

Senate Bill 287

By: Senators Seay of the 34th, Thompson of the 33rd, Davenport of the 44th, Butler of the 55th, Henson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to the
2 imposition of a county special purpose local option sales and use tax, so as to authorize use
3 and expenditure of such tax proceeds for maintenance and operation of public transportation;
4 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to the imposition
9 of a county special purpose local option sales and use tax, is amended by revising subsection
10 (a) as follows:

11 "(a) Prior to the issuance of the call for the referendum and prior to the vote of a county
12 governing authority within a special district to impose the tax under this part, such
13 governing authority may enter into an intergovernmental agreement with any or all of the
14 qualified municipalities within the special district. Any county that desires to have a tax
15 under this part levied within the special district shall deliver or mail a written notice to the
16 mayor or chief elected official in each qualified municipality located within the special
17 district. Such notice shall contain the date, time, place, and purpose of a meeting at which
18 the governing authorities of the county and of each qualified municipality are to meet to
19 discuss the possible projects for inclusion in the referendum, including municipally owned
20 or operated projects. The notice shall be delivered or mailed at least ten days prior to the
21 date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the
22 call for the referendum. Following such meeting, the governing authority of the county
23 within the special district voting to impose the tax authorized by this part shall notify the
24 county election superintendent by forwarding to the superintendent a copy of the resolution
25 or ordinance of the governing authority calling for the imposition of the tax. Such
26 ordinance or resolution shall specify eligible expenditures identified by the county and any

27 qualified municipality for use of proceeds distributed pursuant to subsection (b) of Code
28 Section 48-8-115. Such ordinance or resolution shall also specify:

29 (1) The purpose or purposes for which the proceeds of the tax are to be used and may be
30 expended, which purpose or purposes may consist of capital outlay projects located
31 within or outside, or both within and outside, any incorporated areas in the county in the
32 special district or outside the county, as authorized by subparagraph (B) of this paragraph
33 for regional facilities, and which may include any of the following purposes:

34 (A) A capital outlay project consisting of road, street, and bridge purposes, which
35 purposes may include sidewalks and bicycle paths;

36 (B) A capital outlay project or projects in the special district and consisting of a
37 courthouse; administrative buildings; a civic center; a local or regional jail, correctional
38 institution, or other detention facility; a library; a coliseum; local or regional solid waste
39 handling facilities as defined under paragraph (27.1) or (35) of Code Section 12-8-22,
40 as amended, excluding any solid waste thermal treatment technology facility, including,
41 but not limited to, any facility for purposes of incineration or waste to energy direct
42 conversion; local or regional recovered materials processing facilities as defined under
43 paragraph (26) of Code Section 12-8-22, as amended; or any combination of such
44 projects;

45 (C) A capital outlay project or projects which will be operated by a joint authority or
46 authorities of the county and one or more qualified municipalities within the special
47 district;

48 (D) A capital outlay project or projects, to be owned or operated or both either by the
49 county, one or more qualified municipalities within the special district, one or more
50 local authorities within the special district, or any combination thereof;

51 (E) A capital outlay project consisting of a cultural facility, a recreational facility, or
52 a historic facility or a facility for some combination of such purposes;

53 (F) A water capital outlay project, a sewer capital outlay project, a water and sewer
54 capital outlay project, or a combination of such projects, to be owned or operated or
55 both by a county water and sewer district and one or more qualified municipalities in
56 the county;

57 (G) The retirement of previously incurred general obligation debt of the county, one
58 or more qualified municipalities within the special district, or any combination thereof;

59 (H) A capital outlay project or projects within the special district and consisting of
60 public safety facilities, airport facilities, or related capital equipment used in the
61 operation of public safety or airport facilities, or any combination of such purposes;

62 (I) A capital outlay project or projects within the special district, consisting of capital
63 equipment for use in voting in official elections or referendums;

64 (J) A capital outlay project or projects within the special district consisting of any
 65 transportation facility designed for the transportation of people or goods, including but
 66 not limited to railroads, port and harbor facilities, mass transportation facilities, or any
 67 combination thereof;

68 (K) A capital outlay project or projects within the special district and consisting of a
 69 hospital or hospital facilities that are owned by a county, a qualified municipality, or
 70 a hospital authority within the special district and operated by such county,
 71 municipality, or hospital authority or by an organization which is tax exempt under
 72 Section 501(c)(3) of the Internal Revenue Code, which operates the hospital through
 73 a contract or lease with such county, municipality, or hospital authority; ~~or~~

74 (L) Maintenance and operation of a metropolitan area system of public transportation,
 75 the operations of which are overseen by a governing authority; or

76 (M) Any combination of two or more of the foregoing;

77 (2) The maximum period of time, to be stated in calendar years or calendar quarters and
 78 not to exceed five years, unless the provisions of paragraph (1) of subsection (b) or
 79 subparagraph (b)(2)(A) of Code Section 48-8-115 are applicable, in which case the
 80 maximum period of time for which the tax may be levied shall not exceed six years;

81 (3) The estimated cost of the project or projects which will be funded from the proceeds
 82 of the tax, which estimated cost shall also be the estimated amount of net proceeds to be
 83 raised by the tax, unless the provisions of paragraph (1) of subsection (b) or subparagraph
 84 (b)(2)(A) of Code Section 48-8-115 are applicable, in which case the final day of the tax
 85 shall be based upon the length of time for which the tax was authorized to be levied by
 86 the referendum; and

87 (4) If general obligation debt is to be issued in conjunction with the imposition of the tax,
 88 the principal amount of the debt to be issued, the purpose for which the debt is to be
 89 issued, the local government issuing the debt, the interest rate or rates or the maximum
 90 interest rate or rates which such debt is to bear, and the amount of principal to be paid in
 91 each year during the life of the debt."

92 **SECTION 2.**

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

95 **SECTION 3.**

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