

House Bill 1020

By: Representative Parrish of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to county sales and use taxes, so as to provide for the comprehensive revision of the  
3 sales and use tax for educational purposes; to establish special districts; to provide for  
4 definitions, procedures, conditions, and limitations for the imposition, collection,  
5 disbursement, and termination of the tax; to provide for powers, duties, and authority of the  
6 state revenue commissioner; to provide for related matters; to provide for a contingent  
7 effective date; to provide for applicability; to provide for automatic repeal under certain  
8 circumstances; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to  
12 county sales and use taxes, is amended by revising Part 2, relating to the sales tax for  
13 educational purposes, as follows:

14 *"Part 2*

15 48-8-140.

16 This part is enacted pursuant to the authority of Article VIII, Section VI, Paragraph IV of  
17 the Constitution of Georgia and it is the intent of the General Assembly in the enactment  
18 of this part to further define and implement such provision of the Constitution.

19 ~~48-8-141.~~

20 ~~Except as otherwise expressly provided in Article VIII, Section VI, Paragraph IV of the~~  
21 ~~Constitution of Georgia, the sales tax for educational purposes which may be levied by a~~  
22 ~~board of education of a county school district or concurrently by the board of education of~~  
23 ~~a county school district and the board of education of each independent school district~~

24 ~~located within such county, shall be imposed and levied by such board or boards of~~  
 25 ~~education and collected by the commissioner on behalf of such board or boards of~~  
 26 ~~education in the same manner as provided for under Part 1 of this article and the provisions~~  
 27 ~~of Part 1 of this article in particular, but without limitation, the provisions regarding the~~  
 28 ~~authority of the commissioner to administer and collect this tax, retain the 1 percent~~  
 29 ~~administrative fee, and promulgate rules and regulations governing this tax shall apply~~  
 30 ~~equally to such board or boards of education.~~

31 ~~48-8-142.~~

32 ~~If general obligation debt is to be issued in conjunction with the imposition of the sales tax~~  
 33 ~~for educational purposes authorized by Article VIII, Section VI, Paragraph IV of the~~  
 34 ~~Constitution, the resolution or concurrent resolutions imposing such tax shall specify the~~  
 35 ~~principal amount of the debt to be issued, the purpose for which the debt is to be issued, the~~  
 36 ~~interest rate or rates or the maximum interest rate or rates which such debt is to bear, and~~  
 37 ~~the amount of principal to be paid in each year during the life of the debt. If such general~~  
 38 ~~obligation debt is to be issued, the ballot shall have written or printed thereon, in addition~~  
 39 ~~to the descriptions required by Article VIII, Section VI, Paragraph IV(c) of the~~  
 40 ~~Constitution, the following:~~

41 ~~If imposition of the tax is approved by the voters, such vote shall also constitute approval~~  
 42 ~~of the issuance of general obligation debt of \_\_\_\_\_ in the principal~~  
 43 ~~amount of \$ \_\_\_\_\_ for the above purpose.'~~

44 ~~48-8-143.~~

45 ~~The net proceeds of the sales tax for educational purposes shall be distributed in the manner~~  
 46 ~~provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless another~~  
 47 ~~distribution formula is provided for by the enactment of a local Act. Any such local Act~~  
 48 ~~providing for an alternate distribution formula shall not be amended during the time period~~  
 49 ~~for which the tax was imposed.~~

50 ~~48-8-144.~~

51 ~~(a) As used in this Code section, the term:~~

52 ~~(1) 'Local charter school' means a local charter school as defined in paragraph (7) of~~  
 53 ~~Code Section 20-2-2062.~~

54 ~~(2) 'State chartered special school' means a state chartered special school as defined in~~  
 55 ~~paragraph (16) of Code Section 20-2-2062 and with respect to which the referendum~~  
 56 ~~required under Article VIII, Section V, Paragraph VII of the Constitution has been~~  
 57 ~~conducted and approved.~~

58 ~~(b) A county or independent board of education shall be authorized to include local charter~~  
 59 ~~schools, state chartered special schools, or both as capital outlay projects in projects~~  
 60 ~~specified in the ballot language for a proposed tax under Article VIII, Section VI,~~  
 61 ~~Paragraph IV of the Constitution and this part.~~

62 48-8-141.

