall expire on December 31, 1995.
 127 Renegotiations with respect to such certificates shall be commenced in accordance with
 128 the requirements of this subsection on or before July 1, 1994. If a renegotiated certificate
 129 is not received by the commissioner by July 1, 1995, the authority to impose the tax
 130 authorized by Code Section 48-8-82 shall cease on December 31, 1995, and the tax shall
 131 not be levied in the special district after that date unless reimposition of the tax is
 132 subsequently authorized pursuant to Code Section 48-8-85. The commissioner shall
 133 retain and distribute the proceeds of such terminated tax in accordance with paragraph
 134 ~~(4)~~ of this subsection.

135 ~~(8)~~ No qualified municipality within the special district whose population is less than 5
 136 percent of the population in the special district according to the United States decennial
 137 census of 1990 shall receive a reduced percentage of distribution than presently being

138 received under the existing certificate prior to renegotiations required in paragraph (7) of
 139 this subsection unless the new agreement is executed by the qualified municipality. This
 140 paragraph shall apply only to the negotiations required by paragraph (7) of this subsection
 141 and shall not apply to any subsequent renegotiations required by this subsection.

142 ~~(9)~~(8) Political subdivisions shall be authorized, at their option, to renegotiate
 143 distribution certificates on a more frequent basis than is otherwise required under this
 144 subsection.

145 ~~(10)~~(9) No provision of this subsection shall apply to any county which is authorized to
 146 levy or which levies a local sales tax, local use tax, or local sales and use tax for
 147 educational purposes pursuant to a local constitutional amendment or to any county
 148 which is authorized to expend all or any portion of the proceeds of any sales tax, use tax,
 149 or sales and use tax for educational purposes pursuant to a local constitutional
 150 amendment."

151 SECTION 2.

152 Said chapter is further amended by revising subsection (b) of Code Section 48-8-89.1,
 153 relating to certification of additional qualified municipalities and lapsing of the tax due to
 154 failure to file a new certificate, as follows:

155 "(b) Within 60 days after the effective date of the notice referred to in subsection (a) of this
 156 Code section, a new distribution certificate shall be filed with the commissioner for the
 157 special district or, within 30 days after the last day of the 60 day alternative dispute
 158 resolution period required by paragraph (3) of subsection (d) of Code Section 48-8-89, the
 159 county, any qualified municipality located wholly or partially within the special district,
 160 or any new qualified municipality as specified under subsection (a) of this Code section
 161 located wholly or partially within the special district may file a petition in superior court
 162 seeking resolution of the items remaining in dispute pursuant to the procedure set forth in
 163 paragraph (4) of subsection (d) of Code Section 48-8-89. In the event such a petition is
 164 filed, a new qualified municipality as specified under subsection (a) of this Code section
 165 located wholly or partially within the special district shall be subject to the same
 166 requirements applicable to qualified municipalities located wholly or partially within the
 167 special district under paragraph (4) of subsection (d) of Code Section 48-8-89. This The
 168 new distribution certificate shall specify by percentage what portion of the proceeds of the
 169 tax available for distribution within the special district shall be received by the county in
 170 which the special district is located and by each qualified municipality located wholly or
 171 partially within the special district, including the new qualified municipality. No
 172 distribution certificate ~~may~~ shall contain a total of specified percentages in excess of 100
 173 percent."

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SECTION 3.

Said chapter is further amended by revising paragraph (3) of subsection (f) of Code Section 48-8-89.1, relating to certification of additional qualified municipalities and lapsing of the tax due to failure to file a new certificate, as follows:

"(3) Within 60 days after the effective date of the notice referred to in paragraph (2) of this subsection, a new distribution certificate shall be filed with the commissioner for the special district or, within 30 days after the last day of the 60 day alternative dispute resolution period required by paragraph (3) of subsection (d) of Code Section 48-8-89, the county, any qualified municipality located wholly or partially within the special district, or any new qualified municipality or newly expanded qualified municipality located wholly or partially within the special district may file a petition in superior court seeking resolution of the items remaining in dispute pursuant to the procedure set forth in paragraph (4) of subsection (d) of Code Section 48-8-89. ~~This~~ The new distribution certificate shall address only the proceeds of the tax available for distribution from the percentage allocated to the county in the current distribution certificate and shall specify as a percentage of the total proceeds of the tax what portion of the proceeds shall be received by the county in which the special district is located and by the new qualified municipality and newly expanded qualified municipality located wholly or partially within the special district, if any."

