

The Senate Finance Committee offered the following substitute to SB 395:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia
2 Annotated, relating to the county special purpose local option sales tax, so as to allow such
3 taxes to be imposed at a rate of less than 1 percent; to provide for the simultaneous levy of
4 more than one tax under such part if the combined rate of such taxes does not exceed 1
5 percent; to provide for related matters; to provide for an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
10 relating to the county special purpose local option sales tax, is amended by revising Code
11 Section 48-8-110.1, relating to the authorization for a county special purpose local option
12 sales tax, is amended to read as follows:

13 "48-8-110.1.

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

18 (b) When the imposition of a special district sales and use tax is authorized according to
19 the procedures provided in this part within a special district, the governing authority of any
20 county in this state may, subject to the requirement of referendum approval and the other
21 requirements of this part, impose within the special district a special sales and use tax for
22 a limited period of time which tax shall be known as the county special purpose local
23 option sales tax.

24 (c) Except as provided in subsection (d) of this Code section, any ~~Any~~ tax imposed under
25 this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part
26 shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction

27 which is not subject to taxation under Article 1 of this chapter shall be subject to a tax
 28 imposed under this part, except that a tax imposed under this part shall apply to sales of
 29 motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be
 30 applicable to the sale of food and food ingredients and alcoholic beverages as provided for
 31 in Code Section 48-8-3.

32 (d) Any tax imposed under this part on or after January 1, 2013, may be at a rate of up to
 33 1 percent, but shall not be more than 1 percent. Any combination of taxes imposed under
 34 this part on or after January 1, 2013, shall not exceed a combined rate of 1 percent. This
 35 subsection shall not apply to taxes under this part imposed or to be imposed under
 36 resolutions and ordinances adopted prior to January 1, 2013. The authority provided under
 37 this Code section shall not apply to any tax levied pursuant to Part 2 of this article."

38 SECTION 2.

39 Said part is further amended by revising paragraph (1) of subsection (c) of Code Section
 40 48-8-111, relating to the procedure for the implementation of the county special purpose
 41 local option sales tax, as follows:

42 "(c)(1) The ballot submitting the question of the imposition of the tax authorized by this
 43 part to the voters of the county within the special district shall have written or printed
 44 thereon the following:

45 '() YES Shall a special \pm ___ percent sales and use tax be imposed in the special
 46 district of _____ County for a period of time not to exceed _____ and
 47 () NO for the raising of an estimated amount of \$_____ for the purpose of
 48 _____?"

49 SECTION 3.

50 Said part is further amended by revising paragraph (1) of subsection (c) of Code Section
 51 48-8-112, relating to the effective date, termination, and renewal of the county special
 52 purpose local option sales tax, as follows:

53 ~~"(c)(1) At any time no more than a single 1 percent tax~~ Any tax levied under this part
 54 ~~may be imposed shall not exceed 1 percent combined~~ within a special district. Any
 55 combination of taxes levied simultaneously under this part shall not exceed a combined
 56 rate of 1 percent within a special district."

57 SECTION 4.

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

60 **SECTION 5.**
61 All laws and parts of laws in conflict with this Act are repealed.