63 As used in this part, the term:

64 (1) 'Building and construction materials' means all building and construction materials,  
 65 supplies, fixtures, or equipment, any combination of such items, and any other leased or  
 66 purchased articles when the materials, supplies, fixtures, equipment, or articles are to be  
 67 utilized or consumed during construction or are to be incorporated into construction work  
 68 pursuant to a bona fide written construction contract.

69 (2) 'Dealer' means a dealer as defined in paragraph (3) of Code Section 48-8-2.

70 (3) 'Local charter school' means a local charter school as defined in paragraph (7) of  
 71 Code Section 20-2-2062.

72 (4) 'State chartered special school' means a state chartered special school as defined in  
 73 paragraph (16) of Code Section 20-2-2062 and with respect to which the referendum  
 74 required under Article VIII, Section V, Paragraph VII of the Constitution has been  
 75 conducted and approved.

76 48-8-142.

77 (a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the  
 78 Constitution of this state, there are created within this state education special districts. The  
 79 geographical boundary of an education special district shall be as follows:

80 (1) Such boundary shall be conterminous with the boundary of the county in each county  
 81 in which no independent school district is located; or

82 (2) In each county in which one or more independent school districts are located, such  
 83 boundary shall be conterminous with the boundary of the county but shall only be so  
 84 constituted upon the adoption of a concurrent resolution of the board of education of the  
 85 county school district and the board of education of each independent school district  
 86 located within such county.

87 (b) When the imposition of a special district sales and use tax for educational purposes is  
 88 authorized according to the procedures provided in this part within a special district, the  
 89 local board or boards, as appropriate, of education may, subject to the requirement of  
 90 referendum approval and the other requirements of this part, impose within the special  
 91 district for a limited period of time a special sales and use tax which shall be known as the  
 92 special district sales and use tax for education purposes.

93 (c) Any tax imposed under this part shall be at the rate of 1 percent. Except as to rate, a  
 94 tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter.  
 95 No item or transaction which is not subject to taxation under Article 1 of this chapter shall  
 96 be subject to a tax imposed under this part, except that a tax imposed under this part shall  
 97 apply to sales of motor fuels as that term is defined by Code Section 48-9-2 and shall be  
 98 applicable to the sale of food and beverages as provided for in division (57)(D)(i) of Code  
 99 Section 48-8-3.

100 48-8-143.

101 Local charter schools, state chartered special schools, or both may be included as capital  
 102 outlay projects in projects specified in the ballot language for a proposed tax under Article  
 103 VIII, Section VI, Paragraph IV of the Constitution and this part.

104 48-8-144.

105 (a) The board of education of a school district in a county in which no independent school  
 106 district is located or the board of education of a county school district and the board of  
 107 education of each independent school district located within such county voting to impose  
 108 the tax authorized by this part within the special district shall notify the appropriate county  
 109 and municipal election superintendent by forwarding to the superintendent a copy of the  
 110 resolution or concurrent resolution, as appropriate, calling for the imposition of the tax.  
 111 Such resolution or concurrent resolution shall specify the capital outlay projects for  
 112 educational purposes for which the proceeds of the tax are to be used and may be  
 113 expended, if applicable, and the amount of proceeds to be used to roll back the millage rate,  
 114 if applicable, and specify:

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

117 (2) The maximum cost of the capital outlay projects for educational purposes which will  
 118 be funded from the proceeds of the tax, which maximum cost shall also be the maximum  
 119 amount of net proceeds to be raised by the tax;

120 (3) If general obligation debt is to be issued in conjunction with the imposition of the tax,  
 121 the principal amount of the debt to be issued, the purpose for which the debt is to be  
 122 issued, the interest rate or rates or the maximum interest rate or rates which such debt is  
 123 to bear, and the amount of principal to be paid in each year during the life of the debt; and

124 (4) The maximum amount of net proceeds to be expended on educational maintenance  
 125 and operations; if applicable.