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SECTION 4.

Said chapter is further amended by revising Code Section 48-8-92, relating to the referendum election on discontinuing imposition of the tax, as follows:

"48-8-92.

(a) Whenever the governing authority of any county ~~or~~ and the governing authorities of at least one-half of qualified municipality municipalities located wholly or partially within a special district in which the tax authorized by this article is being levied ~~wishes~~ wish to submit to the electors of the special district the question of whether the tax authorized by Code Section 48-8-82 shall be discontinued, ~~the~~ such governing ~~authority~~ authorities shall notify the election superintendent of the county whose geographical boundary is conterminous with that of the special district by forwarding to the superintendent a copy of a joint resolution of the governing ~~authority~~ authorities calling for the referendum election. Upon receipt of the resolution, it shall be the duty of the election superintendent to issue the call for an election for the purpose of submitting the question of discontinuing the levy of the tax to the voters of the special district for approval or rejection. The election superintendent shall ~~set the date of the election for a day not less than 30 nor more than 45 days after the date of the issuance of the call~~ issue the call and shall conduct the election

210 on a date and in the manner authorized under Code Section 21-2-540. The election
 211 superintendent shall cause the date and purpose of the election to be published once a week
 212 for two weeks immediately preceding the date of the election in the official organ of the
 213 county. The ballot shall have written or printed thereon the following:

214 '() YES Shall the 1 percent retail sales and use tax being levied within the special
 215 () NO district within _____ County be terminated?'

216 (b) All persons desiring to vote in favor of discontinuing the tax shall vote 'Yes,' and all
 217 persons opposed to discontinuing the tax shall vote 'No.' If more than one-half of the votes
 218 cast are in favor of discontinuing the tax, then the tax shall cease to be levied on the first
 219 day of the second calendar quarter following the month in which the commissioner receives
 220 the certification of the result of the election; otherwise, the tax shall continue to be levied,
 221 and the question of the discontinuing of the tax ~~may~~ shall not again be submitted to the
 222 voters of the special district until after 24 months immediately following the month in
 223 which the election was held. It shall be the duty of the election superintendent to hold and
 224 conduct such elections under the same rules and regulations as govern special elections.
 225 It shall be ~~his~~ such superintendent's further duty to canvass the returns, declare and certify
 226 the result of the election, and certify the result to the Secretary of State and to the
 227 commissioner. The expense of the election shall be borne by the county whose
 228 geographical boundary is conterminous with that of the special district holding the
 229 election."

230 SECTION 5.

231 Said chapter is further amended by adding a new article to read as follows:

232 "ARTICLE 5

233 48-8-230.

234 As used in this article, the term:

- 235 (1) 'Cost of project' or 'project costs' means the cost of construction, including without
 236 limitation relocation or adjustments of utilities; the cost of all lands, properties, rights,
 237 easements, and franchises acquired; relocation expenses; the cost of all machinery and
 238 equipment necessary for the operation of the project, the cost of engineering, legal
 239 expenses, plans and specifications, and other expenses necessary or incident to
 240 determining the feasibility or practicability of the project; administrative expenses; and
 241 such other expenses as may be necessary or incident to the construction of any project,
 242 the placing of the same in operation, or the maintenance and operation of the same.
 243 (2) 'Dealer' means a dealer as defined in paragraph (3) of Code Section 48-8-2.

244 (3) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
 245 Section III, Paragraph I of the Constitution between a county and one or more qualified
 246 municipalities located within the special district containing a combined total of no less
 247 than 50 percent of the aggregate municipal population located within the special district.
 248 Such an agreement shall include the elements specified in subparagraphs (b)(1)(A)
 249 through (b)(1)(H) of Code Section 48-8-115.

250 (4) 'Project' means existing or future land public transportation systems, including
 251 without limitation: (A) one or more roads or bridges or a system of roads, bridges, and
 252 tunnels or maintenance and operations thereof, with access limited or unlimited, and such
 253 buildings, structures, parking areas, appurtenances, and facilities related thereto,
 254 including but not limited to approaches, cross streets, roads, bridges, tunnels, and avenues
 255 of access for such system; and (B) any program for mass public transportation or mass
 256 public transportation facilities or maintenance and operations thereof and such buildings,
 257 structures, parking areas, appurtenances, and facilities related thereto, including but not
 258 limited to approaches, cross streets, roads, bridges, tunnels, and avenues of access for
 259 such facilities.

260 (5) 'Qualified municipality' has the same meaning as in paragraph (4) of Code
 261 Section 48-8-110.

262 48-8-231.

263 (a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the
 264 Constitution of this state, there are created within this state 159 special districts. The
 265 geographical boundary of each county shall correspond with and shall be conterminous
 266 with the geographical boundary of the 159 special districts.

267 (b) When the imposition of a special district sales and use tax is authorized according to
 268 the procedures provided in this article within a special district, the governing authority of
 269 any county in this state may, subject to the requirement of referendum approval and the
 270 other requirements of this article, impose within the special district a special sales and use
 271 tax for a limited period of time which tax shall be known as the special district
 272 transportation projects and costs local option sales tax.

273 (c) Any tax imposed under this article shall be at the rate of 1 percent. Except as to rate,
 274 a tax imposed under this article shall correspond to the tax imposed by Article 1 of this
 275 chapter. No item or transaction which is not subject to taxation under Article 1 of this
 276 chapter shall be subject to a tax imposed under this article, except that a tax imposed under
 277 this article shall apply to sales of motor fuels as that term is defined by Code Section
 278 48-9-2 and shall be applicable to the sale of food and beverages as provided for in division
 279 (57)(D)(i) of Code Section 48-8-3.

280 (d) No sales and use tax shall be levied in a special district under this article in which a tax
 281 is levied and collected under Article 2 of this chapter.

282 48-8-232.

283 (a) Prior to the issuance of the call for the referendum and prior to the vote of a county
 284 governing authority within a special district to impose the tax under this article, such
 285 governing authority shall enter into an intergovernmental agreement with any or all of the
 286 qualified municipalities within the special district and shall deliver or mail a written notice
 287 to the mayor or chief elected official in each municipality located within the county. Such
 288 notice shall contain the date, time, place, and purpose of a meeting at which the governing
 289 authorities of the county and of each municipality are to meet to discuss the proposed tax
 290 levy. The notice shall be delivered or mailed at least ten days prior to the date of the
 291 meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the
 292 referendum. Following such meeting, a county governing authority voting to impose the
 293 tax authorized by this article within the special district shall notify the county election
 294 superintendent by forwarding to the superintendent a copy of the resolution or ordinance
 295 of the governing authority calling for the imposition of the tax. Such ordinance or
 296 resolution shall specify the transportation projects and costs, separately identified by the
 297 county and by each qualified municipality expending proceeds of the tax, for which the
 298 proceeds of the tax are to be used and may be expended and specify:

299 (1) The maximum period of time, to be stated in calendar years or calendar quarters and
 300 not to exceed five years;

301 (2) The maximum cost of the transportation projects and costs which will be funded from
 302 the proceeds of the tax, which maximum cost shall also be the maximum amount of net
 303 proceeds to be raised by the tax; and

304 (3) If general obligation debt is to be issued in conjunction with the imposition of the tax,
 305 the principal amount of the debt to be issued, the purpose for which the debt is to be
 306 issued, the interest rate or rates or the maximum interest rate or rates which such debt is
 307 to bear, and the amount of principal to be paid in each year during the life of the debt.