126 (b) Upon receipt of the resolution or concurrent resolution, the election superintendent  
 127 shall issue the call for an election for the purpose of submitting the question of the

128 imposition of the tax to the voters of the special district. The election superintendent shall  
 129 issue the call and shall conduct the election on a date and in the manner authorized under  
 130 Code Section 21-2-540. The election superintendent shall cause the date and purpose of the  
 131 election to be published once per week for four weeks immediately preceding the date of  
 132 the election in the official organ of the county. If general obligation debt is to be issued in  
 133 conjunction with the imposition of the tax, the notice published by the election  
 134 superintendent shall also include, in such form as may be specified by the board or boards  
 135 of education, the principal amount of the debt, the purpose for which the debt is to be  
 136 issued, the rate or rates of interest or the maximum rate or rates of interest the debt will  
 137 bear, and the amount of principal to be paid in each year during the life of the debt; and  
 138 such publication of notice by the election superintendent shall take the place of the notice  
 139 otherwise required by Code Section 36-80-11 or by subsection (b) of Code Section  
 140 36-82-1, which notice shall not be required.

141 (c)(1) If a sales tax for educational purposes authorized by Article VIII, Section VI,  
 142 Paragraph IV of the Constitution is to be imposed, the ballot shall have written or printed  
 143 thereon the following:

144 ' ( ) YES Shall a 1 percent sales and use tax for educational purposes in the  
 145 education special district consisting of \_\_\_\_\_ be imposed for  
 146 ( ) NO \_\_\_\_\_ for a period of time not to exceed \_\_\_\_\_ and for the  
 147 raising of not more than \$ \_\_\_\_\_ and for the raising of not more than  
 148 \$ \_\_\_\_\_ for educational maintenance and operations?'

149 (2) If general obligation debt is to be issued in conjunction with the imposition of the  
 150 sales and use tax for educational purposes under paragraph (1) of this subsection, the  
 151 resolution or concurrent resolutions imposing such tax shall specify the principal amount  
 152 of the debt to be issued, the purpose for which the debt is to be issued, the interest rate  
 153 or rates or the maximum interest rate or rates which such debt is to bear, and the amount  
 154 of principal to be paid in each year during the life of the debt. If such general obligation  
 155 debt is to be issued, the ballot shall also have written or printed thereon the following:

156 'If imposition of the tax is approved by the voters, such vote shall also constitute  
 157 approval of the issuance of general obligation debt of \_\_\_\_\_ in  
 158 the principal amount of \$ \_\_\_\_\_ for the above purpose.'

159 (d) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all persons  
 160 opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in  
 161 favor of imposing the tax then the tax shall be imposed as provided in this part; otherwise  
 162 the tax shall not be imposed and the question of imposing the tax shall not again be  
 163 submitted to the voters of the special district until after 12 months immediately following  
 164 the month in which the election was held. The election superintendent shall hold and

165 conduct the election under the same rules and regulations as govern special elections. The  
166 superintendent shall canvass the returns, declare the result of the election, and certify the  
167 result to the Secretary of State and to the commissioner. The expense of the election shall  
168 be paid from board of education funds.

169 (e)(1) If the proposal includes the authority to issue general obligation debt and if more  
170 than one-half of the votes cast are in favor of the proposal, then the authority to issue such  
171 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given  
172 to the proper officers of the board or boards of education; otherwise, such debt shall not  
173 be issued. If the authority to issue such debt is so approved by the voters, then such debt  
174 may be issued without further approval by the voters.

175 (2) If the issuance of general obligation debt is included and approved as provided in this  
176 Code section, then the board or boards of education of the special district may incur such  
177 debt either through the issuance and validation of general obligation bonds or through the  
178 execution of a promissory note or notes or other instrument or instruments. If such debt  
179 is incurred through the issuance of general obligation bonds, such bonds and their  
180 issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36  
181 except as specifically provided otherwise in this part. If such debt is incurred through the  
182 execution of a promissory note or notes or other instrument or instruments, no validation  
183 proceedings shall be necessary and such debt shall be subject to Code Sections 36-80-10  
184 through 36-80-14 except as specifically provided otherwise in this part. In either event,  
185 such general obligation debt shall be payable first from the separate account in which are  
186 placed the proceeds received by the county from the tax authorized by this part. Such  
187 general obligation debt shall, however, constitute a pledge of the full faith, credit, and  
188 taxing power of the board of education; and any liability on such debt which is not  
189 satisfied from the proceeds of the tax authorized by this part shall be satisfied from the  
190 general funds of the board of education.