308 (b) The levy of a tax pursuant to this article shall be conditioned upon the county adopting
 309 a resolution or ordinance provided for in subsection (a) of this Code section, and
 310 subsequent to the adoption of such ordinance or resolution, the enactment of a local Act of
 311 the General Assembly ratifying such ordinance or resolution and consenting to a
 312 referendum in accordance with this subsection. Following the enactment of such local Act,
 313 the election superintendent shall issue the call for an election for the purpose of submitting
 314 the question of the imposition of the tax to the voters of the county. The election
 315 superintendent shall issue the call and shall conduct the election on a date and in the

316 manner authorized under Code Section 21-2-540. The election superintendent shall cause
 317 the date and purpose of the election to be published once a week for four weeks
 318 immediately preceding the date of the election in the official organ of the county. If
 319 general obligation debt is to be issued in conjunction with the imposition of the tax, the
 320 notice published by the election superintendent shall also include, in such form as may be
 321 specified by the county governing authority, the principal amount of the debt, the purpose
 322 for which the debt is to be issued, the rate or rates of interest or the maximum rate or rates
 323 of interest the debt will bear, and the amount of principal to be paid in each year during the
 324 life of the debt; and such publication of notice by the election superintendent shall take the
 325 place of the notice otherwise required by Code Section 36-80-11 or by subsection (b) of
 326 Code Section 36-82-1, which notice shall not be required.

327 (c)(1) If the tax is to be imposed and if no debt is to be issued, the ballot shall have
 328 written or printed thereon the following:

329 ' () YES Shall a special 1 percent sales and use tax be imposed in _____
 330 County for a period of time not to exceed _____ and for the
 331 () NO raising of not more than \$ _____ for the following transportation
 332 projects and costs: _____ ?'

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

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

338 (d) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all persons
 339 opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in
 340 favor of imposing the tax then the tax shall be imposed as provided in this article;
 341 otherwise the tax shall not be imposed and the question of imposing the tax shall not again
 342 be submitted to the voters of the county until after 12 months immediately following the
 343 month in which the election was held. The election superintendent shall hold and conduct
 344 the election under the same rules and regulations as govern special elections. The
 345 superintendent shall canvass the returns, declare the result of the election, and certify the
 346 result to the Secretary of State and to the commissioner. The expense of the election shall
 347 be paid from county funds.

348 (e)(1) If the proposal includes the authority to issue general obligation debt and if more
 349 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
 350 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given
 351 to the proper officers of the county; otherwise such debt shall not be issued. If the

352 authority to issue such debt is so approved by the voters, then such debt may be issued
 353 without further approval by the voters.

354 (2) If the issuance of general obligation debt is included and approved as provided in this
 355 Code section, then the governing authority of the county may incur such debt either
 356 through the issuance and validation of general obligation bonds or through the execution
 357 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 358 through the issuance of general obligation bonds, such bonds and their issuance and
 359 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 360 specifically provided otherwise in this article. If such debt is incurred through the
 361 execution of a promissory note or notes or other instrument or instruments, no validation
 362 proceedings shall be necessary and such debt shall be subject to Code Sections 36-80-10
 363 through 36-80-14 except as specifically provided otherwise in this article. In either event,
 364 such general obligation debt shall be payable first from the separate account in which are
 365 placed the proceeds received by the county from the tax authorized by this article. Such
 366 general obligation debt shall, however, constitute a pledge of the full faith, credit, and
 367 taxing power of the county; and any liability on such debt which is not satisfied from the
 368 proceeds of the tax authorized by this article shall be satisfied from the general funds of
 369 the county.

370 48-8-233.

371 With respect to any consolidated government created by the consolidation of a county and
 372 one or more municipalities, the levy of a tax under this article by a consolidated
 373 government shall be in the same manner as the levy of the tax by any other county.

374 48-8-234.

375 (a) If the imposition of the tax is approved at the special election, the tax shall be imposed
 376 on the first day of the next succeeding calendar quarter which begins more than 80 days
 377 after the date of the election at which the tax was approved by the voters. With respect to
 378 services which are regularly billed on a monthly basis, however, the resolution shall
 379 become effective with respect to and the tax shall apply to services billed on or after the
 380 effective date specified in the previous sentence.

381 (b) The tax shall cease to be imposed on the earliest of the following dates:

382 (1) If the resolution or ordinance calling for the imposition of the tax provided for the
 383 issuance of general obligation debt and such debt is the subject of validation proceedings,
 384 as of the end of the first calendar quarter ending more than 80 days after the date on
 385 which a court of competent jurisdiction enters a final order denying validation of such
 386 debt;

387 (2) On the final day of the maximum period of time specified for the imposition of the
 388 tax; or

389 (3) As of the end of the calendar quarter during which the commissioner determines that
 390 the tax will have raised revenues sufficient to provide to the county net proceeds equal
 391 to or greater than the amount specified as the maximum amount of net proceeds to be
 392 raised by the tax.

393 (c)(1) At any time, no more than a single 1 percent tax under this article may be imposed
 394 within a special district.

395 (2) The governing authority of a county within a special district in which a tax authorized
 396 by this article is in effect may, while the tax is in effect, adopt a resolution or ordinance
 397 calling for the reimposition of a tax as authorized by this article upon the termination of
 398 the tax then in effect; and a special election may be held for this purpose while the tax is
 399 in effect following the adoption of a local Act of the General Assembly as described in
 400 subsection (b) of Code Section 48-8-232. Proceedings for the reimposition of a tax shall
 401 be in the same manner as proceedings for the initial imposition of the tax, but the newly
 402 authorized tax shall not be imposed until the expiration of the tax then in effect.

403 (3) Following the expiration of a tax under this article, a county may initiate proceedings
 404 for the reimposition of a tax under this article in the same manner as provided in this
 405 article for initial imposition of such tax.

406 48-8-235.

407 A tax levied pursuant to this article shall be exclusively administered and collected by the
 408 commissioner for the use and benefit of the county and qualified municipalities within the
 409 special district imposing the tax. Such administration and collection shall be accomplished
 410 in the same manner and subject to the same applicable provisions, procedures, and
 411 penalties provided in Article 1 of this chapter; provided, however, that all moneys collected
 412 from each taxpayer by the commissioner shall be applied first to such taxpayer's liability
 413 for taxes owed the state; and provided, further, that the commissioner may rely upon a
 414 representation by or in behalf of the county or the Secretary of State that such a tax has
 415 been validly imposed, and the commissioner and the commissioner's agents shall not be
 416 liable to any person for collecting any such tax which was not validly imposed. Dealers
 417 shall be allowed a percentage of the amount of the tax due and accounted for and shall be
 418 reimbursed in the form of a deduction in submitting, reporting, and paying the amount due
 419 if such amount is not delinquent at the time of payment. The deduction shall be at the rate
 420 and subject to the requirements specified under subsections (b) through (f) of Code Section
 421 48-8-50.

422 48-8-236.

423 Each sales tax return remitting taxes collected under this article shall separately identify
424 the location of each retail establishment at which any of the taxes remitted were collected
425 and shall specify the amount of sales and the amount of taxes collected at each
426 establishment for the period covered by the return in order to facilitate the determination
427 by the commissioner that all taxes imposed by this article are collected and distributed
428 according to situs of sale.

429 48-8-237.

430 The proceeds of the tax collected by the commissioner in each county under this article
431 shall be disbursed as soon as practicable after collection as follows:

432 (1) One percent of the amount collected shall be paid into the general fund of the state
433 treasury in order to defray the costs of administration; and

434 (2) Except for the percentage provided in paragraph (1) of this Code section, the
435 remaining proceeds of the tax shall be distributed to the governing authority of the county
436 within the special district for distribution pursuant to the terms of the intergovernmental
437 agreement.