191 48-8-145.

192 (a) If the imposition of the tax authorized by this part is approved at the special election,  
193 the tax shall be imposed on the first day of the next succeeding calendar quarter which  
194 begins more than 80 days after the date of the election at which the tax was approved by  
195 the voters; provided, however, for services which are regularly billed on a monthly basis,  
196 the resolution shall become effective with respect to and the tax shall apply to services  
197 billed on or after such effective date.

198 (b) The tax authorized by this part shall cease to be imposed on the earliest of the  
199 following dates:

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

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

206 (3) As of the end of the calendar quarter during which the commissioner determines that  
 207 the tax will have raised revenues sufficient to provide to the board of education net  
 208 proceeds equal to or greater than the amount specified as the maximum amount of net  
 209 proceeds to be raised by the tax.

210 (c)(1) At any time, no more than a single 1 percent tax authorized by this part may be  
 211 imposed within a special district.

212 (2) The board of education or boards of education, as appropriate, within a special  
 213 district in which a tax authorized by this part is in effect may, while the tax is in effect,  
 214 adopt a resolution or concurrent resolution, as appropriate, calling for the reimposition  
 215 of a tax authorized by this part upon the termination of the tax then in effect; and a special  
 216 election may be held for this purpose while the tax is in effect. Proceedings for the  
 217 reimposition of a tax shall be in the same manner as proceedings for the initial imposition  
 218 of the tax, but the newly authorized tax shall not be imposed until the expiration of the  
 219 tax then in effect; provided, however, that in the event of emergency conditions under  
 220 which the board or boards of education are unable to conduct a referendum so as to  
 221 continue the tax then in effect without interruption, the commissioner may, if feasible  
 222 administratively, waive the limitations of subsection (a) of this Code section to the  
 223 minimum extent necessary so as to permit the reimposition of a tax, if otherwise  
 224 approved as required under this Code section, without interruption, upon the expiration  
 225 of the tax then in effect.

226 (3) Following the expiration of a tax authorized by this part, the board or boards of  
 227 education, as appropriate, may initiate proceedings for the reimposition of such tax in the  
 228 same manner as provided in this part for initial imposition of such tax.

229 48-8-146.

230 A tax levied pursuant to this part shall be exclusively administered and collected by the  
 231 commissioner for the use and benefit of the board or boards of education within the special  
 232 district imposing the tax. Such administration and collection shall be accomplished in the  
 233 same manner and subject to the same applicable provisions, procedures, and penalties  
 234 provided in Article 1 of this chapter; provided, however, that all moneys collected from  
 235 each taxpayer by the commissioner shall be applied first to such taxpayer's liability for

236 taxes owed the state; and provided, further, that the commissioner may rely upon a  
 237 representation by or on behalf of the board or boards of education, as appropriate, or the  
 238 Secretary of State that such a tax has been validly imposed, and the commissioner and the  
 239 commissioner's agents shall not be liable to any person for collecting any such tax which  
 240 was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax  
 241 due and accounted for and shall be reimbursed in the form of a deduction in submitting,  
 242 reporting, and paying the amount due if such amount is not delinquent at the time of  
 243 payment. The deduction shall be at the rate and subject to the requirements specified under  
 244 subsections (b) through (f) of Code Section 48-8-50.

245 48-8-147.

246 Each sales tax return remitting taxes collected under this part shall separately identify the  
 247 location of each retail establishment at which any of the taxes remitted were collected and  
 248 shall specify the amount of sales and the amount of taxes collected at each establishment  
 249 for the period covered by the return in order to facilitate the determination by the  
 250 commissioner that all taxes imposed by this part are collected and distributed according to  
 251 situs of sale.

252 48-8-148.