438 48-8-238.

439 Where a local sales or use tax has been paid with respect to tangible personal property by
440 the purchaser either in another local tax jurisdiction within the state or in a tax jurisdiction
441 outside the state, the tax may be credited against the tax authorized to be imposed by this
442 article upon the same property. If the amount of sales or use tax so paid is less than the
443 amount of the use tax due under this article, the purchaser shall pay an amount equal to the
444 difference between the amount paid in the other tax jurisdiction and the amount due under
445 this article. The commissioner may require such proof of payment in another local tax
446 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
447 against the tax imposed under this article for tax paid in another jurisdiction if the tax paid
448 in such other jurisdiction is used to obtain a credit against any other local sales and use tax
449 levied in the county or in a special district which includes the county.

450 48-8-239.

451 No tax provided for in this article shall be imposed upon the sale of tangible personal
452 property which is ordered by and delivered to the purchaser at a point outside the
453 geographical area of the county in which the tax is imposed regardless of the point at which
454 title passes, if the delivery is made by the seller's vehicle, United States mail, or common

455 carrier or by private or contract carrier licensed by the Interstate Commerce Commission
456 or the Georgia Public Service Commission.

457 48-8-240.

458 (a) As used in this Code section, the term 'building and construction materials' means all
459 building and construction materials, supplies, fixtures, or equipment, any combination of
460 such items, and any other leased or purchased articles when the materials, supplies,
461 fixtures, equipment, or articles are to be utilized or consumed during construction or are
462 to be incorporated into construction work pursuant to a bona fide written construction
463 contract.

464 (b) No tax provided for in this article shall be imposed upon the sale or use of building and
465 construction materials when the contract pursuant to which the materials are purchased or
466 used was advertised for bid prior to the voters' approval of the levy of the tax and the
467 contract was entered into as a result of a bid actually submitted in response to the
468 advertisement prior to approval of the levy of the tax.

469 48-8-241.

470 The commissioner shall have the power and authority to promulgate such rules and
471 regulations as shall be necessary for the effective and efficient administration and
472 enforcement of the collection of the tax authorized to be imposed by this article.

473 48-8-242.

474 Except as provided in Code Section 48-8-6 and subsection (d) of Code Section 48-8-231,
475 the tax authorized by this article shall be in addition to any other local sales and use tax.
476 Except as provided in Code Section 48-8-6 and subsection (d) of Code Section 48-8-231,
477 the imposition of any other local sales and use tax within a county shall not affect the
478 authority of a county to impose the tax authorized by this article and the imposition of the
479 tax authorized by this article shall not affect the imposition of any otherwise authorized
480 local sales and use tax within the county.

481 48-8-243.

482 (a)(1) The proceeds received from the tax authorized by this article shall be used by the
483 county and qualified municipalities within the special district exclusively for the
484 transportation projects and costs specified in the resolution or ordinance calling for
485 imposition of the tax. Such proceeds shall be kept in a separate account from other funds
486 of the county and qualified municipalities receiving proceeds of the tax and shall not in

487 any manner be commingled with other funds of such county or qualified municipalities
488 prior to the expenditure.

489 (2) The governing authority of the county and the governing authority of each qualified
490 municipality receiving any proceeds from the tax pursuant to a contract with the county
491 shall maintain a record of each and every purpose for which the proceeds of the tax are
492 used. A schedule shall be included in each annual audit which shows for each purpose
493 in the resolution or ordinance calling for imposition of the tax the original estimated cost,
494 the current estimated cost if it is not the original estimated cost, amounts expended in
495 prior years, and amounts expended in the current year. The auditor shall verify and test
496 expenditures sufficient to provide assurances that the schedule is fairly presented in
497 relation to the financial statements. The auditor's report on the financial statements shall
498 include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly
499 in all material respects in relation to the financial statements taken as a whole.

500 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
501 authorized by this article unless the county governing authority determines that, and if the
502 debt is to be validated it is demonstrated in the validation proceedings that, during each
503 year in which any payment of principal or interest on the debt comes due the county will
504 receive from the tax authorized by this article net proceeds sufficient to fully satisfy such
505 liability. General obligation debt issued under this article shall be payable first from the
506 separate account in which are placed the proceeds received by the county from the tax
507 authorized by this article. Such debt, however, shall constitute a pledge of the full faith,
508 credit, and taxing power of the county; and any liability on said debt which is not satisfied
509 from the proceeds of the tax authorized by this article shall be satisfied from the general
510 funds of the county.

511 (c) The intergovernmental agreement and resolution or ordinance calling for imposition
512 of the tax authorized by this article may specify that all of the proceeds of the tax will be
513 used for payment of general obligation debt issued in conjunction with the imposition of
514 the tax. If the intergovernmental agreement and resolution or ordinance so provide, then
515 such proceeds shall be used solely for such purpose except as provided in subsection (f) of
516 this Code section.

517 (d) The intergovernmental agreement and resolution or ordinance calling for the
518 imposition of the tax authorized by this article may specify that a part of the proceeds of
519 the tax will be used for payment of general obligation debt issued in conjunction with the
520 imposition of the tax. If the intergovernmental agreement and ordinance or resolution so
521 provide, they shall specifically state the other purposes for which such proceeds will be
522 used. In such a case no part of the net proceeds from the tax received in any year shall be
523 used for such other purposes until all debt service requirements of the general obligation

524 debt for that year have first been satisfied from the account in which the proceeds of the
 525 tax are placed.

526 (e) The resolution or ordinance calling for the imposition of the tax may specify that no
 527 general obligation debt is to be issued in conjunction with the imposition of the tax. If the
 528 ordinance or resolution so provides, it shall specifically state the purpose or purposes for
 529 which the proceeds will be used.

530 (f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of
 531 payment of general obligation debt issued in conjunction with the imposition of the tax,
 532 then any net proceeds of the tax in excess of the amount required for final payment of
 533 such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

534 (B) If the county as agent for the special district receives from the tax net proceeds in
 535 excess of the maximum cost of the transportation projects and costs stated in the
 536 resolution or ordinance calling for the imposition of the tax or in excess of the actual
 537 cost of such purpose or purposes, then such excess proceeds shall be subject to and
 538 applied as provided in paragraph (2) of this subsection unless otherwise specified in the
 539 intergovernmental agreement.

540 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
 541 48-8-233 by reason of denial of validation of debt, then all net proceeds received by the
 542 county as agent of the special district from the tax shall be excess proceeds subject to
 543 paragraph (2) of this subsection.

544 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
 545 reducing any indebtedness of the county within the special district other than
 546 indebtedness incurred pursuant to this article. If there is no such other indebtedness or,
 547 if the excess proceeds exceed the amount of any such other indebtedness, then the excess
 548 proceeds shall next be paid into the general fund of the county, it being the intent that any
 549 funds so paid into the general fund of the county be used for the purpose of reducing ad
 550 valorem taxes.

551 48-8-244.

552 The governing authority of the county and the governing authority of each qualified
 553 municipality receiving any proceeds from the tax under this article shall maintain a record
 554 of each and every purpose for which the proceeds of the tax are used. Not later than
 555 December 31 of each year, the governing authority of each local government receiving any
 556 proceeds from the tax under this article shall publish annually, in a newspaper of general
 557 circulation in the boundaries of such local government, a simple, nontechnical report which
 558 shows for each purpose in the resolution or ordinance calling for imposition of the tax the
 559 original estimated cost, the current estimated cost if it is not the original estimated cost,

560 amounts expended in prior years, and amounts expended in the current year. The report
561 shall also include a statement of what corrective action the local government intends to
562 implement with respect to each purpose which is underfunded or behind schedule and a
563 statement of any surplus funds which have not been expended for a purpose."

564 **SECTION 6.**

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

567 **SECTION 7.**

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