253 The proceeds of the tax collected by the commissioner in each special district under this  
 254 part shall be disbursed as soon as practicable after collection as follows:

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

257 (2) Except for the percentage provided in paragraph (1) of this Code section, the  
 258 remaining proceeds of the tax shall be distributed either to the board of education within  
 259 the special district for use as authorized under this part if the special district is established  
 260 under paragraph (1) of subsection (a) of Code Section 48-8-142 or to the boards of  
 261 education within the special district for use as authorized under this part if a special  
 262 district is established under paragraph (2) of subsection (a) of Code Section 48-8-142 and,  
 263 in that event, such distribution shall be in accordance with Article VIII, Section VI,  
 264 Paragraph IV(i) of the Constitution.

265 48-8-149.

266 Where a local sales or use tax has been paid with respect to tangible personal property by  
 267 the purchaser either in another local tax jurisdiction within the state or in a tax jurisdiction  
 268 outside the state, the tax may be credited against the tax authorized to be imposed by this  
 269 part upon the same property. If the amount of sales or use tax so paid is less than the

270 amount of the use tax due under this part, the purchaser shall pay an amount equal to the  
271 difference between the amount paid in the other tax jurisdiction and the amount due under  
272 this part. The commissioner may require such proof of payment in another local tax  
273 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,  
274 against the tax imposed under this part for tax paid in another jurisdiction if the tax paid  
275 in such other jurisdiction is used to obtain a credit against any other local sales and use tax  
276 levied in the county or municipality or in a special district which includes the county or  
277 municipality.

278 48-8-150.

279 No tax provided for in this part shall be imposed upon the sale of tangible personal  
280 property which is ordered by and delivered to the purchaser at a point outside the  
281 geographical area of the county in which the tax is imposed regardless of the point at which  
282 title passes if the delivery is made by the seller's vehicle, United States mail, or common  
283 carrier or by private or contract carrier licensed by the Interstate Commerce Commission  
284 or the Georgia Public Service Commission.

285 48-8-151.

286 No tax provided for in this part shall be imposed upon the sale or use of building and  
287 construction materials when the contract pursuant to which the materials are purchased or  
288 used was advertised for bid prior to the voters' approval of the levy of the tax and the  
289 contract was entered into as a result of a bid actually submitted in response to the  
290 advertisement prior to approval of the levy of the tax.

291 48-8-152.

292 The commissioner shall have the power and authority to promulgate such rules and  
293 regulations as shall be necessary for the effective and efficient administration and  
294 enforcement of the collection of the tax authorized to be imposed by this part.

295 48-8-153.

296 The tax authorized by this part shall be in addition to any other local sales and use tax. The  
297 imposition of any other local sales and use tax within a county, municipality, or special  
298 district shall not affect the authority of a board of education to impose the tax authorized  
299 by this part and the imposition of the tax authorized by this part shall not affect the  
300 imposition of any otherwise authorized local sales and use tax within the county,  
301 municipality, or special district.

302 48-8-154.

303 (a)(1) The proceeds received from the tax authorized by this part shall be used by the  
304 board or boards of education within the special district, as appropriate, exclusively for the  
305 purposes specified in the resolution or concurrent resolution calling for imposition of the  
306 tax. Such proceeds shall be kept in a separate account from other funds of the board of  
307 education receiving proceeds of the tax and shall not in any manner be commingled with  
308 other funds of such board of education prior to the expenditure.

309 (2) The board of education receiving any proceeds from the tax shall maintain a record  
310 of each and every purpose for which the proceeds of the tax are used. A schedule shall  
311 be included in each annual audit which shows for each purpose in the resolution calling  
312 for imposition of the tax the original estimated cost, the current estimated cost if it is not  
313 the original estimated cost, amounts expended in prior years, and amounts expended in  
314 the current year. The auditor shall verify and test expenditures sufficient to provide  
315 assurances that the schedule is fairly presented in relation to the financial statements. The  
316 auditor's report on the financial statements shall include an opinion, or disclaimer of  
317 opinion, as to whether the schedule is presented fairly in all material respects in relation  
318 to the financial statements taken as a whole.

319 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax  
320 authorized by this part unless the board of education determines that, and if the debt is to  
321 be validated it is demonstrated in the validation proceedings that, during each year in which  
322 any payment of principal or interest on the debt comes due the board of education will  
323 receive from the tax authorized by this part net proceeds sufficient to fully satisfy such  
324 liability. General obligation debt issued under this part shall be payable first from the  
325 separate account in which are placed the proceeds received by the board of education from  
326 the tax authorized by this part. Such debt, however, shall constitute a pledge of the full  
327 faith, credit, and taxing power of the board of education; and any liability on said debt  
328 which is not satisfied from the proceeds of the tax authorized by this part shall be satisfied  
329 from the general funds of the board of education.

330 (c) The resolution or concurrent resolution calling for the imposition of the tax authorized  
331 by this part may specify that a part of the proceeds of the tax will be used for payment of  
332 general obligation debt issued in conjunction with the imposition of the tax. If the  
333 resolution or concurrent resolution so provides, it shall specifically state the other purposes  
334 for which such proceeds will be used. In such a case no part of the net proceeds from the  
335 tax received in any year shall be used for such other purposes until all debt service  
336 requirements of the general obligation debt for that year have first been satisfied from the  
337 account in which the proceeds of the tax are placed.

338 (d) The resolution or concurrent resolution calling for the imposition of the tax may  
 339 specify that no general obligation debt is to be issued in conjunction with the imposition  
 340 of the tax. If the resolution or concurrent resolution so provides, it shall specifically state  
 341 the purpose or purposes for which the proceeds will be used.

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

346 (B) If a board of education as agent for the special district receives from the tax net  
 347 proceeds in excess of the maximum cost of the capital outlay projects for education  
 348 purposes stated in the resolution calling for the imposition of the tax or in excess of the  
 349 actual cost of such purpose or purposes, then such excess proceeds shall be subject to  
 350 and applied as provided in paragraph (2) of this subsection.

351 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section  
 352 48-8-145 by reason of denial of validation of debt, then all net proceeds received by a  
 353 board of education as agent of the special district from the tax shall be excess proceeds  
 354 subject to paragraph (2) of this subsection.

355 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of  
 356 reducing any indebtedness of the board of education within the special district other than  
 357 indebtedness incurred pursuant to this part. If there is no such other indebtedness or, if  
 358 the excess proceeds exceed the amount of any such other indebtedness, then the excess  
 359 proceeds shall next be paid into the general fund of a board of education, it being the  
 360 intent that any funds so paid into the general fund of a board of education be used for the  
 361 purpose of reducing ad valorem taxes.

362 48-8-155.

363 Each board of education receiving any proceeds from the tax under this part shall maintain  
 364 a record of each and every purpose for which the proceeds of the tax are used. Not later  
 365 than December 31 of each year, the board of education receiving any proceeds from the tax  
 366 under this part shall publish annually, in a newspaper of general circulation in the  
 367 boundaries of such school system, a simple, nontechnical report which shows for each  
 368 purpose in the resolution calling for imposition of the tax the original estimated cost, the  
 369 current estimated cost if it is not the original estimated cost, amounts expended in prior  
 370 years, and amounts expended in the current year. The report shall also include a statement  
 371 of what corrective action the board of education intends to implement with respect to each  
 372 purpose which is underfunded or behind schedule and a statement of any surplus funds  
 373 which have not been expended for a purpose."

374

**SECTION 2.**

375 (a) This Act shall become effective on January 1, 2011; provided, however, that this Act  
376 shall only become effective on January 1, 2011, upon the ratification of a resolution at the  
377 November, 2010, state-wide general election, which resolution amends the Constitution of  
378 the State of Georgia so as to authorize the sales and use tax for educational purposes to be  
379 imposed in whole or in part for educational maintenance and operations. If such resolution  
380 is not ratified, this Act shall not become effective and shall stand repealed in its entirety on  
381 January 1, 2011.

382 (b) This Act shall apply to taxes imposed or to be imposed under any resolution adopted by  
383 a board of education on or after January 1, 2011; and this Act shall not apply to taxes  
384 imposed or to be imposed under such resolutions adopted prior to January 1, 2011.

385

**SECTION 3.**

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